

report

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Muslims in Britain

By Humayun Ansari



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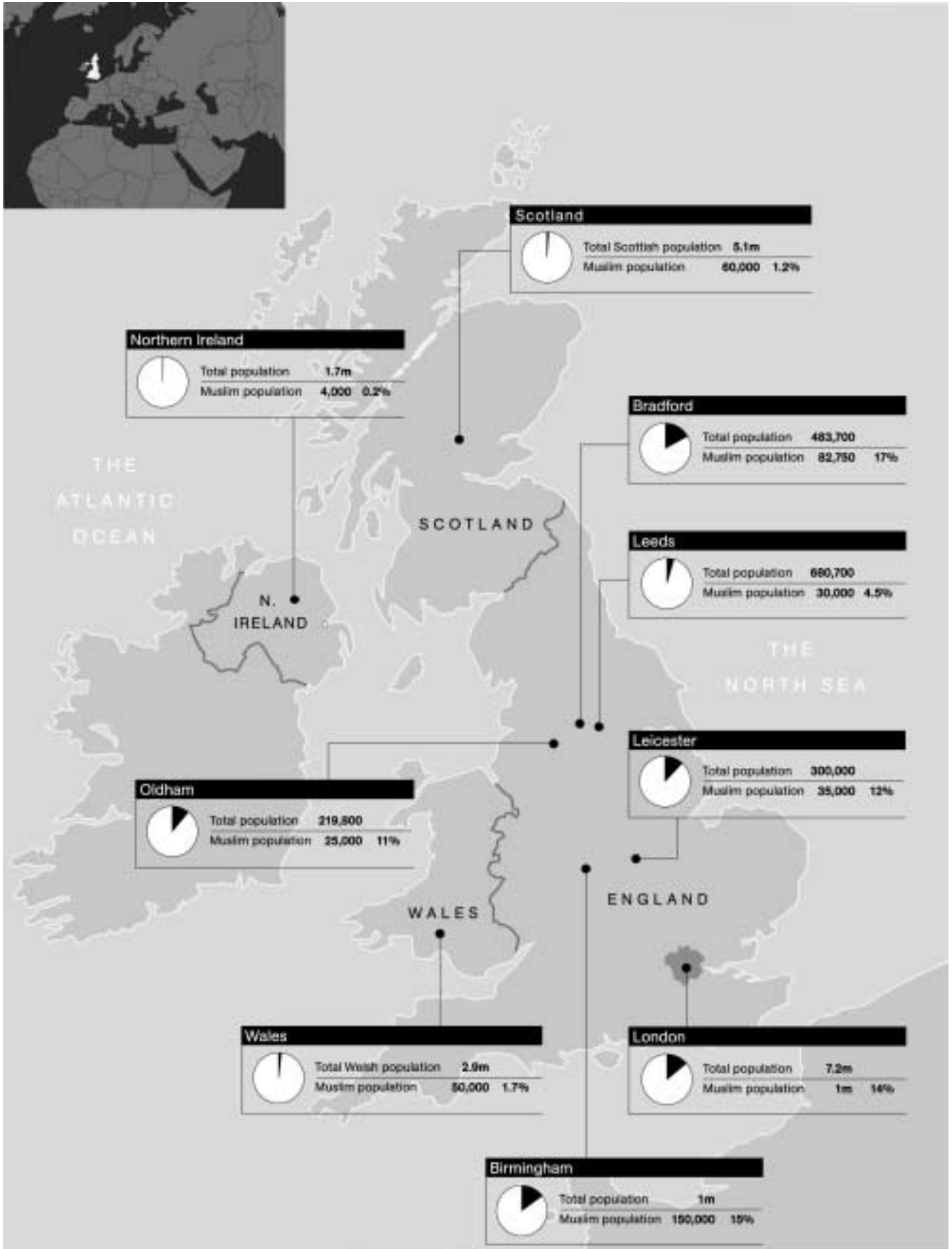
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Main populations of Muslims in Britain

SOURCE: ADAPTED FROM THE GUARDIAN, 17 JUNE 2002

Preface

The situation of Muslims is one of the most pressing issues facing British society today. A huge rise in the number of attacks on Muslims in Britain, increasing threats to civil liberties in the name of security measures, a resurgence in the activities of the far-right in Britain and elsewhere in Europe, and a crackdown on refugees fleeing persecution, all place serious questions over Britain's commitment to minority rights. The purpose of this report is to explore Muslim experience in Britain in this climate, and to call for legislative and policy change.

Islamophobia – the fear or hatred of Islam and, by extension, Muslims – is nothing new. While the fall-out of the attacks on 11 September 2001 and the subsequent 'war on terrorism' has had a very real impact on Muslims in Britain, this report shows that many Muslims have long experienced discrimination, whether as a result of racism, sexism, or of religious intolerance. Yet Muslims continue to make a strong contribution to British cultural, social, economic, political and civil life. Their contribution should be acknowledged and promoted.

Many non-Muslims in Britain are ignorant of Islam and its teachings. Sections of the media have misrepresented the religion and its followers, using harsh stereotypes, fuelling racism, intolerance and violence. This report aims to counter such stereotypes and promote a greater understanding between non-Muslims and Muslims.

The report shows the diversity of Muslims' lives and experiences in Britain. It discusses Muslims' different ethnic origins, identities and backgrounds, and helps to counter damaging images and ideas. It shatters the myth of homogeneity among Muslims, considering different religious and political viewpoints. Like all communities,

the picture is complex, and it is broken down further by age, class, gender and regional differentials – among many others. There is no one 'Muslim viewpoint'.

This report is written by an experienced author on such issues, Humayun Ansari, Director of the Centre for Ethnic Minority Studies, Royal Holloway, University of London. It draws upon new research and existing statistics, presenting analysis, case studies and interviews. While much of the report focuses on England, where most Muslims live, relevant information is provided on Scotland and Wales, and comparisons are made with anti-discrimination measures in Northern Ireland, particularly those regarding religious discrimination.

The report considers Muslims' access to education, employment and housing; further, it discusses Muslims' economic exclusion, political participation, and Muslim women's lives and identities. Existing legislation affecting Muslims, including recent legislation, is analysed from an international human rights perspective, and in several areas Britain's legislation and policies are found wanting.

Despite long-standing marginalization and a worrying rise in open hostility against Muslims, Britain's current anti-discrimination laws leave them with little specific protection. The failure of existing race relations legislation to cover religion as well as race has left many Muslims exposed to prejudice and discrimination.

Closing this loophole is the first of a set of concluding recommendations in this report, aimed primarily at the British government. It is hoped that these recommendations can help to bring about constructive change, leading to an improvement in the lives of Muslims and the promotion of peaceful coexistence and understanding between Muslims and non-Muslims in Britain.

Mark Lattimer

Director

August 2002

Introduction

The misrepresentation, disadvantage and discrimination experienced by Muslims in Britain today were part of British society and history long before the events of 2001.

Portrayals of Islam as undifferentiated and immune to processes of change have often obscured the complexities of the historical experience of Muslims in different societies. Western 'orientalists' and Islamists alike have tended to emphasize what distinguishes Islam from the West, presenting it, and its adherents, as the 'Other'.¹ Thus, human rights are seen as a creation of the Western mind and experience and the West is seen as the global custodian of human rights. Some Muslims therefore identify human rights issues with Westernization and feel a degree of cultural alienation. The historical reality suggests something different. Contrary to popular perceptions, Muslims have developed considerable humanistic, universally applicable, resources on which they have drawn in the past and which they can offer when engaging in a constructive dialogue on human rights in the media and in other public arenas. Furthermore, Islam has proved extremely dynamic in adapting itself in past centuries to a range of different socio-economic and cultural contexts, producing great diversity within Islamic societies.

The Christian/secular West has effectively constructed and stigmatized an Islam that resembles little that is of value in ordinary Muslim lives. It has conjured up Islam as a dangerous, powerful force, irrational, violent and fanatical, that requires tight control but also needs to be kept at a distance. The imagery of the Iranian revolution (1979), the public burning of Salman Rushdie's *The Satanic Verses* (January 1989), the orchestrated hysteria before and after Iraq's invasion of Kuwait (1990–1), and the attacks of 11 September 2001 have all combined to confirm an antipathy towards Islam and Muslims in the western popular mind.

During the summer of 2001 violent disturbances took place in the north of England. The activities of the British Nationalist Party (BNP)² inflamed antagonism and mutual distrust between Muslim and white communities.³ In towns such as Oldham and Burnley, Muslim men of South Asian descent clashed with white extremists and police, highlighting the considerable discontent felt among some sections of the local Muslim communities. After 11 September 2001, British Muslim anxieties increased. These anxieties were not subsequently eased by government initiatives, such as the 'anti-terrorism' legislation, which Muslims and non-Muslims alike have

perceived as discriminating unfairly against Muslims and as infringing civil liberties.

Rising Islamophobia

Islamophobia, defined as 'dread or hatred of Islam – and, therefore, fear or dislike of all or most Muslims'⁴ was expressed in a number of ways immediately after September 2001. Muslims around the world were targeted, and Muslims in Britain were by no means exempt. Muslim adults and children were attacked, physically and verbally. They were punched, spat at, hit with umbrellas at bus stops, publicly doused with alcohol and pelted with fruits and vegetables. Dog excrement and fireworks were pushed through their letterboxes and bricks were thrown through their windows. They were called murderers and excluded from social gatherings. One woman in Swindon was hospitalized after being beaten with a metal baseball bat; two Cambridge University students had their headscarves ripped off, in broad daylight outside a police station; Saba Zaman, who, in July 2001, had her scarf pulled off and two of her ribs broken in Tooting, London, was stopped and searched by the police three times in two weeks following the terrorist attacks in the United States of America (USA). In west London, an Afghan taxi driver, Hamidullah Gharwal, was attacked shortly after 11 September, and left paralysed from the neck down. Sikh men, whose beards and turbans created the impression that they were Muslims, were also abused. Vandals attacked mosques and Asian-run businesses around the country. Nine pigs' heads were dumped outside a mosque in Exeter. Many mosques were said not to have reported attacks because of fear of reprisals.⁵

There were death threats against Muslims. 'Race-hate' crime in the London Borough of Tower Hamlets was reported to have risen by 72 per cent in September 2001 compared with September 2000, and of the 100 reported crimes, 17 were explicitly related to 11 September.⁶ A total of 206 incidents were reported to the Islamic Human Rights Commission (IHRC) during the month after the attacks in the USA, ranging from serious crimes of violence (43 per cent), verbal and written abuse (36 per cent), to psychological pressure and harassment (8 per cent), discrimination (4 per cent) and miscellaneous incidents (9 per cent).⁷

Soon after the events of 11 September, the British Prime Minister, Tony Blair, stated that they had nothing

to do with Islam or Muslims *per se*, and stressed that Muslims should not be targeted in any way. Police forces across Britain condemned the attacks on Muslims, and organizations representing a range of religious groups prayed together for the victims of the 11 September attacks. Nevertheless, the mainstream media continued to reproduce stereotypes of Muslims as 'fanatics'. Sections of the British press called for the rooting out and bombing of Islamic 'fundamentalists' (they ignored the fact that 'fundamentalists', or Islamists, embrace a wide spectrum of perspectives, which stretch from moderate to radical), and failed to distinguish between extremists and the vast majority of peaceful and law-abiding Muslims. Only a handful of British Muslims were roused by a combination of disillusionment and anger towards Western Christian/secular countries, loyalty to the *umma* (the worldwide Muslim community), the lure of 'martyrdom' and the 'obligation' of *jihad* (defence of Islam), to assist or defend Al-Qaeda or the Taliban in Afghanistan. Only a small minority of British Muslims, who did not see the attacks in the USA as an act to be condemned, made their opinions public. A MORI survey for *Eastern Eye* (Britain's biggest selling Asian newspaper) indicated that 87 per cent of the Muslims polled considered themselves to be

loyal to Britain (though a *Sunday Times* poll in early November 2001 indicated that they were generally less supportive of British military action in Afghanistan than the white majority, reflecting their different perspectives).⁸

The situation is complicated by the fact that influential politicians in the two mainstream parties continue to convey a mixed message about British Muslims. The 'tough and tender' white paper on immigrants 'Secure Borders, Safe Havens' (2002) includes plans for compulsory citizenship classes and tests, a new loyalty oath and strictures on transcontinental arranged marriages, promoting an essentially assimilationist perspective. The use of terms such as 'swamping' in relation to asylum-seekers and condemnation of 'intolerance in the guise of cultural difference' by the Home Secretary, David Blunkett, or recent criticism of Muslims as 'isolationist' by Peter Hain, a Foreign Office minister, continue to create negative perceptions.

This report addresses the differences of perception between many British Muslims and other people living in Britain, in the context of the circumstances and experiences of Britain's Muslim communities. It aims to highlight the main areas where increased understanding and changes in policies and legislation would be of benefit to the whole of British society.

Muslim communities in Britain

Contrary to stereotypical and popular perceptions of Muslims as a monolithic ‘fundamentalist’ group, one of the most striking aspects of Muslims living in Britain today is their diversity. This is clearly reflected in the wide range of ethnic backgrounds that they encompass, and is directly related to the fact that Muslim migration to Britain from many different parts of the world has been an important feature of the last 150 years.

Migration to Britain

The first relatively permanent Muslim populations were established in Cardiff, Liverpool, Manchester, South Shields and London’s East End in the mid-nineteenth century. Since the Second World War, Muslims have migrated to Britain in relatively much larger numbers, with the majority coming from South Asia (primarily Pakistan and Bangladesh). In addition, smaller Muslim communities from a variety of regions, including parts of Africa, Cyprus, Malaysia, the Middle East and, more recently, Eastern Europe (primarily Bosnia), have also settled in Britain. Immigration from Muslim countries remained fairly low throughout the 1950s, more or less corresponding to the demand for labour at that time. It rose dramatically in 1961 as news spread of the impending Commonwealth Immigrants Act (1962), which curtailed automatic entry to the United Kingdom (UK) for Commonwealth citizens. It then continued until the early 1970s when it tapered off as a result of further legislation. Despite the virtual halting of primary migration, and even some movement back to countries of origin, the reuniting of families and the movement of refugees and asylum-seekers meant that immigration, including that of Muslims, increased in the 1980s and 1990s.

Institutionalization of Islam in Britain

Muslims in Britain represent a microcosm of Islam’s global variety. Behind the appearance of religious homogeneity, Muslims in Britain are distributed into ethnically distinct communities upholding a broad range of sectarian allegiances. Sunni Muslims are numerically predominant in Britain, but organizations representing minority Muslim traditions such as Shi’a of the Ithna Ashari and Ismaili variety, and a range of contemplative,

‘mystical’ Sufi orders are also to be found. To this list must be added groups such as the Ahmadis and, more recently, the Nation of Islam, who believe themselves to be Muslim but are considered by many Muslim communities as outside the fold. The latter movement, imported from the USA, preaches self-reliance for black people within an ‘Islamic’ framework and probably consists of a few thousand ‘members’.⁹ It has been particularly influential among urban, black working-class men, giving many who have converted increased self-esteem and a sense of positive belonging.

In the early 1960s, Islam played a cohesive role among many Muslim workers since it transcended ethnic, linguistic and political frontiers, and stimulated a sense of identity that ignored doctrinal and other differences. Beyond the setting up of makeshift mosques, organizations to meet welfare needs emerged over time, as Muslims saw themselves more as settlers and less as sojourners. By the end of the 1970s, a patchwork of communities had emerged, each with organizations that bore their own particular national, ethnic, linguistic and doctrinal imprint. These bodies were concerned primarily with the promotion of religious life, the provision of assistance and moral support, and the improvement of social, cultural and educational conditions through the acquisition of subsidies, locally, nationally and internationally.

