

Response to

**Proposal by the UK Government to require
registration and inspection of all Islamic
supplementary schools and Christian Sunday
schools with power to close those deemed to be
promoting ‘Extremism’**

November 2015

Executive summary

- Islamic supplementary schools in the UK draw inspiration from *maktabs* in locations such as the Indian subcontinent where children are taught to recite the Qur'an as well as correctly perform Islamic observances such as ritual prayers (*salat*). This is sometimes combined with some additional support for mainstream national curriculum subjects.
- As Islamic supplementary schools are primarily concerned with teaching correct religious observance such as *salat* there is little evidence that the formal curriculum itself inculcates extremism. However, there are significant elements in the traditional *madrassa* curriculum used to train Islamic teachers (ulema) that relate to issues such as the enforcement of *shari'a* and support for violent *jihad*. There is therefore a significant risk that some imams in some Islamic supplementary schools may informally encourage extremist attitudes. This should be seen as a particular vulnerability affecting specific Islamic supplementary schools, rather than necessarily applying to all Islamic supplementary schools.
- There is also a particular vulnerability to physical abuse that is specific to Islamic supplementary schools. This occurs because of the existence of a number of hadith and *fatwas* (Islamic legal rulings i.e. *shari'a* judgements) based on these, that specifically link the use of corporal punishment to correct recitation of *salat* (ritual Islamic prayers), the teaching of which is one of the main functions of Islamic supplementary schools. This vulnerability is increased by *fatwa* which suggest that the severity or leniency of the punishment is at the discretion of the imam. Cultural factors derived from the frequent use of corporal punishment in schools in the Indian subcontinent experienced by some foreign born imams are probably also a factor. However, it would be wholly wrong to focus on these, while ignoring the teaching of traditional textbooks of *shari'a* that potentially provides some imams with a perceived legitimacy for the excessive use of corporal punishment. In fact the greatest impact of cultural factors is the high importance attached to honour and shame, which makes it extremely difficult for any admission to be made that there is a problem, particularly where this involves disclosure to persons outside the Islamic community.
- Whilst the evidence suggests there is a problem in some Islamic schools, the proposal to require universal compulsory registration and inspection of all religious institutions teaching children, with the threat of closure, represents a significant threat to freedom of religion which has been one of the UK's defining national values for several centuries.
- Any attempt to require COMPLUSORY registration of Sunday schools would in some respects take freedom of religion in Britain back to the situation before 1812 when the Conventicle Acts and Five Mile Acts were repealed.
- We have serious concerns that the government has moved to a position where the government of the day implicitly defines what is or is not 'true Islam':
 - i) Defining what is/is not 'true Islam' in essence mirrors the Islamist practice of declaring other Muslims they disagree with as non-Muslims (*takfir*) and therefore the legitimate objects of *jihad*.
 - ii) We are concerned that this definition does not reflect either the reality faced by many Christians facing severe persecution in Islamic contexts or the mosaic of different types of Islam throughout Islamic history, some of which have espoused violent *jihad*.
 - iii) We are also deeply concerned at the implications, for both freedom of religion and the UK constitution, of the government declaring what is or is not the 'true' form of any faith. The 1559 Elizabethan Church-State settlement, which was foundational to subsequent developments in freedom of religion in the UK and is explicitly affirmed in the Queen's coronation oath, specifically prohibits the government from seeking to impose any particular interpretation of scripture on the church.
- The government proposals are part of a broader trend of increasing state intervention in the lives of all children. Prior to 2000 school inspectors ONLY inspected schools that provided for compulsory school age education. The government now propose to extend this to civil society voluntary organisations providing part time classes such as supplementary schools and Christian Sunday schools in order to avoid the risk of causing offence to Muslims.
- The imprecise nature of the current definition of 'extremism' particularly in respect of freedom of religion, coupled with attempts by some social liberals to define 'extremism' as anything in opposition

to their own partisan views, creates a significant risk that freedom of religion will be seriously curtailed in the UK. Specifically, the risk is that any inspection regime applied to Christian Sunday schools will at some point in the future be used to impose partisan socially liberal values that are contrary to what Christians have historically held to be biblical beliefs and values and may ultimately be used to close down Sunday schools that are deemed not to have complied.

- We are specifically concerned that the list of ‘prohibited actions’ in the proposals for ‘Out of school education settings’ published by the government on 26th November includes the vaguely worded ‘undesirable teaching’ – which has no legal status and is therefore subject to both change and potentially wide open to future abuse.
- Pakistan has for some years attempted to enforce registration and regulation of *madrassas*. This has met with strong resistance. However, this has been dealt with as a specifically Islamic issue through the *Pakistan Madrassah Education Ordinance* and there has been no attempt to require Christian Sunday schools to register with the government.
- Free societies do NOT require registration or inspection of places of worship or religious teaching. Registration of Sunday schools would place the UK in the same category as some of the most repressive regimes in the world such as Belarus and China and could lead to such laws being mirrored in countries such as Pakistan where freedom of religion for the Christian minority is already significantly restricted.
- It cannot be emphasised too strongly the enormous damage that this would do to freedom of religion as it has historically evolved and become one of the UK’s defining national characteristics on the world stage.
- There are also major practical problems with the proposal, which would most likely render it ineffective at tackling extremism whilst at the same time seriously restricting freedom of religion for Christians and members of other faiths. In particular, whatever the minimum number of hours per week beyond which registration and inspection were to be required, it is likely that *madrassas* and other institutions would simply adjust to being slightly below this level.
- An alternative policy is proposed to tackle the issues of physical abuse and teaching of extremism in supplementary schools. Both physical abuse and deliberately teaching children to ‘hate’ others are child protection issues. Possible safeguarding processes could involve a banning order preventing any adult found guilty of this from teaching or supervising young people. A similar banning order could also be applied to any premises where the teaching or incitement of hatred had repeatedly taken place. This would also enable resources to be targeted at where there is evidence of a problem, whilst not being specifically targeted at one religious group. It would also be considerably less intrusive and expensive than registering and inspecting all non-formal education. Crucially, it would also be entirely consistent with the UK’s historic national values such as freedom of religion.

Barnabas Fund is a leading international aid agency providing assistance to persecuted Christians particularly in the Islamic world. For more than twenty years it has highlighted the threat that radical Islam and *shari’a* enforcement pose to both ordinary Muslims and non-Muslim communities around the world including the threats faced by Christians from Muslim family backgrounds in the UK. Current

projects include helping victims of IS in Iraq and Syria, and Boko Haram in Northern Nigeria and surrounding regions (<https://barnabasfund.org>).

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Proposal by the UK government to require registration and inspection of all Islamic supplementary schools and Christian Sunday schools with power to close those deemed to be promoting ‘extremism’

This response should be read in conjunction with Barnabas Fund’s recent Response to the UK government’s new counter-extremism strategy November 2015).¹

1. Introduction

In his keynote speech to the Conservative Party Conference 7th October 2015 the UK Prime Minister David Cameron drew attention to a number of issues that fed extremist thinking as part of which he addressed a number of concerns that had been raised relating to Muslim supplementary schools. In particular, he drew attention to the specific issues of the use of physical beating and inculcation of separatists/extremist ideas:

Let me be clear: there is nothing wrong with children learning about their faith, whether it’s at *Madrassas*, Sunday Schools or Jewish Yeshivas. But in some *Madrassas* we’ve got children being taught that they shouldn’t mix with people of other religions; being beaten; swallowing conspiracy theories about Jewish people...

He then promised to require all supplementary schools of all faiths to register, be inspected and be forced to close if the government deemed them to be promoting ‘extremism’:

If an institution is teaching children intensively, then whatever its religion, we will, like any other school, make it register so it can be inspected. And be in no doubt: if you are teaching intolerance, we will shut you down.

The full text of the Prime Minister’s comments on extremism are reproduced in section 5.

On 26th November 2015 the government produced a proposal for consultation on how the policy should be implanted.² The first 14 questions of the consultation were essentially a data collection exercise asking respondents to provide information such as where supplementary education took place, how many children attend it and for how long and what is taught. The questions that could more strictly be defined as consultation questions related to issues such as whether respondents agreed that 6-8 hours per week represented ‘intensive education and whether they agreed that settings meeting this threshold should be required to register with their local’³

¹ Barnabas Fund *Response to UK government’s counter-extremism strategy October 2015* (Pewsey: Barnabas Fund, October 2015) accessible at <https://barnabasfund.org/news/the-uk-governments-new-counter-extremism-strategy>.

² Department for Education *Out of School Education Settings: Call for Evidence Government Consultation 26 November 2015* <https://www.gov.uk/government/consultations/out-of-school-education-settings-registration-and-inspection> accessed 27 November 2015.

³ Department for Education *Out of School Education Settings: Registration and Inspection 26 November 2015* <https://www.gov.uk/government/consultations/out-of-school-education-settings-registration-and-inspection> accessed 27 November 2015.

2. *Madrasahs* and Islamic supplementary schools in the UK

2.1 Types of Islamic schools in the UK

The term *madrasah* is currently being used in the UK to cover three broad types of Islamic educational institutes:

- 2.1.1 Islamic primary schools, full time schools which teach both national curriculum and Islamic subjects and are sometimes referred to as *maktubs*.

However, it should be noted that elsewhere in the world the term *maktub* normally refers to an Islamic school for primary school age children that is distinct from western style education provided in government schools, although as they are part time the same children may sometimes attend both. In such *maktubs* overseas the curriculum teaches children to read, write and recite the Qur'an. They aim to enable ordinary Muslims to perform regular religious duties, but do not normally teach qur'anic interpretation or Islamic theology and law. The overseas *maktubs* therefore form a partial parallel to many Islamic supplementary schools in the UK.

- 2.1.2 Madrasahs (singular: *madrasah* plural: *madaris*) that teach a set curriculum to train Islamic teachers (*ulema*). This curriculum may extend for between eight and sixteen years. They are therefore in effect broadly equivalent to secondary, further and, in some cases, higher education establishments. They represent a system of education that predates the emergence of modern western education, having begun to develop in the eleventh century. Thus in many Islamic countries they have historically provided an alternative stream of education to western style education of government schools and colleges. Most *madrasahs* in the UK tend to follow the *Dars-i-Nizami* curriculum devised by Mullah Nizmuddin Siharvi (d.1745) which is followed by the Hanafi School that predominates in the Indian subcontinent. Indeed almost all Sunni *madrasahs* in Pakistan follow this syllabus, albeit with some differences in the actual textbooks used.⁴ However, in recent years it has become common for middle level *madrasahs* in Pakistan to additionally teach subjects that are taught in government schools such as English, Mathematics, Geography, History, Pakistan Studies and General Science.⁵

- 2.1.3 Supplementary schools. There are broadly speaking two types of Muslim supplementary schools in the UK: i) those that primarily aim to provide additional support in national curriculum subjects to help Muslim children achieve better exam results in state schools, although they will also typically provide some Islamic instruction; ii) those that primarily aim to teach Islamic faith and practice. There is no clear use of specific terms to refer to distinguish between these two types of supplementary schools and indeed in many respects the distinction simply represents more of a polarity with individual schools either leaning more towards one emphasis or to the other. However, purely for the sake of clarity in this paper we will refer to the former as 'Muslim supplementary schools' and the latter as 'Islamic supplementary schools'.

As will be clear from the above, in many Muslim majority countries the *maktub/madrasah* system provides a longstanding alternative to western style education in government schools and colleges. The dual nature of schooling among Muslims in the Indian subcontinent is illustrated by the common practice of primary school age children in urban areas attending both a government primary school and a *maktub*. At secondary level it is common for families to send one son to a *madrasah* and others to government schools. The ethos of supplementary schools in the UK may therefore potentially draw for inspiration on aspects drawn from both western schools in the UK and traditional *maktubs* in countries such as Bangladesh and Pakistan.

⁴ C. Christine Fair *The Madrasah Challenge: Militancy and Religious Education in Pakistan* (Washington DC: United States Institute of Peace Press, 2008): 51.

⁵ Khalid Rahman and Syed Rashad Bukhari *Pakistan: Religious Education and Institutions* (Islamabad: Institute for Policy Studies, 2002).

2.2 Sectarian issues in relation to Islamic supplementary schools

Both Islamic/Muslim supplementary schools and *madrassas* are commonly attached to mosques and therefore tend to reflect the sectarian ethos of the mosque, which in the UK is commonly either:

- 2.2.1 (Sunni) Barlevi (a form of traditional Islam that encompasses a number of devotional practices such as veneration of Muslim saints that are rejected by other groups. The term 'Barlevi' relates to a sectarian divide in the Indian subcontinent, although similar divisions exist in other parts of the Islamic world including the Middle East). Barlevi orientation is strong in rural areas in the Indian subcontinent and consequently was prevalent among many of the original migrants to Britain from the subcontinent as most came from a few well defined rural areas such as the Mirpur district in southern Kashmir, the Campbellpuri district of north eastern Punjab and Sylhet in Bangladesh.⁶
- 2.2.2 (Sunni) Deobandi – a reform movement that emerged in the Indian sub continent in 1857 after the failure of what in the west is termed the 'Indian Mutiny' and in the Indian subcontinent the 'first war of independence'. In the face of overwhelming British military superiority a number of Islamic scholars (*ulema*) concluded that Allah had punished them with being ruled by a non Muslim power due to their own unfaithfulness to Islam and so on pragmatic grounds decided to abandon military *jihad* against the British and instead concentrate on fostering inward spiritual purity. They reject as 'unislamic' various folk Islamic practices common among the Barelvis. Deobandis thus originally emerged as a largely non-political form of Islam. However, they have subsequently become much more politicised and the Taliban movement originally emerged in Deobandi *madrassas* in the Afghan-Pakistan border region. Although the majority of the first generation of migrants from the subcontinent had grown up with Barelvi Islam, the first mosques in major urban centres such as Bradford, Birmingham and Leeds tended to be Deobandi. This appears to have been due to the Deobandis, who tended to be better educated, dominating the mosque committees that arranged for qualified Islamic teachers (*ulema*) to be sent from the subcontinent to become imams in Britain.⁷
- 2.2.3 (Sunni) Wahabbi – a somewhat more puritanical form of Islam that emerged in the Arabian peninsula in the eighteenth century, that like the Deobandis rejects as 'unislamic' all form of folk Islam. It is the state religion in Saudi Arabia. There are an estimated 40 Saudi financed Islamic supplementary schools in the UK and a series of investigations by BBC *Newsnight* and *Panorama* journalists between 2007 and 2010 suggested that such schools used Saudi textbooks that taught children how Islamic punishments such as amputation should be carried out and promoted anti-Semitism and Jewish conspiracy theories, which led to ministers ordering an investigation.⁸
- 2.2.4 Shi'a – primarily with links to Iran, Iraq and Lebanon, although there are also significant Shi'a populations in Afghanistan

2.3 Islamist influences in relation to Islamic supplementary schools

The two key features of Islamism are:

- a) Political Islam – it seeks to create a modern Islamic political state with Islamic government and *shari'a* enforced as the main law;
- b) Islamism seeks to bypass the interpretations of the Qur'an and Hadith followed by traditional Islam that were fixed in medieval times (sometimes referred to as 'classical Islam'), and reopens the door of interpretation (*ijtihad*). Thus whilst both classical Islam and modern Islamism teach that *shari'a* should

⁶ Ron Geaves *Sectarian Influences Within Islam in Britain: with reference to the Concepts of 'Ummah' and 'Community'* (Leeds: Department of theology and Religious Studies University of Leeds,1994):100-29.