The growing number of Muslims produced a network of mosques attracting larger and more committed congregations. Life-cycle rituals requiring religious ceremonies further reinforced the role of mosques as centres for religious, social and political activity. From the mid-1980s British Muslims became more effectively organized in their dealings with local government and other areas of public life. As they gained in confidence and experience, they broadened their agendas to address issues ranging from gaining recognition of Muslim family law to political representation. Much of the early organizational machinery was inherited from the societies to which Muslim migrants originally belonged, but soon new organizations emerged.

By the mid-1990s, there were at least 839 mosques and a further 950 Muslim organizations,¹⁰ ranging from local self-help groups to nationwide ‘umbrella’ organizations. The latter, embracing divergent ideological strands and interests, have sought to function as national symbols of Britain’s Muslim communities, with varying degrees of success.

Population and geographical distribution

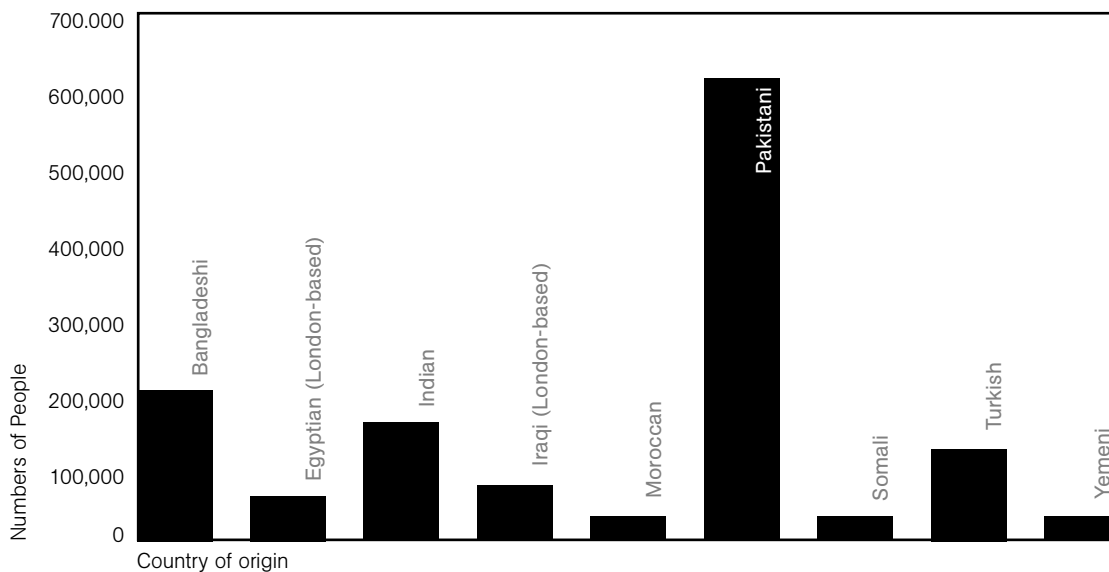
No reliable statistics exist on religious affiliation on the national level, though, for the first time, a religious question was included in the 2001 Census. Recent surveys have suggested an increase in Britain's Muslim population throughout the 1990s. The largest group of British Muslims, South Asians predominantly of Pakistani and Bangladeshi origin, had grown from 640,000 in 1991 to around 1 million, an increase of 36 per cent. The total number of Muslims in Britain is probably about 2 million. Figure 1 shows estimates of some of the predominant Muslim groups in the UK in the late 1990s. There are also smaller but not insignificant numbers of Muslims of other nationalities: Algerians, Bosnians, Jordanians, Kurds, Lebanese, Mauritians, nationals of the Gulf Emirates, Nigerians, Palestinians, Sudanese, Syrians, Tunisians. In addition, it is estimated that the total number of British converts to Islam could be as high as 5,000, many of whom are African-Caribbeans.¹¹ Many white British converts are attracted to Islam through Sufism.¹²

The vast majority of Muslims live in England, 60 per cent of them in the south-east (mainly in Greater London), but there are also sizeable Muslim groups elsewhere. Currently, Scotland's Muslim community is estimated to

be between 40,000 and 60,000.¹³ The Muslim population of Northern Ireland totalled 952, according to the 1991 Census of Northern Ireland, the vast majority of whom were of Pakistani origin.¹⁴ More recent estimates suggest there are around 4,000 Muslims in Northern Ireland.¹⁵ In addition, there is also a small number of predominantly Pakistani and Bangladeshi Muslims in Wales, where the total Muslim population constituted just 0.3 per cent of the population by the early 1990s, with *The Guardian* estimating 50,000 or 1.7 per cent by 2002.¹⁶

Muslim communities organized along ethnic lines are concentrated in different parts of Britain. According to the 1991 Census, more than half the Bangladeshis in Britain lived in Greater London (53 per cent), and nearly half of these (43 per cent) were resident in just one borough, Tower Hamlets. Large concentrations of Pakistanis exist in the industrial West Midlands, the 'mill towns' of Lancashire, Greater Manchester and West Yorkshire. In south-east England, Pakistanis are located in north-east and west London, Slough, Buckinghamshire and Oxford. Pakistanis form the majority of the Muslim population of Scotland. Small numbers of Arabs, Turks and Iranians reside in the larger Scottish cities, as well as in Newport and Cardiff in south Wales. Turkish Cypriots tend to be more spatially concentrated. Muslims from the Middle East have somewhat more dispersed settlement patterns but a substantial minority (41 per cent) is located in London.

Figure 1: Estimates of Muslim communities in Britain, late 1990s



SOURCES: RUNNYMEDE TRUST, *ISLAMOPHOBIA: A CHALLENGE FOR US ALL*, LONDON, 1997, P. 65; T. KUCUKCAN, 'THE POLITICS OF ETHNICITY, IDENTITY AND RELIGION AMONG TURKS IN LONDON', PHD THESIS, UNIVERSITY OF WARWICK, 1996, P. 89; F. HALLIDAY, *ARABS IN EXILE; YEMENI MIGRANTS IN URBAN BRITAIN*, LONDON, 1992, P. 59; C.F. EL-SOLH, 'ARAB COMMUNITIES IN BRITAIN: CLEAVAGES AND COMMONALITIES', *JCMR*, VOL. 3, NO. 2 (1992), P. 239. THERE ARE METHODOLOGICAL PROBLEMS WITH COMBINING DATA FROM A RANGE OF SOURCES. HOWEVER, THE GRAPH ABOVE INCORPORATES THE FINDINGS FROM FOUR SOURCES IN ORDER TO PROVIDE A COMPARATIVE ESTIMATE OF SOME OF THE MOST NUMEROUS MUSLIM COMMUNITIES IN BRITAIN.

Age and gender distribution

The age profile of Britain's Muslim population, and the fact that its South Asian component is much younger than the white majority, was underlined by the 1991 Census findings: 43 per cent and 47 per cent of Pakistanis and Bangladeshis, compared with 19 per cent of white people, were under 16 years of age. Conversely only 2 per cent of Pakistanis and 1 per cent of Bangladeshis compared with 17 per cent of white people were over 65 years old. The age structure of the North African and Middle Eastern Muslim groups was similar to that of South Asian Muslims.

Population growth among South Asian Muslims, especially among Bangladeshis and Pakistanis, compared with other Muslim ethnic groups, was relatively high by the early 1990s. Bangladeshis were one of Britain's fastest-growing groups. Birth rates among some Muslims, while declining, remained much higher than the average for the population as a whole. As migration slowed, the proportion of British-born Muslims has increased rapidly. According to the Fourth Policy Studies Institute (PSI) survey (1994),¹⁷ 52 per cent of Pakistanis and 44 per cent of Bangladeshis were born in Britain.

The initial gender imbalance within the Pakistani population had disappeared by 1991. Middle Eastern Muslim groups still had a higher ratio of males to females than, for example, the Turkish Cypriot or Pakistani populations. Bangladeshis (who were still being joined by considerable numbers of migrants) had a ratio of males to females comparable to relatively recently established Muslim communities. Algerians, Iraqis and Jordanians had a pronounced male bias. Many of these men had arrived without their families, as political migrants or refugees. While 47 per cent were married, approximately one-third had no families in Britain. The proportion with extended families was negligible. Egyptians and Saudis were relatively more family-based and, as a result, their gender distribution seemed to be less unbalanced.¹⁸

Structural changes in the family patterns of Muslims have been gradual. According to the 1991 Census, over 83 per cent of Pakistanis and Bangladeshis were living in 'traditional' (with two married parents) families compared with 65 per cent of white people and 66 per cent of all ethnic minorities. South Asian Muslim women seemed to start having children earlier and to stop later, resulting in larger families. Separation and divorce among South Asian, Turkish and Turkish Cypriot communities seemed to be less frequent than in the white population. The proportion of white women who were divorced was several times higher than that for Pakistani and Bangladeshi women.¹⁹ Among the latter, inter-marriage remained the exception rather than the rule. By 1994, few Pakistanis and Bangladeshis

had white partners and two-thirds of South Asians who entered a mixed relationship were men.²⁰ Inter-marriage between South Asian Muslims and African-Caribbeans too has been rare.

Housing, segregation and communal tension

Muslims in Britain are largely concentrated in areas of multiple deprivation, living in dwellings designated as unfit or in serious disrepair. They experience disproportionate rates of unemployment, illness and disability, and dependence on means-tested benefits.²¹ While longer-settled Turkish Cypriots and more affluent Arab communities have tended to occupy better quality housing, newly arrived Somali asylum-seekers are similarly placed. The charity Shelter recently reported that almost half of all 'bed-sits' occupied by asylum-seekers, approximately 30 per cent of whom are Muslims,²² were unfit for human habitation; 19 per cent of these dwellings were infested with cockroaches, fleas and bedbugs. 'Dampness, overcrowding, poor sanitation, unhygienic cooking facilities and inadequate means of escape from fire were all commonplace'.²³

According to the 1991 Census data, the vast majority of Pakistanis (42 per cent) lived in cheap terraced houses, and 77 per cent were owner-occupiers, with a much smaller proportion living in public housing. Only 45 per cent of Bangladeshis were owner-occupiers,²⁴ and 43 per cent lived in council or housing association properties – 50 per cent higher than the national average.²⁵ The properties owned by Pakistanis were at the very bottom of the housing market, often overcrowded, lacking in basic amenities and in a state of poor repair or even unfit for residence. Bangladeshis were 'concentrated disproportionately in the least desirable property ... facing worse housing conditions than the rest of the population'.²⁶ In 1987, a House of Commons Committee report concluded that 'conditions in bed and breakfast hotels', which were being used for housing homeless Bangladeshis, 'were often appalling, with severe overcrowding, lack of basic amenities ... insect infestation and fire and safety hazards'.²⁷ A study published in 1996 revealed that 65 per cent of Bangladeshi and 45 per cent of Pakistani households were overcrowded. In addition, 28 per cent of older Pakistani and Bangladeshi people live in homes without central heating. They are three times as likely not to have a phone at home than non-Muslims.²⁸

Muslims also suffer from institutional discrimination at the local level.²⁹ In a recent survey, between a half and two-thirds of the Muslim organizations questioned identified staff, policies and practices of landlords, local authorities, housing associations and estate agents as sources of unfair

treatment.³⁰ One form of discrimination is prejudicial and stereotypical assessment of need by housing personnel, resulting in policies that create differential access to housing. In the borough of Tower Hamlets, home to many of the Bangladeshi families in Britain, the Liberal Democrat-controlled council passed legislation in the late 1980s which declared newly arrived homeless families ineligible for local authority housing on grounds that they had made themselves 'intentionally homeless'.³¹ In 1990 a report revealed a 'staggering amount of discrimination' in housing allocation in Oldham. In 1993, Oldham Borough Council was found to have operated 'an unlawful segregation policy in its housing allocation'. Asians (meaning Muslims of Pakistani and Bangladeshi origin in the local context) 'spent longer on waiting lists, were more likely to be offered lower quality housing, and were segregated into specific estates around the town centre'. A Commission for Racial Equality (CRE) investigation reported that estate agents were 'redlining ... [and as a result] confining different racial groups into their own areas'.³²

The legacy of these policies, some of which have continued for decades, has been to create informal segregation between white and Muslim communities, in housing and in education, with some school catchment areas containing just one ethnic group. Oldham and Burnley, where the 2001 'riots' took place, are deeply segregated towns, and have become more so over the last 10 years, as poverty, unemployment and a corresponding lack of interaction has increased. Increasing mistrust and misunderstanding between some members of these communities makes it easier for communal tension to be aggravated along ethnic and religious lines. As one Muslim resident of Oldham said: 'Asians are concentrated and ignored. Their properties are ignored, their welfare is ignored. There are no grants, no improvements.' Yet, the selective allocation of regeneration and renewal resources and slanted media coverage has made members of deprived white communities vulnerable to feeling that Muslim communities are being favoured. 'They get more than we get' is a constant refrain in many white communities.³³

This context of deprivation, combined with its alienating effects on an increasingly frustrated youth, has created an unstable environment pervaded by mutual distrust. Some newspapers promote the idea that young Asians are thugs who attack white people at random, while the regular racist violence against Asians is marginalized. The segregation of communities – the roots of which lie in institutional racism – comes to be perceived as 'self-segregation'. In an atmosphere tinged with paranoia and envy, the far right is easily able to whip up emotion.

The 2001 disturbances in areas such as Bradford, Burnley and Oldham highlighted how multiple social deprivation has led to deep alienation and frustration

within the Muslim (and non-Muslim) communities. The five reports published in the aftermath of the 'riots' stressed that the wards most affected suffered from relatively high levels of youth unemployment, inadequate youth facilities, and a lack of strong civic identity or shared social values to unite the diverse local communities.³⁴ A feeling of 'us' and 'them' has developed between communities, enabling divisive racist organizations such as the BNP to exploit these circumstances, by falsely claiming that Muslim communities are benefiting from the disproportionate channelling of scarce resources at the expense of white communities.³⁵ In Burnley, the BNP won three wards in the local elections held in May 2002, further encouraging mutual alienation of Muslim and non-Muslim communities in those areas.