⁷ Ron Geaves *Sectarian Influences Within Islam in Britain*:159-79.

⁸ John Ware 'John Ware asks "How do you define extremism?"' *BBC Panorama* 22 November 2010 http://news.bbc.co.uk/panorama/hi/front_page/newsid_9216000/9216012.stm accessed 6 November 2015 and *BBC News* 'Probe into Islamic school ordered' 8 February 2007 <http://news.bbc.co.uk/1/hi/education/6341595.stm> accessed 6 November 2015.

be enforced as the main law of the land and *jihad* is an Islamic duty, Islamists tend to remove some of the detailed restrictions of classical Islam such as when and by whom *jihad* can be declared.

The significant overlap between classical Islam and Islamism is of some significance in understanding some of the issues that have arisen in relation to Islamic supplementary schools, such as those investigated by BBC Panorama journalists in 2010. It is also important to understand that radical Islamism operates across and on top of existing sectarian divides. For example, the Taliban movement in Afghanistan emerged from traditionalist Deobandi *madrassas* yet was a recognisably Islamist movement.

In the UK one of the primary sources of Islamist thinking has been influence of the Pakistani *Jam'at-i-Islami*, the Islamist movement, founded in 1941 by Abul A'la Mawdudi, the founding father of Islamism in the Indian subcontinent, to put his ideas into practice. In January 2015 a leading English language newspaper in Pakistan summarised Mawdudi's relationship to Islamism, saying:

To most Pakistanis and to those who have been associated with various Islamic political outfits in countries like Egypt, Indonesia, Syria and Malaysia, Abul Ala Maududi is to 'Political Islam' what Karl Marx was to Communism.⁹

Ideas derived from Mawdudi's thinking have been particularly strong among Muslims from the Indian subcontinent through organisations that draw inspiration from *Jam'at-i-Islami*. These include the Islamic Foundation, The Muslim Education Trust, UK Islamic Mission (UKIM) and Young Muslims UK,¹⁰ Dawat ul Islam, Islamic Society of Britain, Islamic Forum Europe and Young Muslims Organisation.¹¹

The Leicester based Islamic Foundation founded by Khurshid Ahmad the Deputy Amir (leader) of *Jamaat-i-Islami* runs the Markfield Institute of Higher Education which teaches its own undergraduate and Masters' degrees in Islamic studies validated Newman University, Birmingham and in some respects provides a parallel to a whole stream of *madrassas* in Pakistan linked to *Jam'at-i-Islami*. This is of some significance as it highlights the fact that training imams in the UK provides no guarantee that they will not promote Islamism.

The Muslim Education Trust actively supports the establishment of both full time Muslim schools and supplementary Islamic schools in the UK.¹²

Summary: Islamic supplementary schools in the UK draw inspiration from *maktabs* in locations such as the Indian subcontinent where children are taught to recite the Qur'an as well as correctly perform Islamic observances such as ritual prayers (*salat*). This is sometimes combined with some additional support for mainstream national curriculum subjects.

3. Does the curriculum in *madrassas* inculcate extremism?

3.1 Extremism

It must be emphasized that any influence that either Islamic supplementary schools, *madrassas* or imams play is at best only one part of a wider picture of factors contributing towards radicalisation of which the access provided by the internet to radical Islamist teachers overseas and jihadist videos is

⁹ Nadeem F Paracha 'Abdul A'la Mawdudi: an existentialist history' *DAWN* 1 January 2015
<http://www.dawn.com/news/1154419> accessed 17 November 2015.

¹⁰ Ron Geaves *Sectarian Influences Within Islam in Britain*:198-213.

¹¹ Anthony McRoy *From Rushdie to 7/7: The Radicalisation of Islam in Britain* (London:The Social Affairs Unit,2006):166ff.

¹² Ron Geaves *Sectarian Influences Within Islam in Britain*:208.

likely to be a far more significant part. Indeed, part of the radicalisation process has been a rejection of the teaching of traditional imams.

Extremism must be defined in relation to the UK's historic values such as democracy and parliamentary sovereignty, one law for all and equal treatment by the law, freedom of religion, freedom of speech, freedom of the press and so forth. Indeed, one of the problems that has arisen is that extremism has in the past been defined as 'extreme in relation to other forms of Islam' which meant that groups could claim to be moderate if they could show that there were other groups who were more extreme.

The need to clearly define 'extremism' in relation to the UK's historic national values is illustrated by the incident referred to above relating to a chain of Saudi financed Islamic supplementary schools in the UK. The definition of 'extremism' that appears to be used by Saudi officials is that of being 'more extreme' than the Wahabbi Islam that is the official religion of Saudi Arabia and opposition to the current Saudi government. Consequently, the Saudi national curriculum textbooks used in Saudi financed Islamic supplementary schools in the UK, which taught *hudud* punishments (i.e. crimes for which specific punishments are prescribed in the Qur'an) such as amputations for thieves, were simply not regarded as extremist by the Saudi authorities.

3.2 The curriculum in Islamic supplementary schools

The curriculum of any educational institute consists of:

- a) The formal curriculum that is written down in terms of the list of topics taught, schemes of work, any lesson plans and so forth.
- b) The informal curriculum – by which we mean the ethos and comments that the teacher may make during the lesson.
- c) The hidden curriculum – this is a term that has long been used by educationalists to designate attitudes and practices that students observe teachers doing either inside or outside of the classroom, which may constitute examples students choose to follow.

The formal curriculum of Islamic supplementary schools typically comprises of a core of subjects such as:

- Learning the Arabic alphabet and reading/writing in Arabic.
- Islamic forms of worship such as ritual prayers (*salat*) and recitation of Qur'an (*tajweed*).
- Islamic beliefs (*aqaid*).
- Qur'an memorisation (and sometimes Hadith memorisation).
- Life of Muhammad (*sirat*).

It should be noted that in themselves none of the above in themselves can be seen as inculcating extremist attitudes. Indeed, even the modern biographies of Muhammad produced in English have a tendency to sanitize his life of elements that would be viewed less positively in western society.

However, in the case of *madrassas* in the strict sense of this term i.e. further/higher education establishments training imams, there are elements in the curriculum that directly conflict with the UK's historic national values such as freedom of religion, freedom of speech and parliamentary sovereignty with the same law applying to all. *Madrassas* tend to follow a very long established standardised curriculum and include specific study of *shari'a*. For example, the *Dars-i-Nizami* curriculum followed by *madrassas* of the Hanafi School which predominates in the Indian subcontinent (and is therefore common in the UK) requires the study of two books on *shari'a*:

- *Sharh-i-Waqayah* by 'Allama Zainuddin Junaid bin al Shaikh al Sandal al Hanafi
- *The Hedaya* by Burhanuddin 'Ali bin AbuBakr al Marghinani

The content of the *Hedaya* covers *shari'a* relating to subjects such as marriage, divorce and child custody, commercial law and criminal law. The latter includes *hudud* crimes i.e. crimes for which a

specific penalty is laid down in the Qur'an – adultery (death), fornication (100 lashes), false accusation of adultery (80 lashes), drinking alcohol (80 lashes), theft (amputation of a thief's right hand), highway robbery with murder (death), apostasy i.e. leaving Islam to embrace another religion (death).

For example, the *Hedaya* in common with the texts of all schools of Islamic law imposes the death penalty on any adult male Muslim embracing any other faith. For children doing so it stipulates that they should be compelled to return to the faith – if necessary by imprisonment:

The apostasy of a boy, who though under age is yet arrived at years of discretion, is also regarded, according to Haneefa and Mohammed; and he may be compelled to return to the faith; he is not however to be put to death, but must be imprisoned...it is to be observed that the boy may be compelled to return to the faith after apostasy, as this is for his advantage; but he is not to be put to death on account of his apostasy, as that is punishment, and punishment is suspended with respect to infants, they being objects of mercy.¹³

This is also of some significance in terms of the potential attitudes that it creates in future imams towards the use of physical punishment of children they are teaching in Islamic supplementary schools.

There are numerous serious conflicts between *shari'a* and the UK's historic values, particularly in respect of the rights of women and non Muslim minorities, freedom of religion, and freedom of speech etc. However, in respect of the inculcation of extremism, the stipulations of *shari'a* in relation to *jihad* are particularly relevant. For example, the *Hedaya* specifically stipulates that *jihad* engaged in by Muslims in other countries should be supported by all Muslims:

The sacred injunction concerning war (*jihad*) is sufficiently observed when it is carried out by any one party or tribe of Muslims, and it is then no longer of any force with respect to the rest. It is established as a divine ordinance by the Word of God, who said the in the Qur'an 'Slay the infidels' and also by a saying of the prophet 'War is permanently established until the Day of Judgement' (meaning the ordinance respecting war). The observance, however, in the degree above mentioned, suffices, because war is not itself a positive injunction, as it is in its nature murderous and destructive and is enjoined only for the purpose of advancing the true faith or repelling evil from the servants of God; and when this end is answered by any single tribe or party of Muslims making war (*jihad*), the obligation is no longer binding upon the rest.¹⁴

3.3 The impact of the *madrassa* curriculum on teaching in Islamic supplementary schools

Thus whilst there is little evidence that the formal curriculum in Islamic supplementary schools encourages extremism, the curriculum studied in *madrassas* by those wishing to become imams raises significant concerns. Whilst it would be wrong to infer that the curriculum imams study necessarily leads to extremist attitudes, it is likely to be one of a number of contributory factors in the informal curriculum of some Islamic supplementary schools.

In this respect, it is worth reviewing the research that has been done on the relationship between *madrassas* and militancy in the Pakistani context. The research is particularly important as a 2008 study of 152 UK mosques by the Quilliam Foundation found that 92% of imams were trained overseas.¹⁵ A similar survey of 300 mosques by the University of Chester for the BBC found a similar proportion trained overseas with 70% having come to the UK within the previous ten years, almost all after training in *madrassas* in the Indian subcontinent.¹⁶ The situation with Muslim/Islamic supplementary schools is more complex, as they may include teaching of national curriculum subjects which are likely to be delivered by a wider range of teachers or volunteers, rather than mainly by the

¹³ Burhanuddin 'Ali bin AbuBakr al Marghinani *al-Hidāyah fi Sharḥ Bidāyat* ET by Charles Hamilton as *The Hedaya or Guide: A Commentary on the Musslim Laws* (1791,1870 reprinted Karachi:Daril Ishaat,1989) Book IX chapter IX (vol.2:245).

¹⁴ *The Hedaya* Book IX Chapter 1 (vol.2:140-41).

¹⁵ Anya Hart Dyke *Mosques Made in Britain* (London:Quilliam,2008).

¹⁶ Robert Pigott 'Are UK's Imam's modern enough?' *BBC News* 7th July 2007 <http://news.bbc.co.uk/1/hi/uk/6280238.stm> accessed 19th October 2015.

imam. The IPPR survey on Islamic supplementary schools in the UK found that 40% of teachers had been trained outside of the UK. However, as only 44.75% of schools responded, the figure may well be higher.¹⁷

In a 2010 study of *madrassas* and militancy in Pakistan, Saleem H Ali from the University of Vermont concluded:

This physical *jihad* is clearly considered a noble concept across the spectrum of *ulama*. The question to ask then is under what conditions and permutations is *jihad* to be allowed and how is this linked to *madrassa* education? As a fundamental Islamic concept for law enforcement, the tenets of *jihad* are taught as part of any Islamic curriculum. However, its political applicability in contemporary context is usually not taught in the madrasa itself. Usually such commentary is provided in sermons at adjoining mosques where contemporary issues are discussed. However, since madrasa students attend mosque prayers five times a day, they are certainly exposed to this political commentary.¹⁸

3.3.1 The elephant in the room - the *madrassa* curriculum

Both Ali's comments and the inclusion of *shari'a* textbooks such as the *Hedaya* in the *madrassa* curriculum highlight what is in effect the elephant in the room that no one is prepared to talk about. This is that certain Islamic concepts such as *hudud* crimes (including the death penalty for 'apostasy' from Islam) and military *jihad* are in Ali's words considered 'a noble concept across the spectrum of *ulama*' (i.e. higher Islamic teachers). These are issues that relate to traditionalist *madrassas* not simply to Islamist teachings. Indeed, one of the major distinction between the teaching of classical Islam (i.e. interpretations of the Qur'an and Hadith that were fixed in medieval times and now taught in traditionalist *madrassas*) and Islamism (that allows individuals to bypass these interpretations and directly interpret the Qur'an and Hadith themselves) relates to issues of authority, such as who can declare a *jihad*. Both accept the enforcement of *shari'a* including *hudud* punishments and support for military *jihad*.

This widespread acceptance of both *shari'a* enforcement and *jihad* among *ulema* (higher Islamic teachers) is part of this elephant in the room that various Islamist influenced organisations have mounted a strenuous and disingenuous campaign to deny and that governments have been reluctant to acknowledge for fear of alienating a large body of Muslims. In fact, throughout much of Islamic history there have been two broad streams, one that has emphasised piety and devotional practice and another which has particularly emphasized law (i.e. *shari'a*) and sometimes *jihad*.

It must of course be said that it by no means follows from the above discussion that the majority of ordinary Muslims in the UK support either *shari'a* enforcement or violent *jihad*. Most, like non-Muslims, are subject to a wide range of both religious and non religious influences and will make up their own minds. However, it does highlight the fact that there is a very real issue with the curriculum used to train imams even in traditionalist *madrassas*.

3.3.2 Comparative study of Pakistani *madrassas*

This conclusion is supported by other research on support for violence among *madrassas* in Pakistan whose findings have found that:

- Radicalism among *madrassa* teachers has been found to be greater than among *madrassa* students.¹⁹

¹⁷ Myriam Cherti and Laura Bradley *Inside Madrassas: Understanding and Engaging with British-Muslim Faith supplementary Schools* (London: Institute for Public Policy Research, 2011).

¹⁸ Saleem H Ali 'Madrasas and violence: Is there a connection?': 72-95 in Stephen Lyon and Iain R Edgar (eds) *Shaping a Nation: An Examination of Education in Pakistan* (Karachi: OUP, 2010).

¹⁹ Tariq Rahman 'The *Madrassa* and the state of Pakistan: Religion, poverty and the potential for violence in Pakistan' *Himal South Asian* February 2004 accessible at

- In Deobandi *madrassas* 82% of students saw the Taliban as role models for the Islamisation of Pakistan, while 95% of Shi'a *madrassa* students saw Iran as their role model for Islamisation.²⁰
- Some Deobandi *madrassas* in Pakistan have been involved in extrajudicial attempts to enforce *shari'a* on specific geographical areas, including an attempt by a chain of *madrassas* in 2007 to do so on the capital city of Islamabad.²¹
- Government of Pakistan's estimates suggest that 10-15% of *madrassas* may have links to sectarian militancy or international terrorism.
- There is widespread use and production of inflammatory media in many *madrassas* including incendiary publications that are not widely available and which espouse jihadist causes or promote anti-Semitic Jewish conspiracy stories. Many of these publications are circulated via the internet (which is permitted in *madrassas* while television is not).²²
- Whilst terrorist groups appear to prefer those educated in western style schools rather than *madrassas* for sophisticated terrorist operations including suicide bombings, there is some evidence that *madrassa* students themselves have a greater taste for *jihad* and have more extreme attitudes than students in other educational streams. For example, one survey found that only 17% of *madrassa* students said that Pakistani Christians should have the same rights to jobs as Muslims compared to 66% of students in Urdu medium government schools and 84% in English medium schools. Similarly, it was found that only 17% of *madrassa* students felt men and women in Pakistan should have equal rights as in western countries, compared to 75% in Urdu medium government schools and 91% in English medium schools. The conclusion that can be drawn for this is that although relatively few terrorist acts are carried out by *madrassa* students, the *madrassas* themselves nonetheless foster conditions conducive to support for terrorism.²³
- Support for democracy among *madrassa* students in Pakistan is low with 43% favouring revolution, 50% mosque preaching and only 8% democracy, although this may at least in part reflect the widespread perception of government corruption and electoral fraud in Pakistan.²⁴

Summary As Islamic supplementary schools are primarily concerned with teaching correct religious observance such as *salat* there is little evidence that the formal curriculum itself inculcates extremism. However, there are significant elements in the traditional *madrassa* curriculum used to train Islamic teachers (ulema) that relate to issues such as the enforcement of *shari'a* and support for violent *jihad*. There is therefore a significant risk that some imams in some Islamic supplementary schools may informally encourage extremist attitudes. This should be seen as a particular vulnerability specifically affecting Islamic supplementary schools, rather than necessarily applying to all Islamic supplementary schools.

<http://old.himalmag.com/component/content/article/1712-the-madrassa-and-the-state-of-pakistan.html> accessed 21st October 2015.

²⁰ Saleem H Ali 'Madrasas and violence: Is there a connection?':72-95 in Stephen Lyon and Iain R Edgar (eds) *Shaping a Nation: An Examination of Education in Pakistan* (Karachi:OUP,2010):76.

²¹ Mohammad Moj *The Deoband Madrassah Movement: Countercultural Trends and Tendencies* (London:Anthem,2015):91-117.

²² Saleem H Ali 'Madrasas and violence: Is there a connection?':72-95 in Stephen Lyon and Iain R Edgar (eds) *Shaping a Nation: An Examination of Education in Pakistan* (Karachi:OUP,2010).

²³ C. Christine Fair *The Madrassah Challenge: Militancy and Religious Education in Pakistan* (Washington DC: United States Institute of Peace Studies,2008):67-80.

²⁴ Institute for Policy Studies *Pakistan Religious Education Institutions and Overview- An IPS Taskforce Report* (Islamabad:IPS Publications,2002) cited in in Stephen Lyon and Iain R Edgar (eds) *Shaping a Nation: An Examination of Education in Pakistan*:76.

4 Corporal punishment in *madrassas* and Islamic supplementary schools

4.1 Concerns raised – an overview

The Prime Minister's speech on 7th October 2015 raised the issue of the physical beating of children in supplementary schools. This is an issue that a number of investigations have drawn attention to:

- 2006 a report by the Muslim Parliament of Great Britain suggested that Muslims are in denial about child abuse in religious institutions and families. It claimed that:

The Muslim community is at present in a state of denial – denial of the fact that child abuse takes place in places of worship including in mosques, *madrassas* (mosque schools) and families. It is a taboo subject. There is very little discussion taking place in the community on the subject at any level. Hence when such a crime is committed, the victim knows no one to turn to and the abusers are answerable to no one.²⁵

- 2008 *The Times* claimed that a report by Irfan Chisti, a Rochdale imam and former government advisor had spoken of significant levels of physical abuse in *madrassas* including slapping, punching and kicking, and instances of girls being beaten with a cane on their hands, backs and buttocks for mispronouncing Arabic words.²⁶

One woman told *The Times* that her niece Hiba, 7, was slapped across the face so hard by her *madrassa* teacher that her ear was cut. It later became inflamed and she had to have emergency medical treatment. When the teacher refused to apologise, Hiba's aunt, Jamila, insisted that her niece should be moved to another *madrassa*. "I have absolutely no respect for religious teachers who behave like this," she said. Another girl described how, at the age of 12, she was hit by her *madrassa* teacher whenever she mispronounced a word or forgot a verse of the Koran.²⁷

In response one leading Muslim writer stated that:

Child protection legislation may as well not exist for Muslims who operate and teach at some of Britain's 1,600 or so *madrassas*, or Islamic schools. For such people, who either consciously flout the law or are completely ignorant of it, beating children is not a form of abuse but a method of enforcing discipline.²⁸

The particular circumstances in which the above examples of abuse happened is potentially of some significance as we will see below (see section 4.4). The *Times* article was subsequently reproduced on the Islamic website Sunniforum.com which led to a number of readers blogging their own experience of physical abuse in Islamic supplementary schools (see appendix).

- 2011 BBC Radio 4's *File on 4* programme discovered that over the previous three years 421 reports had been made to local authorities of child physical abuse in what were described as *madrassas*, with physical abuse being very significantly more prevalent than other forms of abuse. However, only 10 of those reported instances reached court, with the BBC only being able to identify two cases where convictions had been obtained. Some local authorities told the BBC that community pressure had led to parents withdrawing complaints. For example, in one physical abuse case in Lambeth, two members of staff at a mosque allegedly attacked children with pencils and a phone cable - but the

²⁵ The Muslim Parliament of Great Britain *Child Protection in Faith Based Environments: A Guideline Report* (London: Muslim Parliament of Great Britain, 2006):1.

²⁶ Richard Kerbaj 'Teachers "beat and abuse" Muslim children in British Koran classes' *The Times* 10th December 2008 (<http://www.thetimes.co.uk/tto/faith/article2099939.ece> accessed 16th October 2015) and 'Madrassas case study: a brave face, then the tears' *The Times* 10th December 2008 (<http://www.thetimes.co.uk/tto/faith/article2099936.ece> accessed 16th October 2015).

²⁷ Richard Kerbaj 'Teachers "beat and abuse" Muslim children in British Koran classes' *The Times* 10th December 2008 (<http://www.thetimes.co.uk/tto/faith/article2099939.ece> accessed 16th October 2015).

²⁸ Dr Ghayassudin Siddiqui 'Law to protect young must cover *madrassas* as well' *The Times* 10th December 2008 <http://www.muslimparliament.org.uk/lawprotectyoung.html> accessed 10 November 2015.

family of the victims later refused to take the case further. The BBC reported that a senior prosecutor had told them that their figures were likely to represent ‘the tip of an iceberg’.²⁹

- 2011 a report by the Institute for Public Policy Research (IPPR) found some evidence of the use of corporal punishment in Islamic supplementary schools. They also noted that of the 44% of the institutions who responded to their survey, one in ten did not seek to obtain a Criminal Records Bureau (Now ‘Disclosure and Barring Service’) check on those teaching in them.³⁰

4.2 Attempts to address concerns

There have been some attempts to address this issues from within the Muslim community. The Association of Muslim Supplementary Schools has produced exemplary model policies on behaviour, anti bullying, cyber bullying and safeguarding which are available on its website. The latter are based on Department for Education guidance, require all teaching staff to undergo safeguarding training, state where suspected abuse should be reported to and spell out with examples exactly what constitutes physical abuse, neglect, emotional abuse and sexual abuse. For example, the physical abuse definition states:

Physical Abuse: Physical abuse causes harm to a child’s person. It may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating. It may be done deliberately or recklessly, or be the result of a deliberate failure to prevent injury occurring. It can also occur when a parent or carer feigns the symptoms of or deliberately causes ill health to a child whom they are looking after. It can include the deliberate and malicious withholding of physical needs.³¹

In theory the improvement of standards in mosques and associated institutions is the responsibility of MINAB (Mosques and Imams National Advisory Board) set up by the UK government in 2007 as part of its *Prevent* Strategy. However, its fight against extremism has been ineffective not least because the four organisations who formed it include the Islamist Muslim Association of Britain (MAB) which draws inspiration from the Muslim Brotherhood (*al Ikhwan*)³² and the Muslim Council of Britain, which whilst an umbrella group, has long been regarded as having significant Islamist influence in its leadership.³³ In 2014 all government funding for MINAB was cut after it refused to sever its links with extremist organisations.³⁴ From the start MINAB gained little support from within the Muslim Community and was unclear whether it was a regulatory body for mosques or an advisory one.³⁵

²⁹ Fran Abrams ‘Child abuse claims at UK *madrassas* “tip of ice berg” ‘ BBC News 18th October 2011 <http://www.bbc.co.uk/news/education-15256764> accessed 15th October 2015.

³⁰ Myriam Cherti and Laura Bradley *Inside Madrassas: Understanding and Engaging with British-Muslim Faith supplementary Schools* (London: Institute for Public Policy Research,2011).

³¹ Association of Muslim supplementary Schools ‘Resources’ <http://amss.org.uk/Resources.html> accessed 9th November 2015.

³² Anthony McRoy *From Rushdie to 7/7: The Radicalisation of Islam in Britain*:158-66 who provides a summary of attempts by MAB leaders to explain their relationship to *al Ikhwan* and its offshoots such as Hamas and their view on jihad.

³³ Anthony McRoy *From Rushdie to 7/7: The Radicalisation of Islam in Britain*:169-76 who observes that both the leadership and a considerable number of organisations affiliated to the MCB related to the Pakistani Jamat-i-Islami Party founded by Mawdudi. He additionally cites a report in the then Muslim Magazine *Q-News* stating: *A closer look at the CWC [Central working Committee] shows that the majority belong to or have sympathies with a UK organisation which is a side-kick of Jamat-e-Islami in Pakistan.* (:172).

³⁴ Laura Pitel ‘Ministers lose vital link to mosques as pressure alienates Muslim group’ *The Times* 26 August 2014 accessed 16 November 2015.

³⁵ Minutes of the MINAB Constitution meeting held at Hujjat Imambara Stanmore on Saturday 23rd February 2008.

Consequently, it has been ineffective both in preventing extremism and in relation to improving standards in *madrassas* and Islamic supplementary schools.

As noted above, issues relating to abuse in Islamic supplementary schools have also been raised for some time by Dr Ghayassudin Siddiqui, the leader of the Muslim Parliament of Great Britain. Although, it should be noted that the latter is a sectarian organisation that looks to Iran as a model for Islamisation and lacks widespread support within the British Muslim community. Dr Siddiqui himself espouses Islamism and according to a BBC report in 1998 opposed revoking the *fatwa* calling for Salman Rushdie's death.³⁶

4.3 Factors contributing to a culture of physical abuse in some Islamic supplementary schools a) cultural issues

- 4.3.1. One factor in the ethos of Islamic supplementary schools is the prominent role played by imams, many of whom were themselves educated in the Indian subcontinent where the use of corporal punishment in both government schools and *maktubs* is routine and its excessive use is far from uncommon. There are therefore likely to be cultural assumptions that need to be challenged.

Significantly, the IPPR report whose research team contacted 400 Islamic supplementary schools found that ten percent of the 179 (44.75%) who responded stated that they did not carry out CRB checks. In other words only one third of Islamic supplementary schools positively stated that they carried out CRB checks. This suggests that it is extremely probable that staff in a large number of Islamic supplementary schools are also not being given child protection training. This is an issue that needs to be addressed urgently.

- 4.3.2. The high importance attached to honour and shame in virtually all Islamic cultures makes it extremely difficult for any admission to be made that there is a problem, particularly where that involves disclosure to persons outside the mosque/*madrassa* community. The reports of community pressure on parents to withdraw complaints of abuse and suggestions of a culture of denial need to be viewed in this context.

Significantly, when *The Times* reported on abuse in *madrassas* in 2008, the then Minister for Community Cohesion Sadiq Khan MP, himself a Muslim, suggested that both of these factors were responsible. Mr Khan blamed the abuse on a 'village culture' that imams had retained and implied that the cultural importance of shame and honour was preventing adequate reporting of abuse within Muslim communities:

We need to have religious leaders saying in clear and religious messages that it's unacceptable and that there's no place in Islam for child abuse. It's pure village culture mentality...Everybody should expose this. The neighbours who know about it should expose it, the teachers [at mainstream schools] should expose it. We need a culture which says that whistleblowing on these things is a badge of pride not a badge of shame...We are hiding behind the defence of cultural sensitivities and our children are not being protected.³⁷

4.4 Factors contributing to a culture of physical abuse in some Islamic supplementary schools b) religious issues

However, cultural factors alone are inadequate as an explanation. Uncomfortable as it may be there are also religious factors which potentially lend themselves to be used as a justification for physical abuse within educational settings attached to mosques. This is not at all to imply that such justifications are used in all Islamic supplementary schools, rather it should be seen as creating a particular vulnerability

https://www.hujjat.org/images/stories/documents/MINAB_Constitution_Meeting_23rd_February_2008.pdf
accessed 9th November 2015.

³⁶ BBC 'UK Rushdie's relief over fatwa move' *BBC News* September 23rd 1998
<http://news.bbc.co.uk/1/hi/uk/177987.stm> accessed 15th October 2015.

³⁷ Richard Kerbaj 'Teachers "beat and abuse" Muslim children in British Koran classes' *The Times* 10th December 2008 (<http://www.thetimes.co.uk/tto/faith/article2099939.ece> accessed 16th October 2015).

that is specific to Islamic schools and which needs to be addressed with clear and appropriately monitored child protection policies.

4.4.1. Attempts to deny links to any religious justification

Following revelations of abuse in Radio 4's *File on 4* programme in October 2011, the BBC reported the reaction of the chairman of MINAB which had been set up to improve standards in mosques and Islamic supplementary schools:

Mohammad Shahid Raza, chairman of the Mosques and Imams National Advisory Board, set up by Muslim organisations to improve standards in mosques, said he would now treat the issue as a matter of urgency. "These figures are very, very alarming and shocking. There is no justification for such punishments within our mosque schools," he said. "I'm not sure how wide this unacceptable practice is, but our responsibility is to make those who run the mosques realise we live in a civilised society and this is not acceptable at any cost." Mr Raza said he wanted the issue dealt with through self-regulation, but there are calls for the government to take action.³⁸

These comments in many ways illustrate the culture of denial. The chairman of the body set up by Muslim organisations to improve standards in mosques and their associated educational institutions has i) denied knowing that there was a widespread problem; ii) claimed that there is no religious or other justification for physical abuse of children in schools associated with mosques; and iii) argued that the problem should be dealt with by self regulation i.e. within the Muslim community.

Implicit in such public statements is the denial that there is any religious justification for the use of corporal punishment in *madrassas* and Islamic supplementary schools. However, in fact, *shari'a* (Islamic law) as interpreted by the four Sunni schools of classical Islam provides a specific religious justification for the use of corporal punishment of children, particularly in teaching them to observe correct Islamic practice.

4.4.2 Shari'a rulings (fatwa) on the use of physical punishment in teaching correct Islamic practice

Shari'a represents a codification of the teaching of the Qur'an and Hadith that was largely fixed during medieval times. These *shari'a* injunctions are based on a number of hadith (traditions traced back to Muhammad or those who knew Muhammad, which together with the Qur'an constitute the Islamic scriptures). For example one widely known hadith states:

The Prophet told Hadhrat Muaaz bin Jabal 'let your rod be hanging on them (children), as a warning and to chastise against neglect of their duties towards Allah'.³⁹

While one of the most widely attested Hadith specifically includes enforcing the correct recitation of Islamic prayers:

Narrated As-Saburah:

The Prophet (peace_be_upon_him) said: Command a boy to pray when he reaches the age of seven years. When he becomes ten years old, then beat him for prayer.⁴⁰

And similarly

³⁸ Fran Abrams 'Child abuse claims at UK *madrassas* "tip of ice berg" ' BBC News 18th October 2011 <http://www.bbc.co.uk/news/education-15256764> accessed 15th October 2015.