Employment patterns

Unskilled and with poor education, the majority of Muslim immigrants entered Britain at the bottom of the socio-economic ladder. The economic position of the majority of British Muslims has changed little since the 1960s. Many (mostly Pakistanis and Bangladeshis) are still concentrated in semi-skilled and unskilled sectors of industry. These communities experience unemployment, poor working conditions, poverty, poor and overcrowded housing, poor health, and low educational qualifications.³⁶

However, a degree of social mobility exists within British Muslim communities. For example, in the early 1990s the proportion of Pakistanis in professional occupations already exceeded that for white people; successful business ventures in property, food, services and fashion have emerged, and small-scale enterprises, in particular Sylheti-owned restaurants, have continued to expand. Many Pakistanis have moved to affluent suburbia. There is a large proportion of highly skilled Arab settlers employed in professional positions as engineers, professors, doctors, and running businesses.³⁷ Increasing numbers of younger Muslims are joining the professional levels of British society. Recent research suggests that there are currently over 5,000 Muslim millionaires in Britain, with liquid assets of more than £3.6 billion.³⁸

Data from the 1991 Census revealed that there had been a significant movement away from industrial employment to services, technical and office work among many younger Muslims, particularly those of South Asian origin. Younger Pakistanis, for example, had found employment in distribution, catering and transport. The 1980s also witnessed a huge rise in the number of self-employed people in Britain. The proportion of self-employed among Muslims, particularly from South Asian backgrounds, was considerably higher than within white and African-Caribbean ethnic groups (23.9 per cent

of the Pakistanis and 18.6 per cent of the Bangladeshis in work). Much of this self-employment has been achieved through the establishment of small businesses to serve the requirements of Muslim communities themselves.³⁹

A 2002 government report highlighted that Muslim men of Pakistani and Bangladeshi backgrounds are currently more likely to be unemployed than other 'Asians'. Muslim men and women are less likely than members of other religious groups to be in paid work, though the relationship between religious groups and employment outcomes is not clear-cut, with, for example, higher employment rates among Indian Muslim than Sikh men. Religion, the data concluded, is perhaps a proxy for other factors determining employment, like education and fluency in English. However, even after controlling for a range of factors, Indian Muslims remain almost twice as likely to be unemployed as Hindus. Pakistani Muslims are more than three times as likely to be unemployed as Hindus, while Muslim men and women are both over-represented in the lowest income band, with almost a quarter earning less than £115 per week, compared to around one in 10 Sikhs and Hindus.⁴⁰ In its Opinion on the United Kingdom (adopted on 20 November 2001), the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) finds that:

'unemployment rates in the United Kingdom are generally higher amongst the ethnic minority population and considers that the United Kingdom should intensify its efforts to reduce these rates of unemployment, paying special attention to the African and African Caribbean communities and the Bangladeshi and Pakistani communities, and within the two latter

*communities, paying particular attention to the situation of women.'*⁴¹

With regard to Muslim participation and satisfaction with trade unions, 1997 data suggested that among both men and women, relative to other ethnic groups, Pakistanis and Bangladeshis had the lowest rate of membership, and very low representation among post-holders. This survey also revealed that South Asians, particularly non-manual workers, were more likely than other ethnic groups to be dissatisfied with their union.⁴²

Education, qualifications and skills background

By 1994, the proportion of South Asian Muslims with adequate competence in English had increased substantially (78 per cent of Pakistani men and 45 per cent of women; 75 per cent of Bangladeshi men and 40 per cent of women). This suggested that fluency in English had developed over time, and was strongly linked to age as well as gender. According to 1994 statistics, young men in all ethnic groups spoke English well; however, only about half of Pakistani and a quarter of Bangladeshi women between 25 and 44 years of age were as competent. More recently, one factor that affected the acquisition of fluency in English was marriages between Muslims born in Britain and spouses from the sub-continent. The home language in these marriages was most likely to be an Asian language, so the children of such marriages have limited English-language skills prior to starting school. Institutional support for these children has been inadequate. The factors determining fluency in English by the 1990s, rather than length of residence, were age at arrival and

Figures 2 and 3: Percentage of economically active population

Figure 2: Men

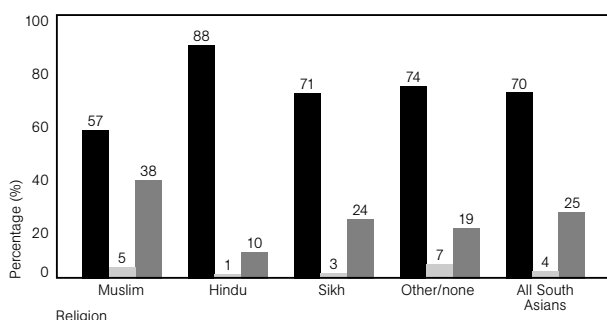
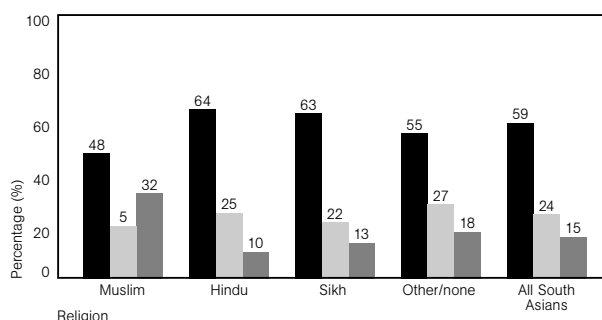


Figure 3: Women



■ full-time
 ■ part-time
 ■ unemployed

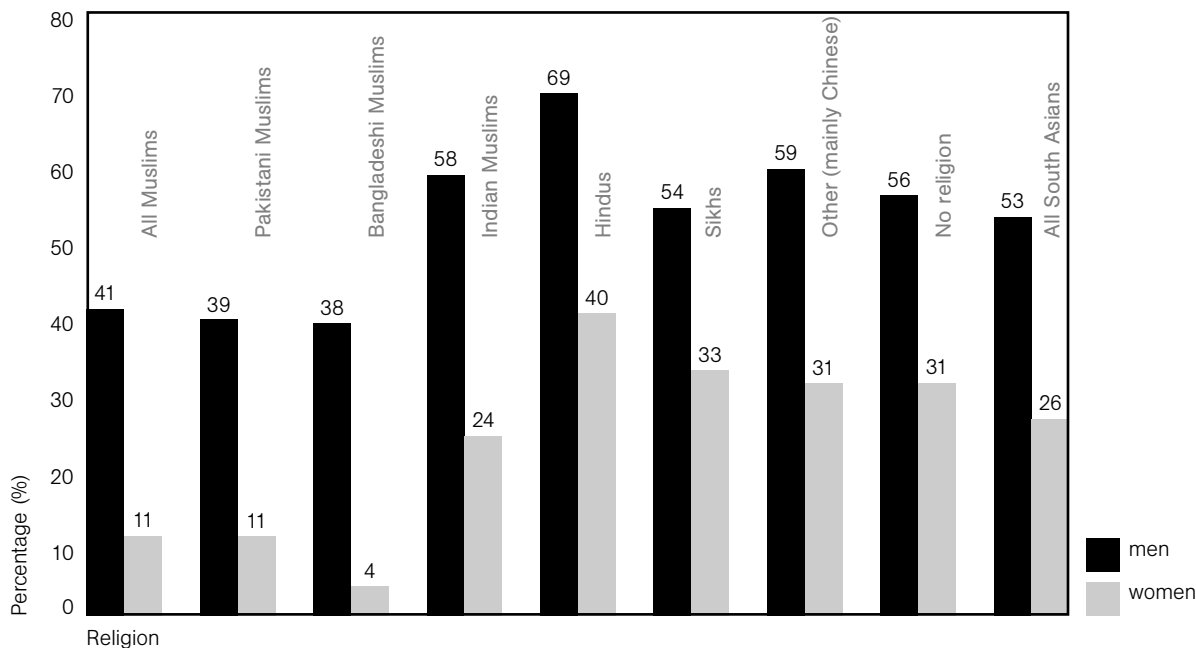
sex. Among both men and women, those who arrived in Britain after the age of 25 were least likely to be competent in English regardless of their age.⁴³

Because of difficulties with the English language, many Muslim children could not access the curriculum properly. Also, many local education authorities (LEAs) pursued discriminatory policies and practices, in the allocation of schools, for example.⁴⁴ So it was not surprising that educational achievement among British Muslims was on average lower than among other ethnic groups. This was exacerbated by the social class to which the majority of Muslim migrants belonged, and by the fact that their families were usually not well educated and were often unfamiliar with the British educational system.

As the influence of the British educational system took hold, the rate and level of educational attainment, even among the most deprived Muslim ethnic groups, rose significantly. Length of schooling in Britain, the acquisition of facility in English and an understanding of 'British' culture were all important factors. The 1991 Census data revealed that in the 16–24 age group, most of whom would have been born in Britain, or been chil-

dren of those born in Britain, there were far fewer with no qualifications, or qualifications below GCSE level, compared with other ethnic groups. However, there were still twice as many from Pakistani and Bangladeshi communities in this category as Indians and African Asians. By the mid-1990s, however, the overall number of Pakistanis and Bangladeshis with qualifications had doubled, and those with higher qualifications had increased by more than 50 per cent, although the progress of Pakistanis and Bangladeshis relative to other South Asian groups was less encouraging. There was also a significant increase in the proportion of Pakistani women with higher qualifications. All the same, British-educated Pakistanis and Bangladeshis were still more likely than their white counterparts to have no qualifications and fewer higher qualifications. This helped to reinforce the impression that there was continuing failure of provision commensurate with the specific educational needs of Muslims. Indeed, it is clear that inadequate educational provision has had a considerably adverse impact on the attainment levels of Muslim pupils.

Figure 4: Percentage of adults in full-time work



SOURCE FOR FIGURES 2-4: BASED ON DATA FROM THE 1994 NATIONAL SURVEY OF ETHNIC MINORITIES AS ANALYSED BY MARK S. BROWN, 'RELIGION AND ECONOMIC ACTIVITY IN THE SOUTH ASIAN POPULATION', *ETHNIC AND RACIAL STUDIES*, VOL. 23, NO. 6, 2000, P. 1045 (FIGURES 2 AND 3), P. 1039 (FIGURE 4).

British Muslim identities

The diverse nature of Muslim communities creates problems about how to define Muslims officially. For statistical purposes, family background has been thought to be most relevant. For Kettani, Muslims are those who:

*'affirm Muhammad to be the last messenger of Allah and hold his teachings to be true, irrespective of the extent to which they know about his teachings, or the extent to which they are able to live according to them.'*⁴⁵

For Nielsen, the term 'Muslim' has been applied to those for whom Islam is considered to have some significance in the ordering of their daily lives – for whom Islam continues to be the 'master signifier'. But:

*'it is necessary to be aware of the differing factors (social, economic, cultural and generational) which may contribute to vary the application of ideas of Islam ... at both the individual and the collective level.'*⁴⁶

Halliday provides a different emphasis. For him:

*'Islam may, in some contexts, be the prime form of political and social identity, but it is never the sole form and is often not the primary one.'*⁴⁷

Within Muslim societies and 'communities', divisions of ethnicity matter as much and often more than a shared religious identity, and this is equally so among migrants.⁴⁸ To ethnicity must be added identities of, for example, location, class and gender.

Muslim religious identity in Britain ranges from devout adherence to orthodox Islamic practice, to nominal affiliation, and is negotiated in complex, shifting and multi-faceted ways. Take three university students.⁴⁹ Fatima is 'Muslim first' and where she is from is irrelevant. Runa, a 21-year-old practising Muslim woman, dressed in *hijab* (headscarf) and jeans, describes herself as:

'a Lancastrian, a Muslim, a Bengali in no order of priority – they are interchangeable depending on where I am at any particular time – at home or outside or, indeed, in the context of religious tension. My first language is English and, while arranged marriage might work for some, I, personally, do not agree with this tradition.'

Iqbal identifies himself as a Muslim because he was 'born in a Muslim home'. He says:

'I am not religious in belief or practice but I am a Muslim, just as a lot of non-church-going whites describe themselves as belonging to the Church of England.'

While there are different ways of being Muslim in Britain, all have needed to engage with the realities of living as a minority in a non-Muslim state, to work out strategies to ensure the survival of their identity and its transmission to their children. This has involved processes of negotiation with wider society. The vast majority of Muslims, with their families coming from outside Britain, have not been seen – until recently – by the majority population and the institutions of wider society, primarily as members of a religious minority, but mainly in terms of their culture and ethnic background. They have been regarded essentially as 'outsiders' rather than as authentically British, and, as they or their predecessors were predominantly ex-colonial subjects, they and their religion have frequently been perceived as 'inferior'.

Muslims in Britain constantly face the challenge of proving that they do indeed belong to British society. After 11 September 2001, Muslims were singled out and repeatedly pressed to condemn the attacks louder than other citizens as anything less was perceived as hidden support for the murder of innocent civilians. Margaret Thatcher went so far as to accuse 'Muslim priests' [sic] of not condemning enough! The former Conservative home affairs spokesperson, Ann Widdecombe, called for British Muslims fighting for the Taliban to be tried for treason. This contrasts with the treatment of UK citizens who went to fight British forces for the creation of the state of Israel in the 1940s, or members of the Irish Republican Army (IRA) or loyalist 'terrorists', who are simply charged with specific illegal acts. Geoff Hoon, the current Defence Secretary warned that any Briton who fought with the Taliban against British and US forces could face prosecution on return to Britain.

Suspensions linger in the mind of the majority population that Muslims do not, and perhaps cannot, fully understand British society and its institutions. Since the power to decide policy and to distribute resources does not rest in their hands, Muslims have suffered rejection, disadvantage and exclusion, which, in turn, helps develop and shape their perceptions about their identity.

Young British Muslims

Young British Muslims are more tuned into British wavelengths than their migrant elders. Like their British convert counterparts, some have a more questioning attitude towards traditional Islam and they criticize the religious and cultural practices and beliefs of older generations. Young Turkish Muslims, brought up in a relatively more 'liberal' home environment than other British Muslims, are less influenced by Islamic teaching than, say, South Asian Muslims. They challenge religiously and culturally proscribed behaviour, largely in pragmatic terms, often more radically than their South Asian counterparts. In one survey, in contrast to their parents, 54 per cent of young Turks approved of pre-marital male–female social meetings, and only 13 per cent disapproved of such interaction. Also 60 per cent of the young men and 27 per cent of young women admitted having a girlfriend/ boyfriend, a figure far higher than for South Asian Muslims. In this study, 55 per cent of the young males and 33 per cent of the young females approved of pre-marital sexual relationships.⁵⁰

Among young British Muslims, there is much heart-searching about where they belong – in Britain, or in an 'Islamic' community? They are developing their perceptions of national, ethnic and religious belonging, and negotiating new ways of being Muslim in Britain, in which the British element of their identity forms an important part of the equation. There is still a dominant, albeit contested, view that Britishness depends on a shared sense of (post)-Christian, cultural and racial unity, and imperial history. In fact, Britain has always been a land of diverse communities, and British national identity continues to undergo complex change, shaped by politics and processes of globalization. The essentialist version of being British is in conflict with the plurality of contemporary Britain, in which all identities are potentially unstable.

Muslims in Britain have had to think about themselves in reaction to being rejected and constructed as the 'Other'. Their identification with Britishness is frequently questioned. For example, Norman Tebbit, a senior minister during the Conservative governments of the 1980s and 1990s, suggested this in his 'Which side do you cheer for?' cricket test. David Blunkett raised the question again while introducing his white paper 'Secure Borders, Safe Haven' (2002), on immigration and citizenship. As a result, Muslim identification with Britishness is usually made in hybrid and pragmatic terms.

Some young Muslims think of themselves as culturally and socially substantially British. Usman Afzaal, a devout Muslim, who made his debut in test cricket for England against Australia in 2001, is clear about his commitment to England:

*'I've had offers to play top cricket in Pakistan but I've never followed them up. This country has given me everything. I am passionate about this country ... I told my dad at 14 when I was growing up in Nottingham that my focus was to play for England.'*⁵¹

Faisal Islam, *The Observer's* economics correspondent and 'a proud Mancunian', observed:

*'Rude boy culture is one example of how integration is proceeding at a fast pace. Go to Havana club in Manchester and you will see young people of Pakistani, Bangladeshi and Black origin, from across the north, all enjoying garage music together ... Manchester's Central Library is a hormonal hotbed of Asian teenagers flirting in reference sections ... Drop into a job centre ... and you see small groups of similarly-dressed Asian and white people surfing electronic notice-boards for jobs.'*⁵²

As one Bangladeshi student put it, 'We follow the British way of life – to a degree. We hang out with white people, speak their language; wear "British" clothes, listen to "British" music; we *are* British.'⁵³ Often, they feel at ease with being Muslim and with the British environment. For one 17-year-old Turk:

'to go to Turkey on a holiday is fun, but I feel more restricted over there and soon I get bored, start missing my home and friends and want to come back.'