³⁹ Abdul Rashid Arshad *Virtues of Salat: Revised Translation of the Urdu Book Faza'il-e-Namaaz* by Shaikhul Hadith Maulana Muhammad Zakariyya Kaandhlawi (Original edition nd, electronic edition Amazon, 2015), Chapter 2 'warning and reproach for neglecting salat' Hadith No.3 (:35-36).

⁴⁰ Abu Daud Sulayman ibn al-Ash'ath as-Sijistani (d.889) *Sunan Abu Daud* Book 2 No. 0494.

Narrated Abdullah ibn Amr ibn al-'As:

The Apostle of Allah (peace_be_upon_him) said: Command your children to pray when they become seven years old, and beat them for it (prayer) when they become ten years old; and arrange their beds (to sleep) separately.⁴¹

Sabrah bin Ma'bad al Juhni narrated Allah's Messenger said 'Teach the boy *salat* [i.e. ritual daily prayers] when he is seven years old and beat him (if he does not pray) when he is ten.'⁴²

As the hadith relate specifically to teaching children to follow correct Islamic practices such as correct recitation of prayers (*salat*) which is a primary function of many Islamic supplementary schools, there is a risk that some imams will regard themselves as required to use corporal punishment when teaching children how to perform *salat* correctly.

It must also be said that there are other hadith that speak of Muhammad being gentle towards children. Indeed, one of the issues with Hadith is that one can find potentially contradictory traditions. However, as the reported words of Muhammad the above hadith form the basis of *shari'a* injunctions that children should be beaten, though only within set limits, to ensure that they perform religious duties correctly.

Such Hadith as well as *fatwa* (Islamic legal rulings) are widely reported on Islamic websites where Islamic scholars ('*alim* – plural *ulema*) answer questions relating to a range of issues including disciplining children. For example:

A *fatwa* (Islamic legal i.e. *shari'a* opinion) of Mufti Kafayatullah a well known Indian Islamic scholar and educationalist (d.1952)⁴³ that is widely cited states that:

Excluding the face and sensitive parts of the body, it is allowed to beat a child for the purposes of discipline so long as the limits are not transgressed. i.e. to beat the child in a manner that a wound is inflicted, or a bone fractured or broken, or a bruise appears or an internal disorder results (to the heart or brains, etc.). If the limits are transgressed as described above in any way, even by a single stroke, such a person will be regarded as sinful.⁴⁴

A more restrained and nuanced response which nonetheless still allows hitting of children who fail to recite prayers correctly was provided by the *Darul Uloom* in Deoband, the most important *madrassa* of the Deobandi movement. An enquirer apparently from the UK asked:

dear molana, in madrasahs in england especially in hifz classes, alot of molsabs hit the children for making mistakes or notlearning; is this permissible if so under what conditions and to what extent?-please clafify![sic].

(NB *molsab* = Mullah Sahib i.e. an Islamic teacher).

The *fatwa* provided in response on behalf of the *Darul Uloom* Deoband was as follows:

(Fatwa: 1185/1185=M/1430)

It is surprising that the elders commit mistake in order to rectify the mistakes of the younger ones. Objecting to faults, warning and beating in proper manner is allowable rather sometimes desirable, but transgressing the limit set by Shariah is unlawful. At first mistake, one should be made understood properly. In case of

⁴¹ *Sunan Abu Daud* Book 2 No. 0495.

⁴² Hadith begin with a statement of who reported it which together with the chain of subsequent transmitters (*isnad*) is taken as providing evidence of its authenticity.

⁴³ Shaykh Maulana Mufti Muhammad Kifayatullah Dihlawi cf 'Kifayat ul Mufti complete 9 volumes by Shaykh Maulana Mufti Muhammad Kifayatullah Dihlawi <http://islamicbookshub.com/library/urdu-books/kifayat-ul-mufti-complete-9-volumes-by-shaykh-mufti-muhammad-kifayatullah-dihlawi-r-a/> accessed 10 November 2015.

⁴⁴ 'Upbringing of children disciplining of children an Islamic perspective' <https://haram.wordpress.com/upbringing-of-children-disciplining-of-children-an-islamic-perspective/> accessed 10 November 2015 and <http://www.ummah.com/forum/showthread.php?342407-Spanking-Children> accessed 10 November 2015.

repeating the same mistake, he should be sternly warned. If the mistake is repeated or the mistake is so grave that requires beating, he should not be beaten more than thrice, and in this case also the face and tender parts should not be hit.⁴⁵

Similarly, Ibn Qudamah (d. 1233CE) in his *al-Mughni* the most widely used textbook of *fiqh* in the Hanbali school of *shari'a* that is predominant in Saudi Arabia and Qatar gave the following *fatwa*

This telling and discipline is prescribed in the case of children in order to train them to pray, so that they will be used to it and it will become their habit, and they will not forsake it when they reach puberty.⁴⁶

Similar guidance is given on the official Saudi department of *ifta'* (issuance of fatwas) which relate a fatwa issued by the former grand mufti of Saudi Arabia Abdul Aziz Ibn Abdulla Ibn Baz (d.1999):

Hitting female students for educational purposes

It is authentically reported that the Prophet (peace be upon him) said, "Command your children to perform Salah (Prayer) when they are seven (years old), and hit them for (neglecting) it when they are ten (years old); and separate between them in beds." Just as boys may be chastised for neglecting the Salah, so can girls when they reach the age of ten, if they neglect the duty of Salah until they pray regularly. The same applies to other obligations, such as study, home duties, etc. Those who are in charge of youngsters, male and female, should pay attention to teaching them and disciplining them, but any hitting should be light and not harmful, and only to achieve the intended purpose.⁴⁷

This is potentially of some significance given the existence of a number of Saudi Islamic supplementary schools in the UK that we previously noted (Section 2.2.3 above).

Within the Shafi school of *shari'a* which predominates in South East Asia, Sudan, Somalia, Ethiopia and Yemen, the *Fatawa al-Subki* produced by Al-Subki (d. 1355 CE) similarly states:

The guardian must tell the child to pray when he is seven years old and smack him if he does not do so when he is ten.⁴⁸

It is important to note that with all of these the issue is not the use of corporal punishment *per se* – i.e. the use of mild smacking, which in most western countries has historically been accepted though is currently the subject of contested debate. Rather it is the *fatwa* (*shari'a* rulings) that not only link corporal punishment to correct recitation of Islamic prayers, but in some cases prescribe its use where a child has failed to recite the *salat* (ritual daily prayers) correctly .

A further issue arises in relation to the authority of the *imam* (prayer leader) or Islamic teacher ('*alim* plural *ulema*). This is that *shari'a* gives a degree of discretion to the imam as to how severe or lenient the beating should be. For example, the *Hedaya* the main textbook of *shari'a* used among the Hanafi

⁴⁵ Darul Ifta, Darull Aloom, Deoband, India, Social Matters>>Education and Upbringing, Question 14724 <http://darulifta-deoband.org/showuserview.do?function=answerView&all=en&id=14724> accessed 10 November 2015.

⁴⁶ Ibn Qudaamah *al-Mughni* (1/357). This *fatwa* is cited for example by Shaykh Muhammad Saalih al-Munajjid *Islam Question and Answer Pedagogy, Education and Upbringing>> Children's Upbringing '127233: How to Smack Children to Make Them Pray?'* <http://islamqa.info/en/127233> accessed 10 November 2015.

⁴⁷ Kingdom of Saudi Arabia Portal of the General Presidency of Scholarly Research and Ifta' Part No. 6 No.403 'Hitting female students for educational purposes' <http://www.alifta.net/fatawa/fatawaDetails.aspx?languagename=en&View=Page&PageID=842&PageNo=1&BookID=14> accessed 17 Nov 2015.

⁴⁸ Sheykh Imam Taqi al-Din Subki Shafi' *Fatawa al Subki fi Furu al Fiqh al Shafi* (1/379) cited for example in <http://asifeq.tumblr.com/post/120795990457/spanking-the-child-for-the-prayer-and-for> accessed 10 November 2015.

school that predominates in Central Asia, Egypt, Turkey and the Indian subcontinent and consequently in the UK, after setting a maximum limit of thirty nine stripes and a minimum of three states:

Our modern doctors assert that the smallest degree of chastisement must be left to the judgement of the Imam or Qazi.⁴⁹

(Imam is the mosque prayer leader and normally preacher, *qazi* is a judge – in practice an Islamic teacher – *alim* - may also act a *qazi*). It is this discretion, combined with *fatwa* that appear to require the use of corporal punishment in teaching the correct recitation of prayers (*salat*) that potentially provides a perceived religious justification for what can amount to physical child abuse by some teachers in some Islamic supplementary schools.

4.4.3 Attitude of Muslim parents

There are as noted above, a significant number of websites on which Islamic scholars (ulema) give advice to Muslim parents that they should use corporal punishment. However, it is significant that where websites allow readers to blog comments, the comments that appear to be left by ordinary Muslims are frequently somewhat critical of the more hardline approach advocated by the '*alim*. Some caution is needed as to how representative such comments are of wider readership which itself could be from anywhere in the English speaking world. However, it is noteworthy that blog comments that appear to be from Muslim parents frequently suggest that the hadith should be interpreted as meaning that parents are *permitted* to use corporal punishment, rather than being required to and that it should be used as a last resort.⁵⁰ A similar approach was advocated on a website devoted to Islamic parenting run by Muslim educationalists and psychologists rather than Islamic scholars, with all blog comments broadly supportive of this more liberal view.⁵¹

This suggests that some Islamic teachers have a much stricter view on when corporal punishment should be used than many Muslim parents.

4.4.4 Other Muslim responses

A summary analysis of blog comments on Islamic websites indicates three main groups of responses by Muslims when the issue of physical abuse in Islamic supplementary schools / *madrassas* is raised:

- a) Some Muslims viewed it in terms of Islamophobia – as 'just another attack on Islam'.
- b) Others pointed out that some of the abuse went beyond the limits on corporal punishment set by *shari'a*.
- c) Others rejected the idea that Muslims were required to use corporal punishment suggesting that the hadith should be interpreted as meaning that it was permitted and often argued that it should be a last resort.

None of the blogged comments sought to suggest that the abuse was not taking place. There was however a significant level of anti-clericalism expressed with considerable anger at imams who were beating children.

There was also considerable concern expressed about the impact of family breakdown and social liberalism on children and the need for some form of discipline. In this context, the Islamic approach

⁴⁹ *The Hedaya* Book VII chapter VI (Vol.2:78-79).

⁵⁰ cf for example <https://haram.wordpress.com/upbringing-of-children-disciplining-of-children-an-islamic-perspective/>

⁵¹ Effective Islamic Parenting, 'The Islamic view on smacking children'

<http://www.effectiveislamicparenting.com/2012/10/the-islamic-view-on-smacking-children/> accessed 11 November 2015.

favoured by many parents of using mild spanking as a last resort was seen as a ‘balanced’ approach between the extremes of liberalism and the harsh corporal punishment advocated by some Islamic scholars, the existence of which many were aware of.

On an Islamic website that reproduced the 2008 *Times* report one third of those making blog comments disclosed that either they themselves or members of their immediate families had been subject to beatings in Islamic supplementary schools often relating this specifically to failure to correctly perform *salat* or pronounce Arabic words (see appendix).⁵²

Summary There is a particular vulnerability to physical abuse that is specific to Islamic supplementary schools. This exists because of the existence of a number of hadith, and *fatwas* based on these, that specifically link the use of corporal punishment to correct recitation of *salat* (ritual Islamic prayers), the teaching of which is one of the main functions of Islamic supplementary schools. This vulnerability is increased by *fatwas* which suggest that the severity or leniency of the punishment is at the discretion of the imam. Whilst cultural factors derived from the frequent use of corporal punishment in schools in the Indian subcontinent experienced by some foreign born imams are also a factor, it would be wholly wrong to focus on these while ignoring the teaching of traditional textbooks of *shari’a* that potentially provides some imams with a perceived legitimacy for the excessive use of corporal punishment. In fact the greatest impact of cultural factors is the high importance attached to honour and shame which makes it extremely difficult for any admission to be made that there is a problem, particularly where that would involve disclosure to persons outside the Islamic community.

5 Proposed UK government policy

The Prime Minister’s announced in his speech on 7th October 2015 that all Islamic supplementary schools will be subject to inspection and closed down if found fostering ‘extremist’ attitudes – as will Christian Sunday schools.

5.1 What the Prime Minister said:

The Prime Minister emphasised the progressive nature of extremism whereby individuals may start with various forms of non violent extremism and eventually move on to involvement in *jihad*.

Greater Britain

...But to make Britain greater, we need to tackle some deep social problems
Problems we only just made a start on, as we focused on the economic emergency that faced us.
The scourge of poverty.
The brick wall of blocked opportunity.
The shadow of extremism – hanging over every single one of us.
A Greater Britain doesn’t just need a stronger economy – it needs a stronger society...

⁵² Websites surveyed were <http://www.sunniforum.com/forum/archive/index.php/t-41177.html> which reproduced the 2008 *Times* report on abuse; <https://haram.wordpress.com/upbringing-of-children-disciplining-of-children-an-islamic-perspective/>; <http://www.ummah.com/forum/showthread.php?342407-Spanking-Children&s=022aebd59fbaa14beec1d06dbceeff5b> article spanking children halal or haram?; Multaqa ahl al hadeeth ‘hitting your kids for not praying’ <http://www.ahlalhadeth.com/vbe/showthread.php?t=2099> accessed 16 November 2015 - all accessed 10 November 2015.

Social Reform

A more prosperous Britain.

But we must not stop there as we build a Greater Britain.

We are not a one-trick party.

For us, economic success – that's not the finished article.

It's the foundation on which we can build a better society.

Our patriotism has never been simply some grand notion of ruling the waves, or riding high in the money markets...

...but a deep compulsion which says: "you make a country greater by making life better for its people."

And today, that means entering those no-go zones, where politicians often don't dare to venture.

It means taking on our big social problems...

...entrenched poverty, blocked opportunity, the extremism that blights our communities.

Why?

So when the new mum looks at her new-born baby – the most precious thing she's ever seen – and she vows to provide for it, she knows she actually can.

When the schoolgirl sits in that classroom, she knows that her studies really can take her to the very top.

When the child of immigrants sees our flag, he feels so loyal to this country – his country – he wants to put on a uniform and defend it....

Extremism

Tackling the causes of poverty. Fighting for real opportunity.

And there's one more big social reform in our mission to rebuild Britain as an even greater country.

We need to confront – and I mean really confront – extremism.

When I read what some young people born and brought up in this country are doing, it makes me feel sick to my stomach.

Girls not much older than my eldest daughter, swapping loving family homes and straight-A futures for a life of servitude under ISIL, in a land of violence and oppression.

Boys who could do anything they wanted in Britain – who have benefitted from all this country stands for – instead ending up in the desert wielding a knife.