Another young Muslim said:

'Our families, relatives and friends live here and many of them have died here, therefore, we have emotional attachments with this country. Britain is our natural home in which our different cultures mingle.'

However, evidence also suggests that there is still some reluctance to assert Britishness in terms that suggest more than legal entitlement. 'Britain is a country where I was born, where I went to school and where I make my living, but it is not a place where I feel I belong.'⁵⁴ Young Muslims' awareness of the appropriation of Britishness by racists as exclusively defining whiteness and 'indigenous' culture tends to create a psychological distance from the majority population.⁵⁵ Britishness, for some young Muslims, then, is frequently described in terms of citizenship, rather than an emotional and cultural bond shared with the rest of the population. The apparent 'weakness' of their identification with Britishness, however, does not necessarily kindle much interest in ethnic affiliations.

They have shed any 'cultural baggage' which they feel has little relevance in Britain. Islam as opposed to ethnicity, they assert, plays the most important part in their lives.

This movement away from their elders' way of seeing themselves has been brought about by the participation and socialization of young British Muslims in the home (where different migrant cultures and traditions are reproduced in varying degrees), school (with its largely secular ethos – 99 per cent of British Muslims attend state schools) and the *madrasahs* (religious schools). Also, the lives of young British Muslims are affected in a variety of ways by local geography, state institutions, class dynamics and racism.

While there now seems to be a greater propensity to engage with the myriad cultural forms of contemporary Britain, and to adopt many of the attitudes prevalent across Britain, it seems likely that the shaping of young Muslims' self-identity will be circumscribed partly by beliefs and values they are socialized into at home and in their communities, but primarily by racist notions of difference which pervade much of the white population. Even many less religiously oriented young British Muslims wish to show some commitment to the religious community by observance of dietary restraints or participation in collective worship.

Nevertheless, younger generations of Muslims – men and women – are not prepared to accept the unquestioned beliefs and assumptions of their parents. Many question the relevance and meaning of rituals, and the segregation of the sexes in particular. Some (predominantly younger) Muslims have also begun to raise the taboo subject of homosexuality, and indeed assert their lesbian, gay and bisexual identities, arguing that it is possible to reconcile their Muslim identity with their sexual orientation. They are thus challenging prejudices and stereotypes within their communities and in society more broadly.

Lewis, looking at South Asian Muslims in Bradford, discovered evidence of an emerging Muslim youth culture expressed in musically hybrid fusions of South Asian and British forms, for example, the band Fun-da-mental articulated Islamist ideas in their songs. Young Muslims UK also produced music cassettes such as 'Lost Identity'. Muslim magazines such as *Trends*, *Sultan* and *Q-News* provide space for exploration of British Muslim identities by offering positive images of Islam on the one hand, and critiques of sectarianism, mosque politics and the *ulama* (religious authorities) on the other. *Q-News*, in particular, has initiated discussions on how Muslims can come to grips with the key issues that they face in their domestic and public lives, attempting to move the debate on Muslim identity 'beyond beards, scarves and *halal* [religiously sanctioned] meat'.⁵⁶

Experiences and identities of Muslim women

Identity construction among younger British Muslims is shaped in considerable measure by gender, something that is reflected in the emergence of a greater questioning of the traditional male-dominated order within Muslim communities. The dominant Western picture of Muslim women depicts them as compliant and unreflective, subject to patriarchal traditions and lacking any active agency to change their condition. This creates a false impression that the subordination of women is somehow a specifically Muslim characteristic. Looking at the position of women in Britain more broadly, that clearly is not the case. Indeed, this picture of submissiveness and oppression is far removed from the lived experience of most Muslim women in Britain. The different communities of which they form a part have constructed their own systems of gender relations, shaped by cultures and social structures of their regions and underpinned by their own interpretations of patriarchal religious ideology.

The absence of parents and in-laws in Britain enabled many migrant Muslim women to escape some traditional restrictions. Outside the home, they may have struggled with limited English to communicate, and had to depend on husbands and other male relatives or children, but, within their communities and households, they became key players in the maintenance and transmission of cultural and religious values, shielding their families from 'undesirable' Western influences. Drawing on reconstituted networks of relatives, kinsfolk and friends, they gave their communities a sense of cohesion and shaped domestic life. Cultural differences among Muslim women in the context of Britain have generated a wide range of responses to the process of migration. For example, the more balanced sex ratio among Turkish Cypriot migrants allowed them to construct nuclear families more or less straightaway, and women adopted many of the cultural norms of their white counterparts.

One cultural, rather than religious, practice, which involves Muslim women and attracts controversy, is arranged marriages. The 1997 PSI study revealed that arranged marriages continued to be prevalent among British Muslims, especially for women, although they are declining among the young (67 per cent of the 16–34-year-old women as opposed to 87 per cent of the 50+-year-old women said that their parents had chosen their spouse).⁵⁷ Such marriages have been more common among South Asian Muslim communities than among other British Muslim groups.⁵⁸ Evidence shows that arranged marriages are more likely among those with fewer or no qualifications, and have tended to create relatively

Box 1: Forced marriages

In February 2002, the Home Secretary, David Blunkett, expressed concern about the frequency of ‘international’ marriages between an Asian born here and a spouse from the sub-continent, and called for people to find arranged marriage partners from only within the UK.⁶⁰ Critics saw his comments as fuelled by a desire to control immigration from South Asia, but these remarks also focused on the ‘grey area’ that exists between ‘arranged’ and ‘forced’ marriages. Guidelines issued by the Association of Chief Police Officers attempt to make a clear distinction between arranged and forced marriages. The overall number of forced marriages is small (the Foreign Office reported around 240 cases of forced marriage in the last 18 months of which about 15 per cent were men);⁶¹ women with families from Bangladesh, India and Pakistan (90 per cent of cases) are most likely to be affected. The practice can also be found among those with African and Middle Eastern roots. In 1992, Nasreen Akmal made Scottish legal history when a judge ruled that her arranged marriage in Pakistan, when she was 14, was illegal. The issue hit the headlines again in 1996, when local councillor and later MP for Glasgow Govan, Mohammad Sarwar, helped secure the rescue of two Glasgow sisters who had been forced to marry cousins in Pakistan. By 1999, with media attention increasing, it was estimated that 1,000 forced marriages were taking place each year. Hanana Siddiqui, coordinator of the Southall Black Sisters, claimed that the biggest challenge was changing the attitudes of social services, the police and the education authorities, since many agencies assumed that the business of marriage was a cultural practice that could be dealt with by communities themselves. Dr Ghayasuddin Siddiqui, leader of the Muslim Parliament, condemned forced marriages as invalid under Islamic law, and his organization launched a campaign to stop them. In August 1999, the Home Office, in conjunction with the Foreign Office, set up a ‘Choice by Right’ working group to investigate the problem, headed by Baroness Uddin and Lord Ahmed. Its report (June 2000) recommended that forced marriages be treated like domestic violence or child abuse. In November 2001, a Home Office minister described government initiatives not as a move against Muslim traditions but as a human rights issue. This emphasis was reflected in the decision by Scottish courts in April 2002 to annul the marriage of Aneeka Sohrab, who had been forced into marriage at the age of 16 as a result of intense emotional pressure from her family.

greater dependence of females on males.⁵⁹ Higher education and professional life help women to be freer to choose their own partners, and even co-habit. Parents’ patriarchal attitudes have also been eroded, to some extent.

Arranged marriages should not be confused with forced marriages (see Box 1). Forced marriages are not viewed as valid in Islam, and some Muslims deem sex within a forced marriage to be rape. Incidents of forced marriages continue, but there is evidence of growing pressure within communities and from wider society to end this practice.

There is a growing tendency among young Muslim women to criticize double standards in relation to the treatment of males and females within their communities, and in social and family life more broadly. On sexual behaviour a considerable gap has opened up between the young and old. Young Muslim men are involved with ‘discos, drink, drugs and white women’, while insisting that their own female relatives stay at home and behave as ‘good’ Muslim women. Young Muslim women see this as proof of the frequently contradictory character of male Muslim identities.⁶² Islam, these women argue, is used to legitimate male control by asserting the importance of ‘traditional’ gender roles, codes of dress and family hon-

our in religious terms. Increasingly they reject the system of ‘community leadership’ – overwhelmingly male – as outdated and instead are demanding a voice in their communities.⁶³

Muslim women have created and run all-women political and non-political organizations to address their collective needs and concerns. The Muslim Women’s Institute (although tied to the male-dominated Muslim Parliament) has discussed issues ranging from underachievement in education to the plight of Muslims in Bosnia. Others have joined religious organizations, such as the ‘Sisters’ Section of Young Muslims UK.⁶⁴ Local and community-based welfare organizations have also been established. An-Nisa, founded in 1985, retains an Islamic ethos, but offers a broad-based range of recreational and educational activities, from keep-fit classes through language courses to computing in an all-female, ‘safe’, environment. In the 1990s, bodies were established to help Muslim women cope with family conflict. The defensiveness of earlier years declined and there was less anxiety about ‘washing dirty linen in public’. The Muslim Women’s Helpline, a voluntary body set up in London in 1987 to provide counselling and welfare advice to Muslim women, epitomized this trend.

A current trend among Muslim women in Britain is to assert their religious identity as a means of addressing their concerns. Young professional Muslim women, educated in British schools and universities, have questioned the position of women in Muslim society, referring back to the Quran and the *Sunnah* (custom and tradition associated with Prophet Muhammad), at the same time as applying methods of *ijtihad* (independent inquiry) to fashion arguments in pursuit of their agendas. This Islamic strategy has been relatively successful, not only in challenging Muslim communities' demands for adherence to customs and traditions on gender issues, but also in helping young Muslim women to extend their personal choice. The popularity of the *hijab* among young economically active women has symbolized this assertion of female Muslim identity. Some use it simply as part of their worship; others as a strategy to loosen the bonds of patriarchy, to resist cultural practices such as arranged marriage, and to reassure parents and communities that they will not be 'corrupted' by the public culture of school, college, university or the workplace. For other Muslim women, it helps to reshape the cultural space in which they operate by indicating to young Muslim men how they wish to be treated – with respect. As Alibhai-Brown has commented, to see the *hijab* 'merely as a symbol of subordination would be to miss the subtle dialect of cultural negotiation'.⁶⁵

By no means all Muslim women are convinced of the liberating qualities of the *hijab*; some argue that it is an exercise in control of women's bodies. For them, while the *hijab* may have allowed women to enter the public space, it has also legitimized and strengthened the boundary between the private and the public, reaffirm-

ing that a woman's place is in the home, and that they should work only out of necessity.⁶⁶

More secular-minded Muslim women have organized as part of the wider movement against women's inequality. Muslim members of the Southall Black Sisters (SBS) took part in campaigns against the abuse of women in the home at the end of the 1980s, providing counselling to victims of domestic oppression. They focused on women who had been forced into marriages and suffered at the hands of their male relatives and in-laws. SBS went on to challenge ideologies that underpinned the subordination of women on a much wider scale, establishing a network, Women against Fundamentalism (WAF), in 1989. WAF opposed Islamist agendas, which it saw as inherently against female liberty and equality. Younger Somali women, in particular, took an active role in campaigns against female infibulation and circumcision. They emphasized that female genital mutilation has no basis in Islam, and participated in broader organizations, such as the London-based Foundation for Women's Health Research and Development, and the Women's Action Group – Female Excision and Infibulation.⁶⁷

Despite some changes in the position of Muslim women living in Britain, the majority of British Muslim women – when judged according to relatively universal concepts of gender equality – apparently remain restricted in their public and private lives, and are still largely dependent on male relatives. Education and financial independence enable growing numbers of Muslim women to lead more independent lives, but they remain vulnerable to the various forms of discrimination and oppression that exist more widely in British society.

Key issues

Since 1945, growing numbers of Muslims in Britain have moved from perceiving themselves as temporary migrants to permanent settlers. This produced challenges, not least that few models exist in Muslim history to provide guidelines for living permanently in a society with a large non-Muslim majority, and in which non-Muslim law, government and institutions predominate. British Muslims have sought to adjust to and accommodate existing institutions and practices, experimenting and negotiating between the actual and perceived demands and values of British society, and the needs, beliefs and practices of Muslims. The fact that, in some respects, their identities and values have been in conflict, or have been perceived to be in conflict, with the established norms of the non-Muslim majority population, has made the task facing Muslim communities in Britain a difficult one.

Prospects for Muslims in Britain have been circumscribed because of their low social status, lack of skills and poor education. They have been accused of ruining 'lovely' neighbourhoods, and widely blamed for causing filth and overcrowding in the poorer areas of industrial towns and cities. They have also been regarded as politically suspect, and were denounced as a 'Fifth Column' during the Gulf War, when around 200 Arabs were interned,⁶⁸ and as 'terrorists' after 11 September 2001. This popular perception has periodically brought their citizenship status into question.

In contrast to Muslims resident in many Western European countries, the vast majority of British Muslims are citizens, equal before the law, and with an equal voice and vote in the political arena, but even so, many of their rights and liberties, because these are selectively administered by the state, have been attenuated. Some more recent refugees and asylum-seekers do not have citizenship or voting rights. In many ways, British Muslims – British citizens, refugees or asylum-seekers – are seen as 'outsiders', marginal in their relationships to wider society and as second-class citizens. Perhaps unsurprisingly, then, a recent poll indicated that 69 per cent of Muslims felt that 'the rest of society does not regard them as an integral part of life in Britain'.⁶⁹

Ethnic/religious discrimination

In the early decades of post-war Muslim settlement in Britain, discrimination tended to take an ethnic and racial form. Along with other ethnic minority groups, Muslims,

especially those of South Asian origin, experienced discrimination in housing, education, employment, social and welfare services, the media and public life. There is now evidence that Muslims have also been subject to more specifically religious discrimination, which has taken a variety of forms. The nature, level of seriousness and frequency of this discrimination was identified by the Home Office report, *Religious Discrimination in England and Wales* (2001), which highlighted education, employment and the media as being the areas in which it was most likely to occur.⁷⁰ Some important issues were the availability of *halal* food; time off for religious festivals; refusal to allow time off for prayers; lack of or inadequate prayer facilities; and issues of dress and language in a range of settings, including schools, colleges, prisons, private and public institutions, and organizations. The report highlighted the unfair treatment of Muslims in housing, and noted occasions when planning permission was refused for mosques, schools and burial sites.

In employment, discrimination was identified over dress codes, lack of respect for and ignorance of religious customs, and in recruitment and selection practices. The wearing of the *hijab* proved problematic in schools and some workplaces. Two young Muslim women, one a solicitor and the other working in an estate agents, recently lost their jobs because they were wearing the *hijab*.⁷¹ A white Muslim woman described how her work colleagues' 'mouths dropped' as she entered her office with the scarf on. Other white Muslim women were perceived as, 'comical', 'peculiar', 'very un-British', and 'a traitor to her race'.⁷² Beards too have sometimes caused problems, with examples of Muslim boys not being allowed to go to school unless they shave. Taking time off (even out of earned holiday entitlement) for Muslim religious festivals seemed, at times, to be resented by employers. And, while *halal* food has become more widely available, the response to this Muslim need by institutions is still by no means consistent. More broadly, hostility to Muslims has taken a variety of forms from abuse and discriminatory treatment to physical violence, including assaults on individuals, the desecration of graves, and attacks on mosques and other Muslim community buildings and centres.

Cultural barriers in health and social services can also disadvantage ethnic minority groups, including Muslims.⁷³ Instances of discrimination raise concerns that neither health nor social services departments adequately meet the needs of Muslims in Britain. Asylum-seekers are particu-

larly vulnerable, as their situation is not always fully understood by the authorities, and they are often on the receiving end of negative stereotyping and assumptions.

Considerable evidence accumulated during the 1990s to reveal patterns of exclusion of Muslims from public life. A reception for aid workers, organized by Buckingham Palace and attended by 450 people, did not include any representatives of Muslim charities.⁷⁴ Efforts have been made to change this state of affairs. The political establishment has acknowledged the Muslim presence with *Eid* parties given for British Muslims at the House of Commons and in Downing Street, but, for much of the 1990s, Muslim influence at national governmental level and in high-profile public institutions, reinforced by a perceived lack of consultation, remained minimal. On the individual level, too, Muslims are easily excluded. For example, PC Akhtar Aziz stressed in a CRE report the problems Muslims face in the police force. His colleagues 'could not understand' why he was not prepared to purchase alcohol; he 'had been treated differently' and had not been accepted.⁷⁵

Still, during the 1990s, despite considerable resistance, a small minority of Muslims in Britain made encouraging, albeit slow and patchy, progress in different walks of life. This was due in part to increasing acceptance of their concerns and in recognition of their contribution to British society. Some Muslims were awarded honours. A widening range of institutions recognized the benefits of overcoming the discrimination and exclusion facing Muslims, both in service delivery and in organizational life. Nevertheless, the overall situation of British Muslims remained bleak: widespread Islamophobia, manifested in prejudicial views, discriminatory policies and practices, social exclusion and different forms of violence continued. Many British Muslims feel a mixture of resentment, anger and despair, and it is not surprising that a substantial number of them remain alienated from mainstream British society. Many of the circumstances that caused disaffection in the 1960s remain essentially unaltered.⁷⁶

Participation and exclusion

Muslim political engagement in Britain

Research suggests, however, that, in contemporary Britain, the level of political incorporation of Muslims in mainstream political processes has been less than that of the majority population. Growing numbers of Muslims have come to regard formal political mechanisms as an effective way of getting their problems addressed, if not solved. Their involvement has also been motivated by the belief that the values of equality and justice, which are highly regarded in Islam, might be better promoted through the application of democratic strategies.

Until the 1970s it was ethnicity and culture, rather than religion, that dominated the way in which Muslims entered the public sphere. As agendas widened in the 1980s, Muslims participated more extensively in the public sphere but still on the basis of distinct community organizations, whose establishment was at times encouraged by the state as part of the desire to reflect Britain's emerging multicultural, plural society. A number of city-wide Muslim bodies, constituted in the early 1980s, were supported by their local councils through grants. These organizations exercised their strength in local politics to achieve agreement on specific issues through negotiation and compromise. Muslim organizations mushroomed, coming together from time to time to lobby local authorities to change policy and take action on particular areas of concern. They realized that, for some issues, local efforts were insufficient and they had to apply political pressure at the national level to make an impact. The campaign against proposals to abolish exemptions to regulations governing slaughter of animals for food, and the debate on religious matters addressed in the 1988 Education Reform Act, were some of the first attempts at national coordination. By the mid-1980s, an active involvement in local politics was developing as younger Muslims realized that lack of participation was detrimental to Muslim interests. Their involvement grew, and alliances were developed with mainstream parties.

Muslim political participation has taken a variety of forms: voting, party membership, and standing as candidates for election. The first indicator of their participation is the extent to which Muslims have been registered to vote. The number of registered voters increased from around two-thirds in the 1960s to three-quarters in the 1970s. Reasons for early 'non-registration' included language difficulties, fear of harassment and racial attacks from the far right groups, and of visits from the immigration authorities, who could identify Asians from their names on the electoral register. By 1991, only 15 per cent of South Asian Muslims were not registered. Relatively fewer Pakistanis and Bangladeshis – the predominant Muslim groups in Britain – turned out at the 1997 general elections to cast a vote (76 per cent and 74 per cent, compared with 82 per cent of Indians and 79 per cent of white people), perhaps indicating a greater degree of political alienation. However, the turnout among South Asian Muslims reflects an encouraging level of political participation.⁷⁷

The available evidence suggests that British Muslims have not voted on the basis of 'religious' allegiances alone. Successive general election results showed that Muslims did not simply vote for Muslim candidates.

From 1974 onwards, the majority of British Muslims have supported the Labour Party:

*'Muslims are loyal to the Labour Party because they believe it to be for the working class and also the Labour Party is far less racist in both attitude and practice than the other parties, particularly the Conservative Party.'*⁷⁸

Labour policies on employment and services have resonated with Muslim ideas on these issues. Nevertheless, analysis shows that Pakistani support for the Labour Party has fallen from over 80 per cent in the 1970s to just over 50 per cent in the 1990s.⁷⁹ More affluent Muslims have switched their allegiance to the Conservatives. The importance placed on self-employment, home ownership and family life by many first-generation Muslims, resonates with the philosophy of the Conservative Party. Also, some Muslims have become disenchanted with the failure of the Labour Party to represent their interests and respond to their demands – for example, the national Labour Party's lack of support for Muslim protests against *The Satanic Verses*, and the support of some Labour Party MPs for Israel.⁸⁰ In the 2001 general election, only one of the seven Muslim Labour candidates made any gains, as opposed to five of the eight Muslim Conservatives. However, by the late 1990s, 'an estimated 90 per cent of Muslim political party membership [was] still in the Labour Party'.⁸¹

British Muslim participation in national mainstream politics has grown steadily since the 1970s. A record 53 Muslim candidates stood in the 2001 general election, a sea-change from the 1970s and 1980s, and a substantial improvement even on the 1990s.⁸² For the first time in history, a Muslim, Mohammad Sarwar, was elected from a Scottish constituency to the British Parliament in 1997. There are, at present, two Muslims who are MPs and one who is a Member of the European Parliament (Bashir Khanbhai, Conservative, Eastern Region); and there are four Muslim peers (Lord Ahmed, Lord Ali, Lord Patel and Baroness Uddin).

Participation in local politics has expanded even more sharply. The rate of increase of Muslim councillors was slow and erratic, but a breakthrough took place in the late 1980s: 160 Muslim local councillors (153 Labour, 6 Liberal Democrat and 1 Conservative) were elected in 1996 and by 2001 this figure had risen to 217. In terms of party affiliations, however, a significant change had occurred: the number of Labour councillors had increased only by eight, the Liberal Democrat ranks had risen by 21 and the Conservatives by 22. These councillors represented areas with high Muslim concentrations, such as London, Birmingham and Bradford, and were predominantly male. By 1996, London had 49 Muslim councillors. This figure rose to 63 in 2001.⁸³

However, while Muslim influence and involvement with mainstream parties at the grassroots level gradually

increased, by the late 1990s there had still been no Muslim leaders of local councils, and only a handful of deputy leaders. Some councillors have occupied high-profile but largely ceremonial roles such as mayorships, others have filled positions with arguably little real power, despite their experience of local politics.⁸⁴ Discriminatory attitudes have played a part in this: Muslims have faced resistance in selection processes because of negative stereotyping, including their assumed lack of professionalism and ideological commitment to democratic practices. Muslim networking has been seen as undemocratic, and Muslims have been accused of opportunism, illegal recruiting practices, bribery, corruption and using politics for personal gain, though there is little evidence to show that their conduct is any more open to suspicion than that of their non-Muslim counterparts.⁸⁵

Muslim councillors have been typical of politicians in Britain as a whole: predominantly middle-aged and male, belonging to economic, occupational and educational elites.⁸⁶ While there has been considerable variation among Muslim councillors regarding the significance of religious practice in their lives, many have described themselves as 'secular Muslims'.⁸⁷ For example, they rarely go to the mosque, certainly much less than recent estimates for the wider Muslim community, something that perhaps reflects their desire to move the communal focus away from the mosque to the wider institutions in society.⁸⁸

The main British political parties appear reluctant to advance ethnic minority (including Muslim) participation beyond certain 'acceptable limits'. They have acknowledged that Muslims have the potential to influence electoral outcomes in a number of constituencies, but the fear of a 'white backlash' has discouraged these parties from selecting Muslim parliamentary candidates.⁸⁹ Consequently, Muslims feel betrayed. As one local councillor put it:

*'Muslims feel cheated and used by both the Labour Party and the Conservatives. They show little commitment to Muslim causes and express sympathy only when they need Muslim support. They put us on worthless committees and in positions which lack authority.'*⁹⁰

Out of 77 minority candidates who stood in the 2001 general election, 24 were Muslim, mostly in unwinnable constituencies, and of the 12 ethnic minority candidates elected to Parliament, only two are Muslim, both from constituencies with large concentrations of Muslims, thereby reinforcing the argument about increasing 'political ghettoization'.⁹¹ Yet, despite this, Muslim membership of all the mainstream political parties, especially in constituencies with high Muslim populations, seems to be increasing.

Many Muslims have decided that they need to engage with wider institutions to secure their own rights and those of their families. But Muslim politicians have not been a homogeneous group in terms of countries of origin, generation, ideological tendencies and attitude towards 'Muslim' demands. They are aware that they have been elected to represent *all* their constituents. Khalid Mahmood, on his election as MP for Birmingham Perry Barr in 2001, stated that he was 'first and foremost' a representative of all his constituents. While stating that he would look 'especially at the under-achievement of ethnic minority children in the education system' as well as 'speaking out on human rights issues ... in Palestine, Kashmir, Bosnia, Chechnya', he insisted that his focus would not only be on Muslim issues, but on the concerns of all his constituents.⁹²

Although many British Muslims have demonstrated their commitment to the principles of a democratic, pluralist state and society, others have supported 'withdrawal into cultural ghettos', with still others keen to 'initiate mass conversion to Islam' and, if possible, have the *Sharia* (Islamic legal traditions) incorporated into the legal framework for Muslims in British society. In the early 1990s, the Muslim Parliament, founded by Kalim Siddiqui, suggested the creation of a separate political system running parallel to the dominant one. Any attempt to work through, within or in cooperation with the establishment, Siddiqui believed, was bound to fail in the long run.⁹³

The Muslim Parliament, considered too radical and too separatist by many Muslims, only attracted support among a small minority of Britain's Muslims. Hizb-ut-Tahrir and Al-Muhajiroun (The Emigrants), again marginal in terms of support among British Muslims, are two religio-political organizations that have gone further in their aims. Their key objective is:

'to change the current corrupt society and transform it ... by establishing an Islamic state (not just in Britain but all over the world ...) in which the Sharia would be implemented in its entirety.'

According to them, since the democratic system is 'based on the creed of separating religion from life', it is un-Islamic,⁹⁴ and political participation in general, in a democratic but non-Islamic state, is forbidden to Muslims.⁹⁵ Nevertheless, most Islamic groups in Britain seem to agree that Muslims must participate in British political life and regard the election of Muslim candidates as a positive achievement.

Muslim organizations

Since the late 1980s, Muslim organizations have become more visible in the public sphere and more robust in their

representation of wider Muslim interests. Muslim organizations that were set up during the 1960s and the 1970s frequently found it difficult to get off the ground. The Union of Muslim Organizations of UK and Ireland (UMO), an 'umbrella' organization established in 1970, made little headway in terms of securing changes, nor was it able to mobilize significant support on international issues of concern to Muslims, such as Palestine and Kashmir.⁹⁶ Until the 1980s, government and institutions sought to promote cultural, rather than religious identities, through policy and allocation of resources, encouraging the formation of organizations on ethnic lines.

With the rise of the new right in the 1980s the funding of multicultural initiatives was slashed, which left room for specifically Muslim organizations to emerge with renewed strength. By the mid-1980s, several Islamic groupings had recognized the need for nation-wide coordination on issues such as *halal* food and education. The British establishment, finding it confusing and impracticable to negotiate with myriad bodies claiming to be the authentic voice of Muslims in Britain, applied pressure on Muslim communities to create a unified Muslim organization, similar to the British Board of Jewish Deputies, which could represent their interests and with whom negotiations could take place. The establishment in the early 1980s of the Council of Mosques (COM) in the UK and Eire and a Council of Imams and Mosques (COIM) represented attempts to do so.

The Rushdie affair provided further impetus to efforts to bring British Muslims organizationally under one roof. The negative fall-out of this controversy made it clear to many Muslims that, without unity, they were unlikely to achieve support or effective influence 'in the seats of power, in the media or in economic circles'.⁹⁷ To achieve this, they had to build a national coalition on the basis of commonly agreed issues. The agreement to mobilize protests against *The Satanic Verses* brought about the foundation of the UK Action Committee on Islamic Affairs (UKACIA) in 1988. But, even as it was being conceived, other Muslims were challenging its authority. The Muslim Parliament, inaugurated in 1992, was presented by its founder, Siddiqui, as an alternative to more conventional Muslim formations. The experiment of the un-elected Muslim Parliament largely failed, however. After Siddiqui's death in 1996, the Parliament declined, but, even at its peak, it proved unable to mobilize enough support to realize its strategy to any significant degree. This may have been in part because it by-passed established Muslim organizations, handpicking individuals to represent Muslim groupings from across Britain. It may also have been because Muslim communities in Britain are too socially, ethnically and culturally diverse to develop an effective self-contained institution.

Organizational unity among British Muslims could not be achieved during much of the 1990s. During the Gulf War, Muslim organizations failed to organize effectively in their demand for a halt to what they perceived as the Western-led alliance's aggression against Muslims. Their prioritizing of loyalty to the Muslim *umma* over national interests clashed with the views of the majority of the British population, for some of whom this appeared tantamount to treason. Some Muslim organizations and leaders expressed sentiments which only served to create public perceptions that damaged community relations. British Muslims did unite, on occasion, to combat challenges to their deeply held values, but this unity proved fragile and, once the immediate threats subsided, it waned.

Efforts to establish a national organization which was not closely aligned to any particular tradition, which worked within the mainstream of British society and its institutions, and which the British state would be prepared to acknowledge, resumed with renewed vigour by the mid-1990s. The Muslim Council of Britain (MCB) was formed in May 1996, and, by May 2001, the Secretary General of the MCB, Yousuf Bhailok, was able to claim that it was 'the largest umbrella organization of Muslims' and that its status as a representative body was recognized by all top mainstream politicians. However, it made no claim to be the 'sole' representative of 'true' Islam or the 'whole' of the British Muslim community, although it did embrace a range of ethnic groups.⁹⁸

The needs of British Muslims have been poorly resourced from the public purse. As the Forum Against Islamophobia and Racism (FAIR) has stated:

*'the building and maintaining of mosques, Islamic schools, Muslim community centres and facilities and the wide range of Muslim institutions that help to cater for British Muslim needs, preserve Muslim identities and keep the Muslim community together, are essentially an achievement of Muslims themselves with little support from mainstream funding sources.'*⁹⁹

Today, while some assistance from the government is forthcoming, many Muslim voluntary organizations continue to find themselves in a double bind, particularly with regard to lottery money. While some British Muslims have accepted funding from the National Lottery,¹⁰⁰ others are unable to benefit because of religious barriers. For example, UKACIA strongly deplored the introduction of the National Lottery and refuses to consider it as a funding source.¹⁰¹ And, because they are faith-based, Muslim organizations are denied government funding because of the absence of a race element in their work.