This ideology, this diseased view of the world, has become an epidemic – infecting minds from the mosques of Mogadishu to the bedrooms of Birmingham.

And here's what we need to do.

One: tear up the narrative that says Muslims are persecuted and the West deserves what it gets.

Never mind that it's Britain and America behind the biggest effort to help the victims of Syria.

Who is ISIL murdering more than anyone else? Muslims.

No-one should get away with this politics of grievance anymore.

Two: take on extremism in all its forms, the violent and non-violent.

People don't become terrorists from a standing start.

It begins with preachers telling them that Christians and Muslims can't live together.

It **moves** to people in their community saying the security services were responsible for 7/7.

It **progresses** to a website telling them how to wage jihad, fight in Syria, and defeat the West.

And before you know it, a young British boy, barely 17, is strapping bombs to his body and blowing himself up in Iraq.

We have to stop it at the start – stop this seed of hatred even being planted in people's minds, let alone allowing it to grow.

Three: we need to tackle segregation.

There are parts of Britain today where you can get by without ever speaking English or meeting anyone from another culture.

Zoom in and you'll see some institutions that actually help incubate these divisions.

Did you know, in our country, there are some children who spend several hours each day at a *Madrassa*?

Let me be clear: there is nothing wrong with children learning about their faith, whether it's at *Madrassas*, Sunday Schools or Jewish Yeshivas.

But in some *Madrassas* we've got children being taught that they shouldn't mix with people of other religions; being beaten; swallowing conspiracy theories about Jewish people.

These children should be having their minds opened, their horizons broadened...

...not having their heads filled with poison and their hearts filled with hate.

So I can announce this today:

If an institution is teaching children intensively, then whatever its religion, we will, like any other school, make it register so it can be inspected. And be in no doubt: if you are teaching intolerance, we will shut you down.

This goes to a wider truth.

For too long, we've been so frightened of causing offence that we haven't looked hard enough at what is going on in our communities.

This is passive tolerance. And I'll tell you where it leads:

To children, British children, going to Pakistan in the summer holidays, before they've even started their GCSEs, and forced to marry a man they've never met...

...children, British children, having their genitals mutilated, not just in a clinic in Lagos but the backstreets in Britain.

This passive tolerance has turned us into a less integrated country; it's put our children in danger. It is unforgiveable.

So let me say it right here: no more passive tolerance in Britain.

We've passed the laws – now I want them enforced.

People who organise forced marriages – I want them prosecuted.

Parents who take their children for FGM – I want them arrested.

And as we do that, we shouldn't just be saying what's wrong with these practices; we should be saying what's right with Britain.

Freedom. Democracy. Equality. These are precious.

People fought for them – many died for them...

...in the trenches, a century ago; on the beaches, 30 years later...

...in the Suffragettes; in Gay Pride.

Half the world is crying out for these freedoms – they see what we've achieved with them.

Free speech – and the best literature in the world.

Freedom of religion – and many faiths living side by side, peacefully.

Free thinking – and the endless advances in medicine and technology that has brought.

A free economy – and a standard of living our grandparents could only have dreamed of.

I want my children – I want all our children – to know they're part of something big – the proudest multi-racial democracy on earth.

That's why we're making sure they learn British history at school.

That's why we started National Citizen Service to bring different people together.

I want them to grow up proud of our country.⁵³

The BBC subsequently reported comments from a Downing Street spokesman suggesting that the registration might be restricted to institutions teaching children for 8 hours per week or more.⁵⁴ To date there has been no confirmation of this or explanation as to whether the eight hours would be eight hours per child per week or a total of eight hours of activities per institution per week. In the latter case, for example churches offering children's and youth activities for different ages during the week and Sunday school at the weekend could be deemed to have crossed the threshold, even though no individual child might be taking part in activities for more than a fraction of this time.

However, in either case, in practice it could only be enforced if Sunday schools were not merely compelled to register, but also were required to submit to the government the hours they operated – and additionally if the criteria were eight hours per child, the names of children attending. This would represent a massive intrusion of government into both civil society organisations and personal family decision making. It would also put the UK on a similar footing in respect of freedom of religion for children as repressive regimes such as Belarus where the government monitors the names of children attending Sunday schools.

⁵³ The Prime Minister's Party Conference Speech in full *ConservativeHome* <http://www.conservativehome.com/parliament/2015/10/david-cameras-party-conference-speech-in-full-2.html> accessed 12 Nov 2015.

⁵⁴ Katherine Sellgren 'David Cameron: Prime Minister warns over extremist teaching' *BBC News* 7 October 2015 <http://www.bbc.co.uk/news/education-34464137> accessed 12 November 2015.

5.2 The government's new counter-extremism strategy

5.2.1. The UK government's new counter extremism strategy was launched by the Prime Minister and Home Secretary on Monday 19th October 2015. This included the following further reference to what it described as 'supplementary schools'

(Section 24) We are also concerned about other educational settings, including supplementary schools and tuition centres. It has been estimated that there are over 3,000 supplementary schools in England providing education and activities for children. Most of these provide important support to children, for example in maths or a foreign language. And many provide religious and moral guidance that families find valuable. The Government values and supports the role these organisations play in society. However, there is little regulation or oversight of supplementary schools and tuition centres and limited information on the practices within them. Reports indicate that in some settings parents do not know what their children are being taught or feel unable to challenge the teaching; and pupils may be at risk of being presented with, and believing, twisted interpretations of their religion. These issues heighten the potential risks for such settings to be exploited by extremists.⁵⁵

5.2.2. The phrase 'twisted interpretations of their religion' whilst undoubtedly intended innocently is a particularly unfortunate phrase in a government document, the implications of which do not appear to have been thought through before it was used.

a) Government definition of what is/is not true Islam: At one level it takes a particular view as to the relationship between Islam and issues that have been deemed 'extremist' such as teaching on *jihad*. To a certain extent it reflects the inaccuracy of claims frequently made in the past by senior politicians and other public figures to the effect that there is no link between Islam and *jihad*. In reality, *jihad* is an entirely Islamic concept to which substantial proportions of the main Hadith collections are devoted. Throughout most of Islamic history there have been two broad streams, one focusing on devotional practice and inward spiritual piety and another focused more on Islamic government and enforcement of Islamic law (*shari'a*) which has often also focused on *jihad*. Barnabas Fund has for more than twenty years been working to help and support Christians who face severe persecution from those who seek to propagate this latter stream of Islam including in Northern Nigeria, Sudan, East Africa and Iraq/Syria. Christians in such contexts are baffled and understandably upset at the repeated failure of western governments to acknowledge that the very real persecution they face is Islamic. Government announcements in the last year have moved away from earlier inaccurate claims by politicians that that there is no link between the two, exemplified by the Prime Minister's recent statement that

In the past, governments have been too quick to dismiss the religious aspect of Islamist extremism. That is totally understandable. It cannot be said clearly enough: this extremist ideology is not true Islam. I have said it myself many, many times, and it's absolutely right to do so. And I'll say it again today.

But simply denying any connection between the religion of Islam and the extremists doesn't work, because these extremists are self-identifying as Muslims. The fact is from Woolwich to Tunisia, from Ottawa to Bali, these murderers all spout the same twisted narrative, one that claims to be based on a particular faith.

Now it is an exercise in futility to deny that. And more than that, it can be dangerous. To deny it has anything to do with Islam means you disempower the critical reforming voices; the voices that are challenging the fusing of religion and politics...⁵⁶

However, whilst the acknowledgement of a link is a move in the right direction, for the government to seek to define or even imply what is or is not 'true Islam' is extremely dangerous.

⁵⁵ HM Government *Counter-Extremism Strategy* CM9145 (London:Home Office,2015): Section 24.

⁵⁶ Prime Minister's Speech at Ninestiles School, Birmingham 20 July 2015

<https://www.gov.uk/government/speeches/extremism-pm-speech> accessed 12 Nov 2015.

First, because it parallels the Islamist pattern of *takfir* i.e. declaring those who espouse variants of Islam of which one disapproves to be ‘not proper Muslims’ or ‘non-Muslims’ (i.e. apostates).⁵⁷

Secondly, it is hard to imagine anything that could inflame those vulnerable to Islamist rhetoric more than a government minister, who is not even a Muslim, telling them what is, or is not ‘true Islam’. In fact, much of the Islamist recruitment rhetoric in Islamic countries is a polemic against western leaning governments there who promote a westernised version of Islam, which Islamists insist is not ‘true Islam’ and thereby pronounce the governments to be *takfir* i.e. not proper Muslims and therefore according to *shari’a* the legitimate objects of *jihad*. In this respect, there is a very real danger that a western government declaring what is or is not ‘true Islam’ will be viewed as inflammatory or even as a declaration of war on Islam.

b) Freedom of religion and the UK constitution: Whilst the Prime Minister’s speech writers have undoubtedly acted with the best of intentions, they do not appear to have thought through the implications of this statement for freedom of religion or even the UK constitution. For government ministers to declare what is or is not the proper form of any religion represents the erosion of a substantial part of the foundation of freedom of religion in the UK that dates back to the 1559 Elizabethan Church-State settlement. This set out separate spheres of activity for the church and government, including specifically forbidding the government from seeking to interfere in or impose a particular interpretation of scripture. This has provided the foundation for the progressive development of full freedom of religion in subsequent centuries (see section 8 below) for members of all religions. Thus for any government to even suggest that something is/is not the true form of Islam, Christianity or any other faith represents a massive erosion of the very foundations on which freedom of religion has been built in the UK and become one of our defining national characteristics.

5.3 The consultation proposals (November 2015)

On 26 November 2015 the Department for Education released a 15 page proposal accompanied by a set of consultation questions. As we earlier noted, the first fourteen of these questions were essentially an attempt to obtain evidence as to where supplementary schools existed, how many children attended and what they taught. The sense that the proposals had been developed without an adequate evidence base was reinforced by the title of the proposal document *Out of School Education Settings: Call for Evidence*. The proposal contained the same basic elements as earlier announcements i.e. that out of school education providers would be subject to i) compulsory registration ii) inspections iii) a power to impose sanctions which could include barring individuals from working with children and closure of premises. However, it provided more specific proposals, including:

1. Suggesting that compulsory registration should exist for all out of school education settings providing ‘intensive education’. It proposed (section 3.7) that:

Intensive education could be considered anything which entails an individual child attending a setting for more than between 6 to 8 hours a week, bearing in mind that this could be over an hour every day after school or on one or both days of the weekend.

However, elsewhere (section 2.7) the proposal indicated that the compulsory registration could apply not simply to where an individual child met this threshold but where the institution’s overall provision hit this threshold

2. It also listed (section 3.19) a series of five ‘prohibited actions’ for out of school education, many of which were very reasonable such as ‘failure to adequately ensure the safety of children in their care’ and ‘accommodating children in premises that are unsafe’. However, they also include the rather vaguely worded prohibition:

⁵⁷ For example, following the 12 November 2015 suicide bombing in a Shi’a part of Beirut which immediately killed 41 people, Islamic State issued a statement saying that they had killed ‘the apostates’ cf *BBC News* ‘Lebanon holds day of mourning after deadly Beirut blasts’ <http://www.bbc.co.uk/news/world-middle-east-34805466> accessed 13 November 2015.

Undesirable teaching, for example teaching which undermines or is incompatible with fundamental British values, or which promotes extremist views

Concerns

We have significant concerns about the detail of these proposals and do not believe that the government's advisors have given adequate consideration to what their practical implementation would require in terms of restrictions on freedom of religion which has historically been one of the UK's defining national values. In particular,

1. The compulsory registration of institutions where any individual child is taught for more than a specified number of hours of a week could only be enforced if Sunday schools and similar faith based organisations were required to submit to the government both a) the individual names of children attending Sunday school b) the actual classes that they attend. This would represent a massive intrusion on freedom of religion for both children and parents – and in this respect would put the UK on a similar footing to repressive regimes such as Belarus.
2. The prohibition on what is termed 'undesirable teaching' is profoundly concerning. i) The vagueness of this term opens the door to Sunday schools being forced to avoid teaching some parts of the bible such as on because they are no longer deemed to be politically correct by the government in power and for social liberals to seek to enforce their own partisan liberal values in areas such as sexual ethics on Christian Sunday schools and similar institutions of other faiths. ii) The vagueness of term 'undesirable teaching' is particularly open to abuse by future governments because it has no enduring legal definition. Whereas 'British values' which are referred to elsewhere in the proposal have a certain quasi legal status as the government has defined them in its counter-extremism strategy as those that have both historically evolved and become embedded in UK institutions:

fundamental values that have evolved over the centuries, values that are supported and shared by the overwhelming majority of the population and are underpinned by our local and national institutions.

However, vague terms such as 'undesirable teaching' are not in any sense embedded in legal or other institutions and therefore potentially wide open to future abuse.

Summary We have concerns that the government has moved to a position where the government of the day implicitly defines what is or is not 'true Islam'. We have a number of serious concerns about this:

- i) Defining what is/is not 'true Islam' also mirrors the Islamist practice of declaring other Muslims they disagree with as being non-Muslims (*takfir*) and therefore the legitimate objects of *jihad*.
- ii) We are concerned that this definition does not reflect either the reality faced by many Christians facing severe persecution in Islamic contexts or the mosaic of different types of Islam throughout Islamic history some of which have espoused violent *jihad*.
- iii) We are also deeply concerned at the implications for both freedom of religion and the UK constitution of the government declaring what is or is not the 'true' form of any faith. The 1559 Elizabethan Church-State settlement, which was foundational to subsequent developments in freedom of religion in the UK and is explicitly affirmed in the Queen's coronation oath, specifically prohibits the government from seeking to impose any particular interpretation of scripture on the church.

We are also deeply concerned that the list of 'prohibited actions' in the proposals for 'Out of school education settings' published by the government on 26th November includes the vaguely worded 'undesirable teaching' – which has no legal status and is therefore subject to both change and potentially wide open to future abuse.

6. Background to the Prime Minister's comments

6.1 Extremism

There has been a (painfully) slow recognition that non violent extremism needs to be tackled as well as violent – and that one often leads to the other. We welcome the fact that the government clearly accept that there is movement from one to the other. This is something that Barnabas Fund in its support for the persecuted Christians in Islamic countries has been highlighting for many years. What we question is whether the government's proposals are the right approach to tackle this. In our separate response to the government's new counter-extremism strategy we welcomed the fact that in line with the 2011 Prevent Strategy the government is now defining 'extremism' as being 'extreme' in relation to historic national values.⁵⁸ The counter-extremism strategy defines these as being:

fundamental values that have evolved over the centuries, values that are supported and shared by the overwhelming majority of the population and are underpinned by our local and national institutions.⁵⁹

Our specific concern is that the proposal to require compulsory registration and inspection of religious institutions teaching children, with the threat of closure represents a significant threat to freedom of religion.

Freedom of religion is absolutely central to these historic national values and has been a defining national characteristic which over the centuries has led to many victims of religious persecution overseas seeking refuge in the UK. These have ranged from Protestant victims of religious persecution in the Netherlands and France in seventeenth century, to Catholics fleeing the French revolution in the eighteenth century, Russian and Polish Jews fleeing pogroms in nineteenth century, Jewish refugees fleeing the holocaust in the 1930s, to in more recent days Christians fleeing severe religious persecution in Islamic countries.⁶⁰

The proposal to require compulsory registration of religious institutions teaching children is itself a significant erosion of freedom of religion. The countries that follow such measures are almost exclusively repressive regimes with poor human rights records such as China and Belarus. In addition to this there is a specific risk that such powers could be used to impose partisan socially liberal values on Christian and other organisations. It cannot be emphasised strongly enough that any such attempt would represent a major reversal of the UK's centuries-old tradition of freedom of religion that has become one of the UK's defining national values.