Education campaigns

Education represents a major site of struggle for equality of opportunity and the assertion of a distinct identity for British Muslims. It is on educational issues that Muslims in Britain have been most successful in having many of their needs recognized in the face of considerable opposition from broad sections of British society. Muslims began to express unease with state provision of education in the 1960s. A two-pronged approach was adopted. First, supplementary schools were set up to provide religious instruction within the communities themselves. Second, organizations were established concerned only with the education of Muslims. These operate across a spectrum of issues from the provision of Islamic education in a variety of forms in state schools, to the production of Islamic knowledge and research. Some organizations helped to finance and manage the establishment of independent 'Muslim schools' (i.e. schools with an Islamic ethos) as an alternative to the state system, offering academic and vocational qualifications in religious and secular studies.

The assimilationist policies of the state education system during the 1960s did not work: the academic attainment levels of many Muslim children remained unacceptably low and their general progress was unsatisfactory. Evidence suggested that they generally lagged behind both their white peers and many other religious/ethnic minorities, in particular Hindus and Sikhs. In the 1990s, the gap between Muslim pupils and the rest persisted. Indeed, the overall gap in educational achievements had widened between Indian and white children on the one hand, and Pakistani, Bangladeshi and African-Caribbean children on the other. However, this is too simplistic a picture, since in many places, such as Glasgow and London, Pakistanis were on average achieving better results than their white counterparts. Yet it has not just been the poor academic performance of their children that concerns Muslim parents. They question the values imparted in the state school environment, and whether there are aspects of disadvantage and discrimination that have affected their children's capacity to build a positive sense of their identity.

By the 1990s Muslims had become more assertive about what they wanted from the educational system. Those who were disillusioned with state provision, and had the means, established independent Muslim schools, in which Islam permeated the curriculum and established the schools' ethos. The government's refusal to give state funding to Muslim schools, while voluntary-aided status was granted to the schools of other religious minorities, convinced Muslims that they were being unfairly treated.

The demand for single-sex schools, primarily for girls, and to a much smaller extent, independent Muslim

schools, has continued among significant sections of the Muslim population. The decision of Labour-led councils to shift towards co-education, especially in the north of England, meant that one-third of Britain's LEAs had abolished all girls' schools, leaving only 250 still functioning. Muslim parents have resented this decline in provision and the demand for Muslim voluntary-aided schools grew steadily from the late 1980s. The number of independent Muslim schools expanded from 45 in 1996 to 62 in 2001. Using the 'opt-out' provisions in the 1988 Education Reform Act, Muslim governors have secured grant maintained status for schools with predominantly Muslim populations. This gave Muslim parents the opportunity to exercise choice against the secular aspects of multicultural education.

In the wider context of the so-called 'Islamic resurgence', there was a reaction against western educational aims and methods, which were seen as materialistic, anti-religious and, because of their Christian origin, anti-Islamic. Multiculturalism seemed to have diluted Muslim self-identity, rather than leading to greater self-determination and empowerment for Muslim parents and pupils within the state-maintained sector. Hence the campaigns for the establishment of Muslim voluntary-aided schools have continued.

Resistance to Muslim schools lessened towards the end of the 1990s. The Labour government, after it came to power in 1997, initiated debate on the subject of faith schools and its Green and White papers on the subject recommended channelling more resources into them. It approved voluntary-aided status for four Muslim schools between 1997 and the end of 2001. This slow progress meant that the demand for the establishment of fee-paying Muslim schools remained strong. The Private Finance Initiative (PFI) opened up an avenue for future efforts and the Hazrat Sultan Bahu Trust embarked on establishing a large, quality Muslim girls' school in Birmingham at a cost of £13 million. However, following Lord Ouseley's report on the Bradford disturbances of 2001, which suggested that segregation in schools was a major cause of racial tension, opposition to faith schools resurfaced. Muslim groups, however, argued for their right to Muslim education, not only as pedagogically appropriate for their children but also as reflective of the multicultural character of British society.

Debates on education over the last 20 years have revealed enormous differentiation among British Muslims, reflecting the heterogeneous character of Britain's Muslim population and its largely local organization. Most practical issues were resolved pragmatically within individual schools and with LEAs. However, the experience of education in the state system is still perceived by many Muslims as negative and remains a matter of concern.

LEAs have only tinkered with the largely ethnocentric curricula, leaving Muslim children feeling alienated and with damaged self-esteem. Institutional practices in schools and pupil interactions, in many ways, remain racist. Islamophobic comments from teachers and anti-Muslim bullying and abuse are not uncommon. During the Gulf War in 1991, teachers at some schools apparently asked pupils whether they supported Saddam Hussein; those who responded in the affirmative were told: 'You should be shot.' A number of parents complained that their children were distressed after teachers asked them such questions.¹⁰²

With the continuing disproportionate under-achievement of Muslim children, the complex issue of adequate and appropriate language instruction and acquisition, because of its implications for the learning process, continues to generate controversy, as does the matter of school-parent interaction. Much, therefore, still needs to be addressed.

Matters of law

The place of Islamic religious law in relation to British society and its institutions has been a continuous topic of discussion. For many Muslims in Britain, adherence to Islamic law is part of living in accordance with God's will. Muslims regard two kinds of human behaviour as subject to the *Sharia*: individual duties *vis-à-vis* God, and individual duties *vis-à-vis* society. No clear-cut guidance exists about how permanently settled Muslims should live in a quasi-secular non-Muslim state such as Britain, in which no safeguards have been provided other than the freedom to practise one's faith. Many Muslims feel that important aspects of Islamic law are not covered by English law, for example, the giving and taking of interest, which is prohibited in Islamic law; and polygamy, which is permitted in Islamic law but is unlawful according to English law unless it takes place outside the UK. Some elements of English law appear to be in conflict with Islamic principles: laws relating to usury, gambling, the sale and consumption of alcohol, and the absence of capital punishment. In addition, the law in Britain, unlike *Sharia* law, does not consider certain forms of behaviour to be criminal, such as fornication, adultery and homosexuality. Still others – blasphemy and incitement to religious hatred – may be declared as 'criminal' only in specific instances. All the same, a substantial majority of Muslims do not regard non-compliance with English law as an appropriate response, though, paradoxically, a 1989 survey revealed that, in the case of conflict between Muslim law and English law, 66 per cent of the respondents would follow the former.¹⁰³ Even the separatist Muslim Parliament accepted obedience to the laws of a non-Mus-

lim state 'as long as such obedience does not conflict with their commitment to Islam and the *umma*'.¹⁰⁴

In specific areas of English law, the British Parliament has legislated to exempt Muslims from certain statutory provisions – for example Muslims can slaughter in abattoirs according to their religious methods. Beyond this kind of legal concession, those Muslims who believe partial integration of Islamic law in this system is feasible have adopted three types of approach – acceptance of the legal *status quo*, manipulation of the legal system to suit their purposes, and pursuing the possibilities of legal reform.

Family law

Elements of Muslim family law have come into conflict with aspects of English law, forcing British Muslims to look for ways of reconciling the two. Polygamy, the procedure for divorce and stipulations regarding inheritance, which are permitted under Islamic law, may be expressly forbidden under state law or may not be recognized by the British state. Contraception, abortion, adoption and fostering may not be recognized or considered permissible by Islamic law. However, while some groups have campaigned to regulate personal and family-related issues according to the *Sharia*, most Muslims in Britain have accepted that neither a separate legal system, nor even separate legislation is necessary to meet most specific Muslim needs regarding family law.

By the 1990s, while there was lobbying for state recognition of Islamic dissolution of marriage, the liberal principles of the English legal system – 'everything is permitted except what is expressly forbidden'¹⁰⁵ – were enabling Muslims, in practice, to resolve many of their concerns in respect of family law according to Islamic principles within the framework of English law (for example, arranged and cousin marriages, payment of *mahr* [dowry] and the use of mosques for weddings). The freedom allowed in English law to settle disputes out of court (by means of agreements negotiated with the help of lawyers or mediators) has meant that disputes between Muslims in the field of family law have often been resolved on the basis of religious principles and values without resorting to the English judicial system. Even on those points where Muslims believe that English law is incompatible with Islamic law, they have found little difficulty in living within its strictures (for example, the minimum age of marriage, access to and custody of children, and the ban on polygamy), partly because there is no consensus on these issues among Muslims themselves and partly because they are not considered obligatory from a religious point of view.¹⁰⁶ The wide acceptance among British Muslims of the English (or Scottish, etc.) legal system in this regard could be said to reflect a shift away from prescriptions of classical jurisprudence towards

preparedness to exercise personal judgement in relation to current problems.

All the same, when approached by the UMO in 1998, the then Home Secretary, Jack Straw, ruled out, on practical grounds, the possibility of integrating Islamic family law into legislation embracing the European Convention on Human Rights (ECHR), though he did promise to raise the possibility of issuing a consultative document on Muslim family law with the Law Commission.¹⁰⁷ Thus, in the absence of the British state conceding Muslim demands, a parallel set of institutions has been created to provide religious legitimacy for individual actions. For instance, the UK Islamic Shariah Council, comprising religious scholars, provides guidance and advice, primarily on marital matters, on the basis of their understanding of Islamic law. Individuals and parties accept the advice of such bodies on a strictly voluntary basis. Many mosques have also obtained the services of *muftis* (legal advisers) to issue *fatwas* (legal opinions) on personal and social matters. Guidance has been frequently sought on issues ranging from questions about prayers, fasting, *zakat* (religious tax) and *haji* (pilgrimage to Mecca), to marriage, divorce, custody, inheritance and investments, and professional conduct.¹⁰⁸

Muslim marriages are a sphere where extensive institutionalization has occurred. The majority of Muslims marry in registry offices, and religious celebrations take place elsewhere. About a quarter of the mosques in Britain are recognized as places where valid marriages may take place, but an official of the civil registry has to be present. A few mosques have sought recognition for one of their own officials to act on behalf of the civil registry. Marriage bureaux have blossomed to facilitate arranged marriages, while bodies such as *Mushkil Aasaan* ('Problem Resolved') provide crisis intervention, counselling, advocacy, family support, personal care, interpreting and purchase of social security for the elderly.

The 2001 Nuffield Foundation report, *Untying the Knot*¹⁰⁹ exposed some of the problems faced by Muslim women in Britain when seeking divorce. Muslim women often receive poor legal advice as solicitors are generally ignorant of the fact that Islamic marriages contracted in Muslim countries are legally recognized, while similar ceremonies in Britain are not. This confusion can result in assertions that the women's marriages amounted to bigamy. At present, there is no system of liaison between the legal profession and religious and community groups, so solicitors often place the burden of religious 'expertise' on their clients. Further, the report highlighted that British Muslim women who marry only according to Islamic law in ceremonies in Britain are denied various state benefits as their marriages have not been 'legally registered' in a secular civil ceremony. These women lose

their Islamic rights as wives if they divorce, since Islamic family law bodies lack the legal muscle to enforce religious pronouncements. Many women interviewed for this study expressed a desire to empower themselves and other Muslim women through exercising their rights not only within Islam but also as British Muslim citizens. They wanted to see their religious marriages acknowledged and respected, but they also wanted to be able to divorce in an Islamically sanctioned manner with their dignity intact, knowing that they could enforce their Islamic rights. According to sociologist Fauzia Ahmad, 'the challenge now for British pluralism is whether these needs can be accommodated within existing civic frameworks'.¹¹⁰

The blasphemy law

The 1980s saw Muslims in Britain struggling for official acknowledgement of religious rights against a backdrop of increasing anti-Muslim sentiment in wider British society. This peaked during the Rushdie affair, when British Muslims, outraged by the perceived blasphemous content of *The Satanic Verses*, petitioned the government to ban it. Their campaign, occasionally marred by violence, seemed to suggest that they had not understood British cultural sensibilities and lacked respect for the rule of law. The book-burning episode in January 1989 and the media-fanned support for Khomeini's *fatwa* (legal opinion), sentencing Rushdie to death, alienated popular opinion, already shaped by negative stereotypes and images of Muslims as intolerant and incapable of resolving disputes through peaceful and rational debate. In fact, a local radio poll in Bradford carried out in 1991 'suggested that 90 per cent of Muslims were against the *fatwa*'.¹¹¹ The demand for the banning of the book was opposed by the majority of the British establishment as well as the public at large, who saw it as an attack on the principles of freedom of speech, thought and expression. Muslims were condemned by the more extreme elements as 'intellectual hooligans', and their actions were compared with those of the Nazis.¹¹²

The call for the blasphemy law to be extended to Islam continued through the 1990s. As it stands, it does not recognize vilification, ridicule, defamatory language and contempt of Islam or other non-Christian faiths, and, in protecting only Christianity, it is undoubtedly discriminatory.¹¹³ Consequently, British Muslims have felt justified in saying that they are being treated unequally.

The call for the banning of *The Satanic Verses* and a change in the blasphemy law did not succeed because Muslims failed to present their case in ways that were accessible to the non-Muslim majority. Lessons were learnt from this failure, and, with the injection of ideas and strategies more in tune with the tenor of wider soci-

ety, greater support for change was later gained among politicians, leading church figures and other faith communities. As Lord Scarman put it:

*'in an increasingly plural society such as that of modern Britain it is necessary not only to respect the differing religious beliefs, feelings and practices of all but to protect them from ... vilification, ridicule and contempt.'*¹¹⁴

Further, the Advisory Committee on the FCNM:

*'considers that this lack of effective equality [in relation to the blasphemy law], which adversely affects ethnic minorities in particular, raises concern from the point of view of Article 8 and Article 4 of the Framework Convention. The Advisory Committee is of the opinion that the law should either be abolished or extended to other religions in order to provide full and effective equality.'*¹¹⁵

Islamophobia and the media

The media in Britain continues to reinforce Islamophobic attitudes in the majority community. In addition, many Islamic movements, as well as Western Islamophobia, have helped create a perception that Muslims share few civic values with other faiths and traditions in Britain; that they are not sincere in their acceptance of democracy, pluralism and human rights. Government and other mainstream politicians also use a vocabulary that has the potential to generate fear, threats and antipathy towards British Muslims.

The media's negative treatment of Islam reinforces its popular image as a one-dimensional and monolithic religion that poses a threat to Western democratic values. It has been argued that 'the media's portrayal and representation of Islam has been one of the most prevalent, virulent and socially significant sources of Islamophobia' in Britain.¹¹⁶ The 1997 Runnymede Report on Islamophobia powerfully illustrated the vehemence with which Islam and Muslims were negatively stereotyped both in the press and the broadcast media. Headlines such as *The People's* 'slaughtering goats, burning books, mutilating teenagers ... and still they want me to respect the Muslim ways?' or cartoons depicting Arabs as savage and threatening, all contributed to this Islamophobic atmosphere.¹¹⁷ In a survey of the coverage of Islam and Muslims in the British media before 11 September 2001, four persistent stereotypes related to Muslims were identified: namely that Muslims are 'intolerant', 'misogynistic', 'violent' or 'cruel', and 'strange' or 'different'.¹¹⁸ The diversity in Islam and the heterogeneous

nature of Muslim communities that have been illustrated in this report tend to be overlooked by the media in order to reinforce negative images and reproduce the dualism of 'them' and 'us'.