6.2 Background to UK government's proposals on supplementary schools

- 2002 (Former) Labour MP for Keighley Ann Cryer alleged that some children in mosque schools were beaten and that outdated forms of discipline were used in these '*madrassas*'.⁶¹
- 2008 Birmingham Labour MP Khalid Mahmood has argued since 2008 that stricter regulation of *madrassas* is needed to protect children.
- Dec 2013 Report of the Prime Minister's taskforce on tackling radicalisation and extremism (set up in the wake of the murder of Lee Rigby) recommended improving the oversight of religious supplementary

⁵⁸ Barnabas Fund *Response to UK government's counter-extremism strategy, October 2015* (Pewsey: Barnabas Fund, October 2015) accessible at <https://barnabasfund.org/news/the-uk-governments-new-counter-extremism-strategy>.

⁵⁹ HM Government *Counter-Extremism Strategy: Section 1*.

⁶⁰cf Refugee Week *The Heritage and Contribution of Refugees to the UK – A Credit to the Nation* (London:Refugeeweek,2012) accessed at <http://www.refugeeweek.org.uk/Resources/RefugeeWeek2012/Documents%20old%20site/HistoryofContributions.pdf> accessed 12 November 2015.

⁶¹ Ian Herbert 'Children beaten in mosque schools, says Labour MP' *The Independent* 19th October 2002.

schools, including introducing a voluntary code of practice requiring schools to implement ‘robust policies to protect children and young people from harm, including exposure to intolerant or extremist views.’

- April 2014 Enquiry set up into the ‘Trojan horse’ scandal in Birmingham state schools.
- June 2014 media reports that a voluntary code of conduct for *madrassas* will be drawn up by the Department for Education requiring mosque schools to ensure a) teachers are DBS checked; b) no corporal punishment is used; c) a syllabus is used that avoids fundamentalist teaching
- Oct 2014 plans for voluntary code of conduct abandoned.

Summary Whilst the evidence suggests there is a problem in some Islamic schools, the proposal to require universal compulsory registration and inspection of all religious institutions teaching children, with the threat of closure, represents a significant threat to freedom of religion which has been one of the UK’s defining national values for several centuries.

7. Wider context of the proposal to require compulsory registration, inspection and power to close supplementary schools

These proposals also need to be set in the context of wider trends in government and political policy that go back at least 15 years.

7.1 Inspections of schools

- a) Inspection of schools in England has happened since 1833 when its sole purpose was to ensure that a government grant to Anglican elementary schools for the poor was used effectively (in 1847 similar inspection followed a government grant to Roman Catholic Schools). The inspectors were carefully appointed by an Order in Council to safeguard their independence from political interference.
- b) Following the 1870 Elementary Education Act which made schooling compulsory from ages 5 to 13, school inspections were organised on a geographical basis and the 1902 Education Act empowered the newly created Local Education Authorities to inspect schools.
- c) 2000 The Learning and Skills Act extended Ofsted inspections to further education colleges and sixth forms. Similarly, the 2000 Care Standards Act gave Ofsted responsibility for the registration and inspection of commercial day care and child minding that was previously exercised by local authorities (although inspections of the latter were non educational – in that they did not involve either curriculum or teaching, neither of which were initially required). Since then the remit of inspectors has spread significantly, largely without any significant public debate as to the impact on parents rather than the government being primarily responsible for their children’s education.
- d) 2006 Childcare Act imposed a curriculum (Early Years Foundation Stage) on day care provision for under 5s which was to be inspected. The Act specifically exempted Sunday schools and similar religious institutions from being required to register.
- e) October 2015 Ofsted produced guidance confirming that organisations providing ‘sports activities’; ‘religious, cultural or language study’; and ‘school study support or homework support’ were not required to be registered.⁶²
- f) October 7th 2015 The Prime Minister announced that

⁶² Ofsted *Registration Not Required: A Childcare Factsheet* No. 080134 (Manchester:Ofsted, October 2015).

If an institution is teaching children intensively, then whatever its religion, we will, like any other school, make it register so it can be inspected. And be in no doubt: if you are teaching intolerance, we will shut you down.

In summary, prior to 2000 school inspectors ONLY inspected schools that provided full time education for children of compulsory school age. The government now propose to extend this to civil society voluntary organisations providing part time classes such as supplementary schools and Christian Sunday schools.

7.2 Increasing state intervention in children's lives.

From the perspective of religious freedom increasing state intervention represents a potential threat.

7.2.1 In 2006 leading family values campaigner Jill Kirby, the head of family policy (later director) at the Centre for Policy Studies published a study *The Nationalisation of Childhood*,⁶³ which demonstrated how government policy was increasingly replacing parental responsibility for children with the state interventions in the lives of 'every child'. In particular, she drew attention to:

- a) A national strategy for 'every child' 'from conception to age 19'.
- b) Plans to put every child's ID into a national computer database to monitor their use of services against specific targets, which would then trigger additional interventions by health, education and child protection services.
- c) Creation of state provided 'dawn to dusk' (10 hours per day) universal childcare based on Children's Centres for 0-5 s and extended schools for 5-14s described by the then Prime Minister Tony Blair as 'a new frontier for the welfare state'.
- d) Creation of a national curriculum for toddlers ('The Early Years Foundation Stage').

She also strongly criticised the government's overall approach, suggesting that the evidence suggested that taking a universal approach that encompassed all children and refusing to identify the real life causes of the worst outcomes for children potentially put the most vulnerable children at more risk of harm:

...this universal non stigmatising approach is dangerously likely to put more children at risk and leave the most needy even further behind.⁶⁴

The latter criticism highlights one of the fundamental weaknesses of a policy that has in recent years been extended from children's services to counter-extremism i.e. the adoption of a 'universal' approach that encompasses institutions of all faiths in order to avoid stigmatising educational institutions attached to mosques. This is all despite the fact that the government has failed to provide or even the suggest the existence of any evidence that Jewish or Christian institutions such as Sunday schools are in any way linked to extremism. As with child protection issues, widening the net to monitor all children means less resources are available to deal with those areas where the evidence clearly points to an existing problem.

7.2.2. In June 2007 the *Department for Education and Skills* was renamed the *Department for Children, Schools and Families*, a move which led to considerable concern by the Roman Catholic Church that the government was taking over areas that were the responsibility of the family and the church.⁶⁵ These fears were subsequently confirmed in 2010 by a Sex and Relationships Education Bill requiring faith schools to teach amongst other issues about access to abortion and contraception. Lord Alton told the House of Lords the bill:

⁶³ Jill Kirby *The Nationalisation of Childhood* (London:Centre for Policy Studies,2006).

⁶⁴ Jill Kirby *The Nationalisation of Childhood* (London:Centre for Policy Studies,2006): Summary.

⁶⁵ After the change of government in May 2010 the new Education Secretary Michael Gove immediately renamed the department as the 'Department for Education'.

...represents a radical appropriation of power by central government, enabling them to dictate teaching on a matter over which many parents have strongly held moral or religious convictions. The Bill would further erode parental influence in an area which many parents would assert is a matter for the family rather than for schools.⁶⁶

7.2.2 In June 2014 in the wake of the Trojan Horse scandal in Birmingham schools the government announced a consultation on requiring all independent schools to be subject to Ofsted style inspections (currently most independent schools are inspected by the DfE approved Independent Schools Inspectorate). This would in effect significantly constrict the curriculum freedom of independent schools and has been strongly opposed by the head teachers of such schools.⁶⁷ In essence this is, again, taking a catch all approach to avoid the risk of stigmatizing Islamic schools.

Fundamentally, all these moves make an implicit assumption that education in both its formal and informal senses, including moral education is primarily the responsibility of the government rather than parents or religious institutions such as churches. There is also a further underlying assumption that a universal approach to monitoring and intervention should be adopted to avoid stigmatising areas where there is clear evidence of current problems, in this case Islamic supplementary schools (see sections 3 and 4 above). As with child protection issues, widening the net to monitor children of all faiths in case they are at risk of extremism means less resources are available to deal with those areas where the evidence clearly points to an existing problem. If one wishes to find a needle in a particular haystack, the least productive strategy of all is to spend time searching all the haystacks in the field just in case there might be another needle in one of them.

Summary: The government proposals are part of a broader trend of increasing state intervention in the lives of all children. Prior to 2000 school inspectors had ONLY inspected schools that provided for the legal requirement for compulsory education. The government now propose to extend this to civil society voluntary organisations providing part time classes such as supplementary schools and Christian Sunday schools in order to avoid risking causing offence to Muslims.

8 Registration and inspection of Sunday schools would be a significant reversal of Britain's 400 year journey to freedom of religion

English law does NOT require the registration of places of worship and to impose this on Sunday schools or the equivalent institutions of other faiths would be a significant extension of the power of the state and a very serious encroachment on freedom of religion, which has been one of the UK's most important historic values. Freedom of religion has been central to the UK's national identity and for precisely this reason the UK has for centuries been a place of refuge for victims of religious persecution overseas. Whilst this freedom of religion has evolved over the centuries it has been clearly set out in a number of charters of and laws:

- a) The first clause of the Magna Carta 'The English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired'.
- b) The 1559 Elizabethan Church-State settlement set out separate spheres for the church and state. Broadly speaking the church may not advocate allegiance to a foreign power (at the time foreign powers were seeking to use Catholicism as a pretext for invasion – but a principle that could similarly

⁶⁶ 'New sex-ed bill in England draws ire of Catholic leader' *Catholic News Agency* March 18th 2010 http://www.catholicnewsagency.com/news/new_sex-ed_bill_in_england_draws_ire_of_catholic_leader/ accessed 12th October 2015. The bill ultimately failed through lack of parliamentary time.

⁶⁷ Graeme Paton 'All private schools "to be given Ofsted style inspections"' *Daily Telegraph* 24th June 2014 <http://www.telegraph.co.uk/education/educationnews/10923113/All-private-schools-to-be-given-Ofsted-style-inspections.html> accessed 12th October 2015.

today apply to Islamists swearing an oath of allegiance to Islamic State). Equally, the state may not interfere in the forms of worship or interpretation of scripture (sacraments). The 1559 settlement is of enduring importance not least because it is set out in the coronation oath sworn by every monarch as well as in the 39 articles of the Church of England.

- c) 1689 Toleration Act effectively legalised the existence of non-Anglican places of worship. In doing so, it ceased to define ‘true Christianity’ solely in relation to the Anglican Church.
- d) 1719 the repeal of the Schism Act meant that teachers were no longer required to subscribe to particular (in this instance Anglican) beliefs, while the 1779 Dissenters Relief Act meant that teachers no longer had to be licensed by the government.
- e) 1812 repeal of the 1664 and 1669 Conventicle Acts and 1665 Five Mile Act. Although these had been largely unenforced for a significant period of time, the repeal of these acts gave full legal freedom for the existence of unregistered places of worship.
- f) 1855 Places of Worship Registration Act. Despite its title this was actually an extension of religious liberty not a restriction on it. The Act exempted places of worship from having to subject their funds for inspection under the 1853 Charitable Trusts Act (From 2008 this exemption was removed for Churches with an income over £100,000). Crucially the 1855 Act did NOT make it compulsory for places of worship to be registered.

Summary Any attempt to require COMPLUSORY registration of Sunday schools would in some respects take freedom of religion in Britain back to the situation before 1812 when the Conventicle and Five Mile Acts were repealed.

9 An increasing level of anti-Christian prejudice and intolerance of Christian values by Liberalism.

The proposal to require compulsory registration and inspection of both Islamic supplementary schools, Jewish *Yeshivas* and Christian Sunday schools, with government power to close them down if they are deemed to promote ‘extremism’, poses a serious risk to historic freedom of religion in the UK.

Two factors in particular increase the vulnerability of this risk:

9.1 Attempts by social liberals to impose partisan values on wider society.

This in part reflects a paradigm shift that has taken place in recent years in Political Liberalism. Classical Liberalism aimed to promote tolerance of a diversity of *groups* within society and so specifically sought to protect groups such as nonconformist Christian denominations. However, in recent years Political Liberalism has shifted its focus to promote tolerance of *individuals* (rather than groups). Policies have then been adopted to enforce this not merely on governmental bodies, but also on wider civil society groups including churches, requiring them not to discriminate against individuals on the basis of their sexual orientation, religious beliefs etc.

In other words, Liberalism has itself become intolerant particularly of ethical and religious views that challenge its own assumptions. In effect, individuals and civil society bodies, including Christian organisations, are now being required to subscribe to a specific set of ethical values, even where these conflict with what the church has historically understood to be biblical teaching.

In this respect we are now beginning to see a reversal of some aspects of the UK’s historic values including freedom of religion and freedom of speech that took over 400 years to achieve. This has led to a significant fear of counter-extremism legislation being used to label as extremists those holding what have historically been held to be biblical beliefs and values on issues such as marriage and sexual ethics. For example, a letter to *The Daily Telegraph* on 7th October 2015 signed by 56 senior church leaders of all denominations warned that:

Extremism Disruption Orders (EDOs) in the forthcoming counter-extremism bill look set to rely on a test of extremism that threatens the very democracy they are meant to protect. Many people will fall foul of EDOs and, as the former head of MI5 has said, “harmless evangelicals” could be among them.⁶⁸

In reality of course historic Christian beliefs do not pose any threat to the UK’s historic national values, although Liberal attempts to limit values such as freedom of religion and freedom of speech have unfortunately begun to erode some of these historic national values, including freedom of religion.

9.2 The definition of extremism used by the government

The definition of ‘extremism’ used by the government currently lacks sufficiently clear definition to provide adequate protection for full freedom of religion which over the centuries has become one of the UK’s defining national characteristics. Barnabas Fund has addressed this in a separate *Response to the UK’s Government’s Counter-Extremism Policy*, which this paper should be read in conjunction with.⁶⁹ Whilst we welcome the move to define ‘extremism’ in relation to the UK’s historic national values which the new strategy defines as:

fundamental values that have evolved over the centuries, values that are supported and shared by the overwhelming majority of the population and are underpinned by our local and national institutions.⁷⁰

we are nonetheless concerned that the counter-extremism strategy only makes reference to the first four of seven key elements of freedom of religion that have historically evolved in the UK:

Included

- a) Freedom to practise a faith.
- b) Freedom of worship.
- c) Freedom to build churches, synagogues, mosques etc.
- d) Freedom to choose a faith (or none).

Not included

- e) The freedom to preach, to evangelise and seek to convince others of the truth of one’s beliefs.
- f) The freedom from being required to assent to a particular worldview or set of beliefs in order to hold public office.
- g) Freedom from the government seeking to impose or proscribe a particular interpretation of scripture.

This may of course simply reflect an oversight on the part of the civil servants drawing up the strategy. However, we are concerned that the three that have been omitted are precisely those particular aspects of freedom of religion that in the last decade have specifically begun to be eroded by social liberals seeking to impose their own partisan values on wider civil society.

Summary: The imprecise nature of the current definition of ‘extremism’ particularly in respect of freedom of religion, coupled with attempts by some social liberals to define ‘extremism’ as anything in opposition to their own views, creates a significant risk that freedom of religion will be seriously curtailed in the UK. Specifically, the risk is that any inspection regime applied to Christian Sunday schools will at some point in the future be used to impose partisan socially liberal values that are

⁶⁸ Rev. Tony Jones, Rt Rev. Rod Thomas, Rev. William Taylor and 53 others ‘Counter-terrorism bill risks branding Christians as ‘extremists’ *Daily Telegraph* Letters 7th October 2015.

⁶⁹ Barnabas Fund *Response to UK government’s counter-extremism strategy October 2015* (Pewsey: Barnabas Fund, October 2015) accessible at <https://barnabasfund.org/news/the-uk-governments-new-counter-extremism-strategy>.

⁷⁰ HM Government *Counter-Extremism Strategy* CM9145 (2015):paragraph 1.

contrary to what Christians have historically held to be biblical beliefs and values and may ultimately be used to close down Sunday schools that are deemed not to have complied.

It cannot be emphasised too strongly the enormous damage that this would do to freedom of religion as it has historically evolved and become one of the UK's defining national characteristics on the world stage.

10 Comparative study: attempts to enforce compulsory registration of *madrassas* in Pakistan

Pakistan has for some years attempted to enforce registration and regulation of *madrassas*. However, there has been no attempt by the government of Pakistan to require Christian Sunday schools to register with the government.

Tariq Rahman, Distinguished Professor at Qaid-i-Azam University in Islamabad estimates that at independence in 1947 there were approximately 137 *madrassas* in Pakistan. While in April 2002 Dr Mahmood Ahmed Ghazi, the Minister for Religious Affairs put the figure at 10,000 with 1.7 million students. The *madrassas* that are registered are controlled by their own central organisations that determine the syllabus and set the examinations for their *madrassa* students. There are five such organisations representing Deobandi, Barelvi, Jamat-i-Islami, Ahl-i-Hadith (Salafi) and Shi'a *madrassas* respectively. However, as Professor Rahman observes:

There is very little credible information on the unregistered *madrassas*.⁷¹

Until 1994 Pakistani *madrassas* could voluntarily register under the 1860 Societies Registration Act (SRA). This was often viewed positively by the *madrassas* as it could assist their fundraising activities and approximately 6,000 chose to do so. In this respect the situation was broadly analogous to that of churches, mosques and other religious organisations in the UK in respect of charity law prior to the 2008 Charities Act. However, registration under the SRA was somewhat more arduous as *madrassas* had to prove that they legally owned the land they were built on as well as having to have various certifications from the Special Branch to verify that they were not engaged in activities such as sectarian violence.⁷²

This voluntary registration was prohibited by Benazir Bhutto's government in 1994 in a failed attempt to stop the proliferation of *madrassas*. In fact, it had the precisely the opposite effect, as there was an explosive growth of *madrassas*. Consequently, there is now very little known concerning the unregistered *madrassas*.

In 2001 the *Pakistan Madrassah Education Ordinance* called for a body to be set up for each of the five main groups of *madrassas* that would enforce compulsory registration of *madrassas*, prescribe a syllabus for non religious subjects and establish a model religious *madrassa* that would adhere to the government's idea of what a *madrassa* should be. The organisations representing the *madrassas* responded by forming an umbrella organisation the *Ittehad-i-Tanzimat Madaris-i-Dinya* (ITMD) and refused to cooperate with what they saw as government interference. The ITMD stated that they wished to initiate and direct their own efforts to reform *madrassas*.⁷³

⁷¹ Tariq Rahman *Denizens of Alien Worlds: A Study of Education, Inequality and Polarization in Pakistan* (Oxford:OUP,2004):78.

⁷² C. Christine Fair *The Madrassah Challenge: Militancy and Religious Education in Pakistan*, chapter 4 'Government reforms' (:81-92).

⁷³ C. Christine Fair *The Madrassah Challenge: Militancy and Religious Education in Pakistan* chapter 4 'Government reforms' (:81-92).

To some extent at least this failed attempt was mirrored in the UK six years later in 2007 when the Blair government attempted to regulate and reform *madrassas* and Islamic supplementary schools by setting up the Mosques and Imams National Advisory Board (MINAB). As we earlier observed, this failed to gain any significant level of support from mosques and Islamic organisations who similarly saw it as an unwelcome attempt by the government to interfere in the internal affairs of mosques. Indeed, given the close links between many Islamic institutions in Britain and Pakistan, it is by no means improbable that the hardening of attitudes in Pakistan created by government attempts at compulsory registration of *madrassas* contributed to more resistant attitudes in the UK to perceived interference by the British government in Islamic institutions.

The government of Pakistan then sought to appease the ITMD by moving the issue of *madrassa* reform from the Ministry of Education to the Religious Affairs Ministry which was headed by Eijaz ul Haq, the son of the late Zia ul Haq who is reported to have ‘unquestionable Islamist credentials’. The net result of this was that the government effectively dropped the idea of registration and instead focused on agreeing mutually acceptable policies with the *madrassas* which primarily related to the curriculum for non religious subjects that were taught in *madrassas*.⁷⁴

The fallout from the 7 July 2005 bombings in London led the Musharraf government to again attempt the compulsory registration of *madrassas*. It eventually did this by revising the 1860 Societies Registration Act making it compulsory for *madrassas* to register, as well as requiring them annually to produce an education report, finance report and a declaration that they are not involved in inciting sectarian hatred or militancy. However, *maktabs* (Islamic primary schools and supplementary schools) were specifically exempted from the registration process and many of these stipulations were either watered down or removed following strong objections by the *madrassas* who were also able to exert a degree of political influence. For example, the government dropped its initial demand that *madrassas* disclose the source of their funding. Christine Fair, in a study of militancy among *madrassas* in Pakistan summarised the overall result:

Analysts such as Touquir Shah, a former assistant Commissioner responsible for registering madaris, are astonished by these developments. In Shah’s view, this “fast track” registration is an advantage for the madaris. It is much easier than the old process and requires no verification, unlike the previous registration regime. He was also critical about the religious affairs ministry’s role in this process and suggested that it demonstrates weakened will on the part of the government. He was surprised to see the watered-down financial accounting provision, given that the government and the international community alike suspected that outside funding was coming from countries and organizations that support Islamist militancy or espouse and therefore seek to advance an explicit Islamization agenda in Pakistan.⁷⁵

Summary: Pakistan has for some years attempted to enforce registration and regulation of *madrassas*. This has met with strong resistance. However, this has been dealt with as a specifically Islamic issue through the *Pakistan Madrassah Education Ordinance* and there has been no attempt to require Christian Sunday schools to register with the government.

11 Comparison with other countries.

11.1 Free democratic countries do not require registration of places of worship or Sunday schools

11.1.1. We have been unable to find any examples of free, democratic countries that require compulsory registration of places of worship or Sunday schools. Where registration exists it is normally simply as

⁷⁴ C. Christine Fair *The Madrassah Challenge: Militancy and Religious Education in Pakistan* chapter 4 ‘Government reforms’ (:81-92).

⁷⁵ C. Christine Fair *The Madrassah Challenge: Militancy and Religious Education in Pakistan*:84.

a requirement if churches wish to conduct marriage ceremonies or as part of a broader registration of charities.

11.1.2. Historically, only the most repressive regimes have required registration of Sunday schools. For example, the former Soviet Union (1918 and 1929 Acts on Separation of Church and State and subsequent constitutions) required such activities to be licensed by the government or closed down. Similarly, in China only government registered *Three Self Patriotic Movement* churches are legally allowed to operate Sunday schools. In Belarus, the 2002 *Religion Law* requires compulsory registration of Sunday schools which may be denied to those holding views that the government deems not to be politically 'correct'. The annual human rights country reports produced by the US State Department list repeated violations of human rights in this respect. For example, one such report on Belarus stated that:

Baptists, Pentecostals, and other Protestants were warned or fined for illegally conducting religious services based on charges of disturbing public order or illegally gathering without prior permission ...
...a Baptist pastor in Brest, Viktor Orekhov, was fined \$60 (18,700 Belarusian roubles) for organizing a church summer camp at a private farm. Authorities accused him of leading an unregistered religious organization and educating children illegally...police interrogated the children and threatened to close the camps. There were credible reports that local authorities and school teachers threatened students who attended Baptist Sunday schools and intimidated their parents.⁷⁶

11.2 Countries currently considering compulsory registration of Sunday schools

The only other country known to be currently considering registration of places of worship is Zimbabwe.⁷⁷

11.3 Impact on the UK's international standing

It hardly needs to be emphasised that putting the UK into the same category as regimes such as Belarus, China or Zimbabwe in respect of requiring compulsory registration of Sunday schools would be an exceptionally serious decision that would have major implications for freedom of religion and the UK's international standing.

11.4 Potential impact on human rights in countries where freedom of religion is currently limited

There is also a risk of a knock on effect on human rights in other countries where freedom of religion is already limited. As we observed above, Pakistan has for some years attempted to enforce registration and regulation of *madrassas*. However, there has been no attempt by the government to require Christian Sunday schools to register with the government. Instead, the government has implicitly recognised that 'extremism' is a specifically Islamic problem and attempted to deal with it under legislation such as the 2001 the *Pakistan Madrassah Education Ordinance*. However, given the links both at community and governmental level between the UK and Pakistan, it is by no means improbable that any UK law requiring the compulsory registration of Christian Sunday schools would subsequently be copied by the government of Pakistan. In this respect, the actions of the UK government could not only seriously undermine freedom of religion in the UK, but also make the already difficult situation of Christians in countries such as Pakistan even more onerous.

Summary Free societies do NOT require registration or inspection of places of worship or religious teaching. Registration of Sunday schools would place the UK in the same category as some of the most repressive regimes in the world such as Belarus and China and could lead to such laws being mirrored in countries such as Pakistan where freedom of religion for the Christian minority is already significantly restricted.

⁷⁶ *US State Department Country Reports on Human Rights Practices for 2007 Volume 1: Report Submitted to the Committee on Foreign Affairs US House of Representatives and the Committee on Foreign Relations US Senate by the US State Department in accordance with Section 116 (d) and 502B (b) of the Foreign Assistance Act of 1961, as Amended: 1152.*

⁷⁷ *News Day (Zimbabwe) 'Govt to register, regulate churches' News Day July 15th 2014*
<https://www.newsday.co.zw/2014/07/15/govt-register-regulate-churches/> accessed 12th October 2014.

12 Specific problems with the UK government's proposals

12.1 The UK government's proposals

The Prime Minister's speech addressed concerns that some children were spending several hours a day being taught in *madrassas*, that 'incubate divisions' and

...being taught that they shouldn't mix with people of other religions; being beaten; swallowing conspiracy theories about Jewish people.

These children should be having their minds opened, their horizons broadened...

...not having their heads filled with poison and their hearts filled with hate.

The solution that is being proposed is

1. Not merely Islamic supplementary schools, where the government acknowledges the problem lies, but any institution including Christian Sunday schools and Jewish *Yeshivas* teaching children intensively, will be required to register and be inspected.
2. Any such institution deemed to be teaching 'intolerance' will be shut down.

12.2 Specific issues with the government's proposal

12.2.1. Requiring places of worship or religious teaching (Christian Sunday schools, Jewish yeshivas, and Islamic *madrassas*) to register is a very significant erosion of the UK's long established legal tradition of freedom of religion. Specifically it would take the UK back to the situation before the 1812 repeal of the Conventicle and Five Mile Acts and in some respects to that which existed before the 1689 Toleration Act.

12.2.2. It is a significant encroachment of the state on an area (non-formal education) that has long been recognised to be the primary responsibility of parents and the church.

12.2.3. Whilst the government proposal published on 26th November 2015 indicated that inspections would be 'risk based' (section 2.1), it also spoke of sampling other providers with section 3.15 stating:

It is proposed that inspections are risk-based, with Ofsted **either** acting in response to specific concerns raised by children, parents and the community, **or** by sampling particular settings, whether by type or region.

It should be noted that Ofsted already employs a 'risk based' approach to inspecting full time schools. It is therefore clear that the proposal is that Christian Sunday schools would be inspected by Ofsted, even if this was simply to ensure that the whole variety of providers – not just Islamic supplementary schools was 'sampled'.

The catch all approach of including Christian Sundays schools and Jewish Yeshivas to avoid stigmatising Islamic supplementary schools is not only extremely unlikely to mitigate the hostility to the measure in Muslim communities, but will also make identification of institutions teaching hatred to young people far more difficult – to rephrase an idiom 'if you want to find a needle in a haystack, the most ineffective and expensive way to do so is to search through every haystack in the field, rather than the one you suspect the needle is in'. Given that there are estimated to be over 2,000 Islamic supplementary schools in the UK,⁷⁸ routine inspection of these alone would represent an onerous and expensive task.

⁷⁸ Association of Muslim supplementary Schools <http://www.amss.org.uk/> accessed 12th October 2015.

12.2.4. The announcement of this proposal stated:

If an institution is teaching children intensively, then whatever its religion, we will, like any other school, make it register so it can be inspected. And be in no doubt: if you are teaching intolerance, we will shut you down.

This goes to a wider truth.

For too long, we've been so frightened of causing offence that we haven't looked hard enough at what is going on in our communities.

With the greatest respect to those who drafted this speech, one of the biggest problems with this proposal is precisely this – the fear of causing offence. Consequently, the government is unwilling to acknowledge that this is a problem that is specific to a number of institutions that are Islamic and so has decided to refer to religious education programmes run by other faiths. In doing so, without considering the implications for one of the UK's historic national values, it is proposing to enact legislation that will curtail freedom of religion more than any other free democratic country. As we earlier observed, historically the only countries requiring compulsory registration of Sunday schools have been serial abusers of human rights such as the former Soviet Union, present day China and Belarus.

12.2.5 The suggestion, that registration might only apply to institutions teaching for six to eight hours a week or more is in practice likely to mean that *madrassas* would simply adjust their hours so that they fall just below this level, meaning that the proposals would have almost no impact on tackling extremism.

The six to eight hour suggestion also raises the question of whether this would be eight hours per child or eight hours per institution. For example, if a church was running both a Sunday school and several youth clubs for different ages during the week, it might add up to eight hours total provision but not eight hours for any individual child.

However, in either case, in practice it could only be enforced if Sunday schools were not merely required to register, but also be required to submit to the government the hours they operated – and additionally, if the criteria were eight hours per child, the names of children attending. The latter would put the UK on a similar footing in respect of freedom of religion for children to repressive regimes such as Belarus where the government monitors the names of children attending Sunday schools.

12.2.6 It is highly questionable whether an Ofsted style inspection would actually unearth evidence of children being taught hatred or extremism in an Islamic supplementary school. Ofsted inspections typically involve:

- a) An examination of the institutions' records – curriculum, school improvement plan, disciplinary records and so forth.
- b) Observations of teaching.
- c) Interviews with teachers and students.

Both *madrassa* and *maktab* (Islamic supplementary school) curriculums tend to be fairly fixed, based on rote learning and heavily didactic. It is therefore likely that any inculcation of extremist views such as anti-Semitism, support for *shari'a* enforcement or *jihad* that do occur would be informal verbal comments which would leave no evidence trail.

Whilst interviews with students might conceivably produce evidence, the importance of honour-shame within many predominantly Muslim cultures may make it difficult to gain evidence of such teaching.