The September 2001 attacks gave further impetus to Islamophobic trends in the media. *The Daily Telegraph*, under the heading, 'A religion that sanctions violence', selectively invoked the Quran in order to show that Islam posed a major threat to peace. Basing itself on the inaccurate assertion that 'many Muslims rejoiced at the tragic loss of American lives', it concluded that '[t]he World Trade Center attack cannot be dismissed merely the work of a small group of extremists'. In contrast, the tabloid, *The Sun*, emphasized that 'Islam is not an evil religion',¹¹⁹ and cautioned against confusing religion with religious extremism, reminding its readers that while the hijackers were 'evil', the 'religion they practise is one of peace and discipline'.¹²⁰ Overall, however, the connection between Islam and fanaticism remained prevalent. The widespread prefacing with 'Muslim' of words such as 'extremists', 'terrorists', 'fundamentalists' and 'fanatics' served to perpetuate the view that Muslims and Islam are violent and frighteningly dangerous. The prominence given to the support for Al-Qaeda, the Taliban and *jihad* against the West expressed by marginal and controversial individuals such as Abu Hamza al-Masri, a cleric (subsequently suspended by the Charity Commission) at the North London Central Mosque in Finsbury Park, created a false impression that they represented mainstream Muslim opinion. The Advisory Committee of the FCNM expressed its concern about 'Islamophobia' in the media under Article 6, and added a note stating 'This has become a matter of increasing concern in the light of reactions to the 11th September 2001 terrorist attacks in the United States of America.'¹²¹

The impact of such reporting upon Muslim communities and the resultant change of mood is perceptively captured by Sajidah Choudhury, a councillor, and the Director of the Slough Race Equality Council:

*'I certainly have felt a much greater slant against Muslims from the media, and the impact amongst colleagues in the field [race equality], friends and family, has been that there is a shifting of positions, i.e. a greater desire to bond with our roots and rediscover our heritage in the constant bombardment of ... anti-Muslim ... news report and subtle racist jokes, comments and jibes ... It takes a great deal of energy to remain objective and fair when the average Muslim can only see through the media what the ... West ... is doing to impoverished nations. This impacts on the psyche of the community and further divides communities ... the impact has changed us forever.'*¹²²

Islamophobia and the criminal justice system

Drawing on the available ethnicity data, it can be tentatively concluded that the number of Muslims in the police service, prison service, the senior posts in all criminal justice agencies and the armed forces is extremely low.¹²³ The most senior-ranking police officer in the police service is Deputy Assistant Commissioner Tarique Ghaffur in the Metropolitan Police, and the most senior judge is Khurshid Drabu, Vice President of the Immigration Appeal Tribunal.

Research drawing on the Home Office report, *Religious Discrimination in England and Wales*, highlighted that approximately two-thirds of Muslim organizations surveyed reported 'unfairness both in the attitudes and behaviour of police officers, and in the practices of the police service. Over a third of Muslim organizations said that unfairness was "frequent"', a higher proportion than in the other groups consulted. Instances of unfair treatment from the police included 'police victimizing Muslims', 'police delaying investigation', and Muslims being 'made to feel uncomfortable' by police officers. The report also indicated that a high percentage of Muslims and Muslim organizations reported unfair treatment from lawyers, the courts and prison officers. Muslims suggested that the courts 'looked upon [them] suspiciously', and argued that lawyers and the court service more broadly have 'in-built prejudices' against Muslims.

The prison service

The Prison Service Chaplaincy has collected data on the religious affiliations of prisoners since 1991, revealing a worrying trend: between 1991 and 1995 there was a 40 per cent increase in the number of Muslim prisoners in England and Wales.¹²⁴ By 2000, there were over 4,000 Muslim prisoners in the UK, representing some 9 per cent of the total prison population. Approximately 65 per cent of Muslim prisoners were men aged between 18 and 30 years.¹²⁵

In recent years Muslims have made numerous allegations of ignorance of and insensitivity towards Muslim beliefs and practices within British prisons. It has been reported that Muslim prisoners have been unable to perform their prayers on time or to regulate their meal-times during *Ramadan* (the Muslim month of fasting).¹²⁶ Lack of provision of *halal* food in prisons has been an issue reported on many occasions in the *British Muslim Monthly Survey (BMMS)*. Further, a report by the National Association for the Care and Resettlement of Offenders (NACRO) revealed that 49 per cent of Asians (including Muslims) serving a one-year prison sentence

were racially attacked. However, only 7 per cent actually reported incidents, apparently because of fear of further victimization.¹²⁷

Until recently, Muslim prisoners were expected to provide their own *imams* (religious leaders), who received little or no support from the state. The appointment of Britain's first Muslim adviser to the prison service in 1999 was a symbolic gesture signifying a more determined effort within the prison service to engage with Muslim concerns. However, a recent report by a former prison governor, Professor David Wilson (with Basia Spalek), examining the treatment of non-Christians providing spiritual guidance to prison inmates, revealed that Muslim *imams* were the targets of prison officers' racism and bullying: *imams* were made to stand in line with inmates and denied access to prison keys, which were given to chaplains from the Church of England. *Imams* were also called names such as 'coon', 'Arab' and 'Paki'. Attitudes towards the *imams* only improved when they made the effort to 'fit in', for example, by wearing 'non-traditional' clothes.¹²⁸

The decision in December 2001 to suspend three Muslim prison 'chaplains' in the wake of the terrorist attacks on 11 September highlighted the apparent distrust of Muslims within the prison service. The three 'chaplains' were removed from their posts after allegedly expressing anti-American or pro-Taliban views.¹²⁹ The IHRC condemned the suspensions as a 'McCarthy style witch-hunt', believing the decision to be motivated by Islamophobia. Echoing the thoughts of many Muslims and non-Muslims, it stated: 'Muslim clergy are being singled out for their dissident opinions.'¹³⁰

A higher proportion of Muslim organizations than those of any other faith report unfair treatment from the probation service. More than three-quarters of Muslim organizations have stated that immigration staff, policies and practices are sources of unfair treatment.¹³¹ The IHRC has singled out the criminal justice system as 'the most disturbing area where Islamophobia has consistently reared its ugly head'.

Muslim engagement with the criminal justice system post-September 2001

There has been both widespread support for and condemnation of the way the British government and the criminal justice system has dealt with Muslims in the wake of the terrorist attacks in the USA in September 2001. Earlier that year, some Muslims had condemned the Home Office listings of 21 proscribed organizations as part of its 'anti-terrorist' legislation (Terrorism Act, 2000). Under the law, it became a criminal offence for anyone, British or foreign, to extend material or moral support to any of the groups based in the UK or abroad. Of the 21

organizations, 12 were Islamic groups, mostly engaged in *jihad* against what they see as occupiers of Muslim lands, for example, in Palestine and Kashmir. The MCB argued that the Act was being applied selectively, and the IHRC argued that the list violated international accords on the rights of self-determination and self-defence. The IHRC condemned the British government's targeting of resistance movements in Palestine and Kashmir, which it argued were being undertaken by indigenous populations against 'illegal occupation'. The British government was perceived to be tacitly supporting the occupying regimes, while undermining the rights of the occupied populations to fight for self-determination.¹³²

Muslims in Britain (and elsewhere) have felt increasingly vulnerable since September 2001. For some, this has been accentuated by the introduction of new legislation to deal with suspected terrorists. There has been substantial criticism from Muslim and non-Muslim individuals and organizations about the government's Anti-Terrorism, Crime and Security Act (2001), which allows internment without trial and suspends obligations under the ECHR. No other European country has taken such a drastic step. The British government argued that Britain was vulnerable by virtue of its 'close' relationship with the USA. However, the security services have argued that there was no specific threat. Shortly after the legislation became law, seven people of Arab origin were interned, but none were charged in connection with the attacks on the USA on 11 September.¹³³

On 30 July 2002, the special immigration appeals commission ruled that the Anti-Terrorism, Crime and Security Act 2001 discriminated between foreign and UK nationals, and that the government had acted unlawfully by interning 11 terror suspects – all Muslims – without charge. The panel ruled that these suspects' human rights, under the ECHR, had been breached. However, the suspects remained under detention as the government decided to appeal against this judgment.

British Muslims and others have highlighted the apparent inconsistencies in the treatment of Muslims suspected of being linked with terrorist organizations. Writing in *Q-News*, El-Affendi argued that:

*'we have never heard any calls for stripping IRA terrorists or their sympathizers of their British citizenship in spite of their unapologetic war against British troops.'*¹³⁴

Civil rights groups such as Liberty have condemned the law as internment under another name ('extended detention') and pledged to challenge it in the European Court of Human Rights. In order for the law to pass in Britain, the government had to withdraw Britain from Article 5 of

the ECHR, which prohibits imprisonment without a fair trial. The Convention permits governments to opt out of the clause at 'times of war or other public emergencies'.¹³⁵

Muslim prisoners interned without charge under the Anti-Terrorism Act complained of language and cultural difficulties in the high security Belmarsh Prison where they were being detained, and civil liberties campaigners raised concerns about conditions for the prisoners. Muslim prisoners held under suspicion of terrorist involvement had their telephone calls cut short because warders believed common Arabic phrases to be a form of code. The prisoners were told to speak English while on the telephone.¹³⁶

Organizations such as the IHRC also argued that:

'the government is using anti-terrorism measures as an excuse to act unjustly and arbitrarily towards asylum-seekers in an already oppressive asylum and immigration system.'

The IHRC, and others, have accused the British government of failing to uphold basic civil liberties and human rights, warning that radical measures such as the Anti-Terrorism Act 'will only increase dissatisfaction felt by the Muslim community and will create further polarization in this war against terrorism'.¹³⁷

Box 2: Detention of Muslims

Muslims have been under threat of imprisonment without charge, under the provisions of the Anti-Terrorism, Crime and Security Act (2001). Lotfi Raissi, an Algerian pilot and flying instructor, was one of the first people to be accused of participating in the 11 September attacks. Prior to his detention, he had been staying near Heathrow airport because he was converting his US qualifications to a European standard. The popular image of a potential terrorist, as generated by the media, meant that as both a pilot and a Muslim, he was under automatic suspicion. Raissi is reported as not having objected to being investigated as he understood that he fitted the profile of those for whom the police were looking. The Raissi family is very Westernized. His uncle was a chief officer in anti-terrorism in Algeria and his mother actively campaigned against terrorism. Raissi, with staunch faith in British justice and the expertise of the FBI, expected that he would be quickly released once his innocence was confirmed. On the contrary, the police turned up at his home on 21 September, took him naked to the police station in Slough for questioning, and he spent the next five months in Belmarsh Prison, placed with Category A high-risk prisoners, locked up for 23 hours a day. As a result, his wife lost her job at Heathrow, and they lost their home. Raissi was eventually released on 24 April 2002 because no evidence connected him with Osama Bin Laden or Al-Qaeda. Another case of dubious detention is that of Mahmoud Abu Rideh, a Palestinian asylum-seeker, who came to Britain in 1995. He had been treated for post-traumatic stress disorder, following torture by the Israeli security forces when he was a teenager. Imprisoned without charge since December 2001, he has been on hunger strike while his solicitor applied for bail on the grounds that he is suffering psychological damage. Rideh was refused bail again on 25 June 2002.¹³⁸

Government responsibilities towards Muslims in Britain

Two areas of law have had a significant impact on Muslim social behaviour and engagement with British institutions and society. First, the Race Relations Act of 1976 made racial and ethnic discrimination unlawful in a wide range of activities – education, employment, housing and the provision of goods, facilities and services – but religious rights fell outside its purview. Hence, Muslims have had no recourse to any legal remedy if they were denied observance of their faith by employers (for example, Friday and daily prayers, wearing of the *hijab*). Second, the Public Order Act (1986) introduced an offence of incitement to racial hatred, and the Crime and Disorder Act (1998) created a new category of racially aggravated offences, including assault, criminal damage and harassment. Again, however, acts of religious hatred towards Muslims were not covered by these provisions, even though substantial anecdotal evidence existed to suggest that anti-Muslim harassment and attacks on Muslims, their property and places of worship, were already on the increase. This formal exclusion inevitably produced a sense of alienation and marginalization among British Muslims, making their entry into mainstream society problematic.

The Commission on British Muslims and Islamophobia, set up in 1996 by the Runnymede Trust, highlighted that:

‘religious markers of identity have become, for some people and in certain circumstances, at least as important as racial, national and ethnic markers.’

It emphasized the need for the British government to legislate against religious discrimination, by widening the scope of the formulation of the Race Relations Act (1976). The Commission argued that ‘Islamophobia’ is similar to sectarianism in Northern Ireland and Scotland, and anti-Semitism in Europe. Thus the legal system should acknowledge Islamophobia for the same reasons it acknowledges sectarianism in, for example, Northern Ireland.¹³⁹

At present there is an anomaly in that the Race Relations Act (1976) covering race, colour, nationality and ethnic or national origin, effectively covers Sikhs and Jews but not Muslims. The Race Relations (Amendment) Act (2000) has extended and deepened safeguards against racial discrimination, but still leaves Muslims vulnerable to religious discrimination. The Advisory Committee on the FCNM noted that:

‘at present there is no comprehensive legislation to protect individuals from religious discrimination ... groups, such as Muslims ... do not have this protection unless they are linked to a recognised ethnic group... These matters are of particular concern and relevance for national minorities within the United Kingdom.’

It added that ‘legislation is necessary both as an effective tool to address concrete cases of religious discrimination and as an awareness raising measure’.¹⁴⁰ As British Muslims increasingly define themselves in terms of their religious rather than ethnic identity, there is mounting evidence that Islamophobia, in its more virulent forms, is having a detrimental impact on their lives. Hence, the call for legal and institutional reform to ensure equity and protection has become more intense and persistent.

The Crime and Disorder Act (1998) was amended by the Anti-Terrorism, Crime and Security Act (2001) to create a new category of religiously aggravated offences. The Act defines ‘religious group’ broadly as a group of persons ‘defined by reference to religious belief or lack of religious belief’. These provisions will therefore provide some additional protection for Muslims who may be subject to religiously aggravated assaults, criminal damage, public order offences or harassment. However, a government proposal to introduce in the same legislation an offence of incitement to religious hatred had to be dropped due to opposition in the House of Lords.

Currently, discrimination on the grounds of religion is prohibited in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which has been signed by the UK, and the International Covenant on Civil and Political Rights (ICCPR), which has been ratified in the UK. The Runnymede Commission pointed out that the UN Committee on the Elimination of All Forms of Racial Discrimination has frequently criticized the government for failing to prohibit religious discrimination in Britain. The Human Rights Act 1998 (HRA), incorporating the ECHR into UK law, does protect people from discrimination on grounds of religion in the enjoyment of rights listed in the Convention, and includes a right to freedom of thought, conscience and religion. In terms of employment, a significant legal precedent is set by the European Employment Directive (2000), which requires member states to introduce legislation prohibiting direct and indi-

rect discrimination and harassment on grounds of religion or belief in the areas of employment, self-employment, occupation and vocational training. This directive applies to both the public and private sectors, regardless of the size of an organization, and must be implemented by all member-states by December 2003.¹⁴¹

One area in which the British government is actively engaged, is the care of asylum-seeking children, a significant proportion of whom are Muslim. In 2000, of the total of 2,733 unaccompanied children who applied for asylum, around half were likely to be Muslim (24 per cent were from the Federal Republic of Yugoslavia, the majority of whom were thought to be Kosovar Muslims, 11 per cent were from Afghanistan, 6 per cent from Somalia, a substantial number from Iraq, and some from Pakistan and Bangladesh).¹⁴² The UK is a state party to the UN Convention on the Rights of the Child, which provides that 'in all actions ... the best interests of the child shall be of primary consideration'. However, the government entered a reservation to the Convention, which means that immigrant and asylum-seeking children are not protected. Accompanied children are currently routinely held in detention centres (having the same security status as a category B prison) with their parents, who have not been convicted, nor are suspected, of any crime. A recent letter (signed by some 18 academics) published in *The Guardian* stressed that, 'there can be no justification for the detention of children and their families', and urged that the British government 'should release all of the children currently detained, together with their families, and ... revoke the UK's reservation to the UN Convention on the Rights of the Child'.¹⁴³ This only serves to highlight the need for the government to fully implement its international obligations on this issue and many others that affect Muslims.