Moreover, even if young people in Islamic supplementary schools do express anti-Semitic sentiments, it will be difficult to ascertain whether these have been derived from the Islamic supplementary school, from home or from other sources such as the internet.

12.2.7 Simply addressing the teaching of extremism to children and young people in Islamic supplementary schools will NOT solve the problem. There is an equally serious issue of children and young people

being taught extremist attitudes such as anti-Semitism and even encouraged towards jihadi violence at home. In fact, in 2014 the deputy mayor of London responsible for policing made precisely this point.⁷⁹

This needs to be seen in the context of surveys suggesting that whilst the level of radicalisation among UK Muslims as a whole is only around 15%, it is more than twice that among those under 35. For example, a 2007 survey by Policy Exchange found that 36% of British Muslims aged 16-24 believed that any Muslim who converted to another faith should be executed.⁸⁰ Eight years on, many of those who held these extremist views then are now likely to be parents. It is therefore clear that whilst any strategy dealing with the radicalisation of a percentage of Muslim young people must include mosque schools, they can neither be blamed for nor seen as the solution for the entirety of the problem.

12.2.8 It must be recognised that just as ‘neglect’ is a form of child abuse, so too is specifically teaching children to ‘hate’ others because of their religion, race or lifestyle (as opposed to simply disagreeing with their religious or lifestyle opinions). As such the most appropriate mechanism to deal with it is not through education inspections but through child protection procedures.

To date more than 20 children have been removed from their families or made wards of court over fears that they are being radicalised.⁸¹ The President of the Family Division of the High Court has recently issued guidance for such cases, which makes clear that the primary concern in such cases must be the welfare of the child i.e. rather than counter-terrorism policy.⁸²

Summary There are major practical problems with the proposal which would most likely render it ineffective at tackling extremism, whilst at the same time it will seriously restrict freedom of religion for Christians and members of other faiths. In particular, whatever the minimum number of hours per week beyond which registration and inspection was required, it is likely that *madrassas* and other institutions would simply adjust to being slightly below this level.

13 An alternative proposal to combat physical abuse and the inculcation of extremism in supplementary schools.

It is clearly necessary to address the issues identified in the Prime Minister’s speech:

1. Being beaten – which is a child protection issue.
2. Teaching/incitement of hatred or violence towards members of others religions, and lifestyles. This could also be dealt with under the broad umbrella of child protection by a banning order preventing any adult found guilty of this from teaching or supervising young people. In effect this would be an extension of the current Department for Education ‘List 99’ of people banned from teaching. A similar banning order could also be applied to any premises where the teaching or incitement of hatred had repeatedly taken place. In either instance there would need to be an appropriate level of evidence and appeal mechanism.

In both the above cases, it is likely that evidence would be found in the same way that evidence of child abuse is routinely found, for example teachers noticing bruising or other evidence of physical abuse or

⁷⁹ Keith Perry ‘Children aged ten being trained as junior jihadis, says London’s deputy mayor’ *Daily Telegraph* 12th September 2014 <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11092851/Children-aged-ten-being-trained-as-junior-jihadis-says-Londons-deputy-mayor.html> accessed 13th October 2015.

⁸⁰ Munira Mirza, Abi Senthilkumaran and Zein Ja’far *Living Apart Together: British Muslims and the Paradox of Multiculturalism* (London:Policy Exchange,2007).

⁸¹ Tom Whitehead ‘Children removed from their families amid fears of radicalisation’ *Daily Telegraph* 8th October 2015.

⁸² Sir James Munby *Radicalisation cases in the family courts: Guidance issued by Sir James Munby President of the Family Division* on 8th October 2015 <https://www.judiciary.gov.uk/wp-content/uploads/2015/10/pfd-guidance-radicalisation-cases.pdf> accessed 13th October 2015.

overhearing conversations between students suggesting extremist teaching in a supplementary school. As such it is more likely to be effective than Ofsted inspections where the teaching of extremism and corporal punishment will simply stop during the inspection.

These proposals are broadly similar to those set out in section 3.21 of the proposals published by the government on 26th November 2015. However, they do not require compulsory registration of places of religious teaching – or inspection other than falling under the general remit of child protection procedures. This proposal would be considerably less intrusive and expensive than registering and inspecting all non-formal education. It would instead focus on intervention when there is a reasonable suspicion of an actual problem, whilst not being specifically targeted at one religious group.

In doing so, it would enable the government both to tackle the problem where it actually exists i.e. in some, though not all Islamic supplementary schools without either being seen to be anti-Muslim (because the only supplementary schools to be targeted would be those where there is evidence of abuse) or imposing registration and inspection on all faith institutions. The latter, as we previously noted, would represent a very substantial erosion of historic freedom of religion in the UK as well as potentially having adverse consequences for Christian minorities in countries such as Pakistan who already face significant limitations in respect of freedom of religion.

Summary Both physical abuse and deliberately teaching children to ‘hate’ others are child protection issues. Possible safeguarding processes could involve a banning order preventing any adult found guilty of this from teaching or supervising young people. A similar banning order could also be applied to any premises where the teaching or incitement of hatred had repeatedly taken place. This would also enable resources to be targeted at where there is evidence of a problem, whilst not being specifically targeted at one religious group. It would also be considerably less intrusive and expensive than registering and inspecting all non-formal education. Crucially, it would also be entirely consistent with the UK’s historic national values such as freedom of religion.

Appendix

Sample of Islamic website blog comments relating physical abuse in Islamic supplementary schools

The following summary is taken from Sunniforum.com which describes itself as a forum for the propagation of authentic Islamic teachings. The comments relate to the 2008 article in the Times ‘Teachers “beat and abuse” Muslim children in British Koran *madrassas*’ that claimed to expose widespread physical abuse in Islamic supplementary schools. The blogs consist of 24 blog posts by contributors with 15 different names and were made between 13th December 2008 and 26th March 2009. Some comments below fall into more than one category.⁸³

Broad area of comment	Number of bloggers	Blog comments (uncorrected – as they appear)
A) Support for harsh corporal punishment in Islamic supplementary schools	1	<p><i>1. see how theyre using it so that they can convince ppl that they need to regulate monitor madrassas</i></p> <p><i>exactly! long live thrashings for misbehaviour:cheesygri</i></p>
B) Viewed <i>The Times</i> article as Islamophobia	4	<p><i>1. See comment A.1 above.</i></p> <p><i>2. Most of the times readers would be the first to opt for having it back into our schools, but because its Muslims they're the first ones to object. Don't the white indigenous population have enough to worry about with their over sexualized and alcoholic youth.</i></p> <p><i>3. see how theyre using it so that they can convince ppl that they need to regulate monitor madrassas</i></p> <p><i>4. If we quit some crucial terms in this piece of news, such as "Koran", "Madrassa", "British", then it's just an ordinary event, some children r beaten by their teachers. Yeah it's very bad, but it's also prevalent in some parts of the world, it should not have been a "news". But when it happened in "Koran Madras", by some muslims teachers, happened in Britain, it becomes a news, the timesonline becomes interested in reporting it. For what reason? I think the reason is very "interesting".</i></p>
C) Viewed the abuse described in <i>The Times</i> article as imams failing to abide by the limits set for beating by <i>shari'a</i>	1	<p>(2 lengthy blog posts – excerpts below)</p> <p><i>1. The very concept of "family" has been almost demolished with "partners" breaking up a more common occurrence than sunny weather in Britain, and children barely growing up to know what it means to have the love of both mother and father at the same time , in the same house, as a family. And now the arrogant blockheads of the west want to teach us how to discipline and bring up our children?!</i></p> <p><i>Yes some of the imams are going beyond the limits of Sharia in the madrassas but we will certainly not take a leaf from satans book of western societal ideals to learn how to discipline our children! We will return to the Sharia inshAllah...</i></p> <p><i>...Shari Limits of beating. It should be borne in mind at all times that beating is the final resort and measure that is adopted for rectifying a spoilt child. When</i></p>

⁸³ <http://www.sunniforum.com/forum/archive/index.php/t-41177.html> accessed 10 November 2015.

		<p><i>the extreme occasion of administering this painful punitive measure does arise, it has to be carried out within the limits of Shariáh....</i></p> <p><i>Hadhrat Mufti Kafaayatullah (RA) writes in his famous Fataawa on this subject: 'Excluding the face and sensitive parts of the body, it is allowed to beat a child for the purposes of discipline so long as the limits are not transgressed. i.e. to beat the child in a manner that a wound is inflicted, or a bone fractured or broken, or a bruise appears or an internal disorder results (to the heart or brains, etc.). If the limits are transgressed as described above in any way, even by a single stroke, such a person will be regarded as sinful'.</i></p> <p><i>2. After a full day of school the children are tired... the last place they want to be is in a madrassa. Yes the ustaads going beyond the limits of sharia in punishing the children (notice, I said limits of sharia, not limits of human rights, british law, or whatever limits your wee little heart feels in your over pampered life in the west), are doing a great wrong and injustice but what I'm trying to get at, with the very real scenario I've portrayed above, can all blame really lie with the ustaads for "losing it".</i></p> <p><i>(NB. Ustaad =higher level teacher Persian/Urdu)</i></p>
D) Claims that the type of physical beating exposed by <i>The Times</i> is incompatible with Islam	3	<p><i>1. Its sad because this is not from the Sunnah. Rasulullah (sallallahu alaihe wa sallam) might have told the parents to put up a whip in the room, or to beat a kid for prayer at 10, but these instructions should be seen in light of his own practice, which was that he never beat any child or woman.</i></p> <p><i>2. if they think this is part of islam then they are sorely mistaken.</i></p> <p><i>3. The relationship between the Ustad and the student should be one of respect based on love and not on fear...(lengthy comment)</i></p>
E) Claims that properly understood the Islamic view of child discipline represents a balance between western liberalism and the type of abuse in <i>madrassas</i> exposed by <i>The Times</i> .	2	<p><i>1. Also, there is nothing wrong with a light cane being used on the hand of a child these to keep him/her in check. That may be over doing it to some modern mind, but it is needed.</i></p> <p><i>2. Western society has such a problem with child abuse that they are going the other way and completely frown upon any sort of child discipline...holding the child and letting them know of what you think is also part of punishment and usually enough and I don't mean to bend their shoulder or try to break bones or put your power into it...Just holding by the shoulder and talking and warning etc.</i></p> <p><i>Traditional teachers believe that children can't be taught without the stick (beating) and that's also not true.</i></p> <p><i>Firmness is required while teaching these days....</i></p>
F) Anti-clerical comments	4	<p><i>1. The question is how do we the muslims trust these clergy men to tell us how to lead our life and trust them to extract the moral code of Islam when they even do not know how to behave with children.</i></p> <p><i>2. I think you will find that these teachers have been beaten up themselves and are just passing on some old tradition which really has no place in Islam. I do wonder if any of these teachers were chained up and beaten like some have been in the passed? i remember seeing some live footage in Pakistan on tv where kids were chained up and beaten for running away due to being beaten by their teachers.This human right abuse against kids has to stop</i></p> <p><i>3. If I ever saw someone hitting or beating a child with any more intensity than a light spanking, I would beat that guy into a bloody pulp and see how he likes it. How could any decent human being hurt a child? Especially someone who claims to be following the blessed sunnah?</i></p> <p><i>(NB Sunnah = the example of the prophet's life).</i></p>

		<p>4. (response to comment cited in C2 above) <i>Not a convincing apology for Madrassah teachers.</i></p> <p><i>The students were beaten a lot worse few decades ago in Muslims countries when there was no tv or liberalism to spoil the kids. These teachers were most likely beaten as kids themselves and all they are doing is perpetuating teh violence. And the parents keep sending their kids to these teahcers coz they are supposed to do this or Allah wants them to do this.</i></p> <p>5. <i>Traditional teachers believe that children can't be taught without the stick (beating) and that's also not true. (quoting) :salam: Unfortunately, that's so true! I remember once this 'Aapa' told my mother than she doesn't sit down to teach unless she had her wooden spoon with her, and that the parents of any child should expect their child to be physically disciplined. Heh, I would never send my kid to someone like that. While I do condone discipline, I think it's wrong when it's something like not pronouncing a letter properly, and especially when it can be solved verbally with the child. I've taught children/teens/adult to read the Quran and not once I've resorted to any physical punishment. (Aapa = respectful term for a lady – no modern English equivalent)</i></p> <p>6. (response to comment cited in G5 below) <i>Yeah, i agree that it's immoral and hurtful to use corporal or psychological violence to children. It's a serious problem in our education system. It's very very stupid to punish children who make errors in reading Qur'an. Qur'aan is beautiful, while corporal punishment is very ugly. It's absurd to mix the beauty with the ugliness.</i></p> <p>7. <i>The sad thing is that its been the ordinary people that have brought the problem to light and have made the clergy to stop unleashing their canes on poor kids.</i></p>
<p>G) Comments disclosing blogger's own experience of being beaten in Islamic supplementary schools</p>	<p>5</p>	<p>1. <i>yeah where do these punishments giving in madrasah come from? I experienced the 'hen', ear twisting, and even the bruising with bleeding :rolleyes:</i></p> <p>2. <i>Both my younger brothers went to a local masjid for Quran classes and my own mother had to go and sort out the teacher for beating kids including my own siblings which resulted in her breaking the stick in half and throwing at the teacher , my brothers never went there again for quraan class.</i></p> <p>3. <i>i used to get serious beats from my maulvi saab - i actually have bad memories from the whole thing. :cry: it was no use complaining to my folks as they considered it accepted practice his beats only really stopped when i retaliated one day.... :lol: i would never send my own kids to people who behave violently towards children (NB maulvi saab = Maulvi Sahib i.e. Islamic Teacher Persian/Urdu)</i></p> <p>4. <i>we used to get beaten up everyday by the ustadh. not just on the hand with small sticks but on the face, back, legs everywhere really with thick canes. they just didnt know when to stop. if they think this is part of islam then they are sorely mistaken. most of these ustadh couldnt recite properly themselves, its only later on in life did i learn to recite properly. so what were we beaten for?? for not learning the wrong way to recite the quran as taught by them???? ironically, the best teacher i had never hit us but taught us with kindness. alhamdolillah things have changed in the madrassahs i attended since my time.</i></p>

	<p>(NB <i>ustadh</i> =higher level teacher Persian/Urdu; <i>alhamdulillah</i> = all praise to Allah Arabic)</p> <p><i>5. But the fact remains, this is the fault of the Muslims. It is not isolated at all. Obviously many people in this forum have experienced this, and I can tell you that the practice is the same from Britain all the way to New Zealand (or at least, it was in the early 90s). The "teachers" we had (again, mostly indopak but also an arab) were awful, handing out wicked lashings on hands (or worse) with thin sticks and so on. I firmly believe that as a result of the beatings they gave my older brother for making mistakes in reading, he was left with a permanent lack of confidence when it comes to learning. Those people had no intelligence. If a child stuttered or stumbled, they inflicted pain! That achieves nothing but induce feelings of stupidity and poor self esteem. My main memory from the madrassa was children crying. Fortunately, it was not long before our parents withdrew us.</i></p> <p><i>So I do not care at all how much the media blows this up, because it is our fault and there should be no apologetics or complaints until we remove the blemish ourselves. And the best way, as has been pointed out, is to keep children away from these places, and denounce those committing the abuse.</i></p>
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