Weaknesses in the Human Rights Act (HRA)

The HRA came into force on 2 October 2000. Its purpose is to secure the human rights set out in the ECHR for everyone in the UK, and to provide an effective remedy to protect those rights in the country's courts. One limitation of the HRA is that it only binds public authorities, and thus the rights it contains are not directly enforceable against private or voluntary sector organizations, or individuals. Many of the Convention rights are not absolute and are subject to limitations so long as any restrictions are, for example, in accordance with the law and are necessary in a democratic society in the interests of national security or public safety, or the economic well-being of the country, or for the prevention of crime or

disorder, or the protection of health or morals, or to protect the freedom and rights of others.¹⁴⁴

Although the HRA was widely welcomed, it almost immediately sparked off calls from pressure groups for extra measures to further strengthen rights. However, the Institute of Directors warned that it could be 'bad for business', damaging competitiveness by increasing red tape. The IHRC has reported being disappointed with the fact that Article 13 on that the right to an effective remedy, was not incorporated. A spokesperson was concerned that:

'like its predecessors, the Act will be interpreted in a discriminatory manner by the same judicial system that has interpreted Muslims out of the equation as far as equal opportunities and civic rights are concerned'.¹⁴⁵

Article 14 of the ECHR, states that:

'the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

It has been criticized by one authority on European law as 'woefully inadequate as a constitutional equality guarantee',¹⁴⁶ and by others as amounting 'to empty words, as the rights under it apply only in the context of the Convention rather than as a general application'. For some Muslim organizations, Article 14 lacks the capacity to address issues considered important by many Muslims: asylum policy and control of immigration, police cooperation in preventing and combating religious harassment of British Muslims and attacks on them, the right to freedom of movement and family reunion, practising one's religion in the workplace, or the statutory provision of *halal* food in any public-maintained institutions, such as schools and prisons.

The Council of Europe, recognizing the limitations of Article 14, has agreed to Protocol 12 in order to ensure a free-standing provision, which is not dependent on other Convention rights, to protect against discrimination. Article 1 of Protocol 12 provides:

'(1) The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. (2) No one shall be discriminated against by any

*public authority on any ground such as those mentioned in paragraph 1.*¹⁴⁷

The British government has declared that while it is in principle in favour of Protocol 12, it has no plans to sign or ratify it. The government's objections do not stand up to scrutiny. Ratification of Protocol 12 would provide a 'unifying theme' and send a positive message regarding Britain's commitment to equality. There is growing support in the UK among human rights groups for the institutionalization of Protocol 12 through their call for

the enactment of a Single Equalities Act in order for the UK effectively to deliver protection against unlawful discrimination, on all grounds, including religion.¹⁴⁸

The ratification of Protocol 12 and the necessary implementing legislation would see an end to the British state's reluctance to enact legislation on religious discrimination. Many people, including British Muslims and members of other religious minorities, have highlighted the apparent inconsistency of enforceable legislation outlawing religious discrimination in Northern Ireland while no such legislation exists on the British mainland.

Conclusion – future prospects

As this report has indicated, the majority of British Muslims are members of diaspora communities from diverse backgrounds concentrated along ethnic lines in different parts of urban Britain. Their physical segregation from the white population inhibits social interaction. A degree of ‘ghettoization’ exists within a number of Britain’s inner cities, with the result that ‘parallel communities’ have evolved. The fact that they continue to experience relatively high levels of socio-economic disadvantage reinforces patterns of exclusion among British Muslim communities.

Muslims migrating to Britain have brought their religious identity to a new socio-cultural setting, which has presented them with a range of challenges. Muslims born and raised in Britain have inherited an – albeit diminishing – attachment to their families’ countries of origin, as well as the problem of securing their own place within British society. They have had to work hard to sustain their religious beliefs and practices, since the quasi-secular structure of British society, far from providing confirmation for a religious worldview, has tended to render it increasingly irrelevant. Nevertheless, the more that Muslim communities have become rooted in Britain, the more their members have striven to put structures in place to enable them to live their lives according to their own understandings of Islamic practice. Space in public life has been ‘stretched’ to include Islam, and facilities now exist in Britain enabling Islam to be practised in diverse ways.

However, there has been less progress in incorporating elements of Islamic law in various areas of English law, for example. Muslim organizations have lobbied in this regard, but have met with mixed success. Where feasible, they have tried to by-pass the institutions of the British state, setting up parallel structures to resolve disputes, both formally and informally. These institutions now command a certain degree of legitimacy in the eyes of some Muslim communities.

In political terms, Muslim engagement with British society has been perhaps more active than most other minority groups. Muslims have operated inside the political system as well as beyond it. This range of responses underlines the differentiated character of Muslim communities in Britain, as well as the range of interpretations of Islam, continually contested and negotiated, that Muslims invoke to construct political strategies. In the context of economic deprivation and social exclusion, some British Muslims see mainstream politics as an ideological betrayal

and as part of the process of cultural homogenization. Alienated, disaffected, frustrated and resentful, some have lost faith in the wider, formal political structures. Instead, they pursue the politics of the street, confronting the power of the British state through direct, and disruptive, collective action.¹⁴⁹ This spontaneous, and relatively unorganized, political response on the part of certain small and relatively marginal groups of British Muslims, has, for opportunistic reasons, received undue prominence in the media. Arguably, it has produced few results, apart from a negative ‘backlash’ from wider British society. The majority of British Muslims have patiently carried on attempting to penetrate those political institutions with the power to decide policies and allocate resources. The under-representation of British Muslims in the ‘corridors of power’ (for example, appointments to public service positions) reflects a lack of recognition of their contribution to society. However, the fact that British Muslim incorporation in the formal political system has continued to grow steadily over the past few decades suggests that British Muslims are, in some respects, being increasingly accepted as part of, and by, wider British society.

British Muslims have responded to the challenges of living in Britain in a variety of ways. Alongside trends among some of them towards greater secularization, other British Muslims have become firmer in their religious convictions. Critical of the ‘Islam of their forefathers’, which they regard as increasingly irrelevant to the British context, some younger Muslims in particular seek ‘true’ Islam through their own interpretation of religious sources. Often feeling devalued, humiliated and stigmatized by mainstream society, they explore strategies to resist the onslaught of what they perceive as hegemonic ideology and political culture. Their reading of religious texts has led them to seek solutions in what might be regarded as ‘religious extremism’. Disaffected and disenfranchised, they are drawn to the appeal of *jihad*, which they interpret, as often as not, as the defence of Muslims under threat. Thanks to advances in global communications, British Muslims can respond quickly to conflicts involving Muslims elsewhere in the world, and use them to publicize and win support for their own religio-political perspectives. As a result, some radical Muslim organizations now offer alternative interpretations of events presented by the Western-controlled media. They are able to gather support among the disillusioned and alienated, which, in turn, accounts for a

'*jihad-ist*' mentality among at least some sections of the British Muslim population.

These developments are taking place against the backdrop of a generally Islamophobic environment in Britain, that further contributes to the disadvantage and discrimination experienced by many Muslims. While the 2001 'riots' may have reinforced negative images of Britain's Muslims, it could be argued that they were partly a reaction to anti-Muslim provocation. On the whole, government policies have not challenged popular Islamophobic sentiment. Critics have pointed to the present government's campaign to stop so-called forced marriages, its White Paper on immigration and citizenship, and its reluctance to fund Muslim schools as proof of this. Such critics have also highlighted the 2001 Anti-Terrorism Act as the official reflection of popular anti-Muslim feeling. The majority of the suspects interned under the Act, it has been suggested, have been Muslims, while the government's failure to retain the Act's original clause against incitement to religious hatred reinforced Muslim perceptions that the government was not committed to protecting their communities. Unless the British state addresses the root causes of Islamophobia, any further events in Britain or the wider world that expose Muslims to criticism, are likely to result in further expressions of antagonism directed against British Muslim communities.

A range of perspectives has evolved among British Muslims, linked to age, ethnic background, socio-economic circumstances, education and gender. As Muslims have acquired a more established presence in Britain, debate has intensified and produced a certain amount of re-thinking of Islamic issues. The freedom of thought

and expression available in Britain has given Muslims the opportunity to (re-)assess beliefs, traditions and practices. So, on the one hand, there is polarization; on the other, signs of growing interaction and dialogue. The coming-together of diverse groups of Muslims through processes of migration and settlement has generated both 'fission' and 'fusion'. British Muslims are now more sensitive to the existence of differences between Muslims in terms of how they lead their lives and practise Islam. Simultaneously, they assert the continued relevance of the Muslim *umma* and its concerns in their lives.

These processes have produced somewhat contrary effects. They have given rise to new ideas about identity and citizenship, which means that many young Muslims privilege the religious component of their identity over ethnicity. They claim the entitlements of citizenship that being 'British' gives them, but, while they may reject aspects of Britishness, they do not automatically see themselves as belonging somewhere else instead. British Muslim identities at the beginning of the twenty-first century are being shaped by evolving Muslim and British social histories and cultural dimensions, which are themselves not fixed or immutable. Some British Muslims see themselves as Muslims first and then British; others have an opposite view. There is no single, clearly defined perception of British Muslim identity; on the contrary, the notion is complex, diverse and equivocal. Taken as a whole, Muslim patterns of political and social engagement, together with the various approaches towards the business of participating in public and cultural life that exist, reflect changing attitudes towards the country in which British Muslims seek, and must be permitted, an increasingly active role.

Recommendations

1. Currently no comprehensive legislation exists in the UK to protect individuals from religious discrimination. MRG recommends that the government consider introducing legislation to tackle religious discrimination, both as an effective tool to address cases of religious discrimination and as an awareness-raising measure. Steps could include new specific legislation, or the extension of the Race Relations Act (1976) to cover religion as well as race. The UK government should also take the necessary steps to ratify additional Protocols to the ECHR, including Protocol 12 on discrimination and Protocols 4 and 7 which include rights to freedom of movement and safeguards on the treatment of aliens. In addition, MRG recommends that the anti-terrorist legislation introduced following 11 September 2001 be reviewed to ensure that its provisions and implementation do not discriminate against Muslims.

2. The Northern Ireland experience shows that strong religious anti-discrimination legislation (Fair Employment and Treatment Order) can have a real impact on confronting discrimination. The law itself must be adequately enforced and in Northern Ireland the Equality Commission (staff of 140) has very strong regulatory, investigative and enforcement powers, alongside a tribunal system, which can award unlimited levels of compensation to people who have experienced discrimination on the grounds of their religion. MRG recommends that the government consider introducing a strong regulatory/legal framework, enforced by adequate resources, to tackle religious discrimination, including an anti-discrimination Ombudsperson, thus extending the protection afforded to religious groups in Northern Ireland to the rest of the UK.

3. MRG recommends that the government and local authorities investigate the causes of the high rate of unemployment and economic exclusion among certain Muslim communities, and take remedial steps. In addition, Muslim NGOs should be strengthened by increasing their participation at both local and central government levels. This would involve funding agencies ensuring that they are reaching Muslim NGOs and community groups, and local and central government including them fully in consultation processes.

4. The Press Complaints Commission has a Code of Practice, which states, under Article 13, that the Press must avoid prejudicial or pejorative reference to a person's race,

colour, religion, sex, or sexual orientation, or to any physical or mental illness. The Press Complaints Commission is only able to take up complaints when they relate to identified individuals who then themselves complain. This means that there is a vacuum in which press reports that may contain generally pejorative or prejudicial statements, and may be inaccurate, racist and personally harmful to individuals or the group concerned, cannot be objected to, as they are not directed at a particular person. MRG recommends that the role of the Press Complaints Commission is reviewed in order to broaden its mandate to include Islamophobia and the negative portrayal of Muslims in the media. In addition, MRG recommends that the National Union of Journalists and media organizations offer diversity training to their members. Journalism courses should include components which demonstrate the impact and consequences of religious/ethnic stereotyping by the media.

5. There is an urgent need for the reform of the blasphemy law. The law as it stands is restricted solely to the Christian religion. This lack of effective equality adversely affects ethnic minorities in particular and raises concern from the point of view of Article 4 and Article 8 of the Framework Convention on Minorities. MRG recommends that the blasphemy law should either be abolished or extended to other religions in order to provide full and effective equality.

6. The UK is a signatory to the UN Convention on the Rights of the Child, which provides that 'in all actions ... the best interests of the child shall be of a primary consideration'. The UK, however, has entered a reservation to the Convention, which means that asylum-seeking children, a large proportion of whom are Muslim, are not protected. These children and their parents who have not been convicted, nor suspected, of any crime are held in 'detention' centres. MRG recommends that the British government should revoke the UK's reservation to the UN Convention on the Rights of the Child and release all children and their parents held in such detention. Moreover, the detention of adult asylum-seekers should only be justified on the basis of the behaviour of the individual. Since the present government's legislative proposals in this regard do not reflect this position, it is recommended that these proposals should be reviewed.

7. The Universal Islamic Declaration of Human Rights stipulates that, 'no person may be married against his or her will, or lose or suffer diminution of legal personality on account of marriage'. Conditions should be created within Muslim communities, and British society more generally, that would enable/encourage Muslim women to further establish control over their lives in the domestic and public spheres. Religio-cultural practices that may violate individual human rights, such as female genital mutilation and forced marriages, should be discouraged through official policy and community initiatives. In this regard, those Muslim women's groups that are engaged in upholding and

supporting human rights require resources and should be supported by both local and central government.

8. A number of Muslim groups have significantly lower levels of educational attainment. Additional efforts are required to reduce Muslims' alienation from school, and efforts are also required to raise Bangladeshi and Pakistani pupils' school attainment levels. In addition, Muslims are over-represented in the prison population. MRG recommends that the Home Office institute an inquiry into this problem to include looking at the judicial, and penal systems, and the socio-economic factors.

Relevant international instruments

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Adopted by the UN General Assembly; Resolution 47/135 of 18 December 1992, UN Doc. A/RES/47/135)

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
5. Persons belonging to minorities have the right to establish and maintain without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

International Covenant on Civil and Political Rights (Adopted by the UN General Assembly; Resolution 2200A (XXI) of 16 December 1966)

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have

or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Framework Convention for the Protection of National Minorities (Strasbourg, 1 November 1995)

Article 4

- The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
- The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
- The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 8

- The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.
- Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
- The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
- In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Article 13

- Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
- The exercise of this right shall not entail any financial obligation for the Parties.

Notes

- 1 Halliday, F., *Islam and the Myth of Confrontation: Religion and Politics in the Middle East*, London, I.B. Tauris, 1995, pp. 195–217.
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- 3 Speaking on BBC television in June 2001, BNP leader, Nick Griffin, stated that troubles in the area were 'not an Asian problem, but a Muslim one'. See Islamic Human Rights Commission (IHRC), *The Oldham Riots: Discrimination, Deprivation and Communal Tension in the United Kingdom*, London, 2001, p. 12.
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- 15 'From scholarship, sailors and sects to the mills and the mosques', *The Guardian*, 18 June 2002, pp. 6–7.
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- 17 The fourth PSI Survey (1994) formed the basis of Modood, T., Berthoud, R. et al., *Ethnic Minorities in Britain: Diversity and Disadvantage*, London, PSI, 1997.
- 18 Peach, C. (ed.), *Ethnicity in the 1991 Census*, vol. 2, part 2, London, 1996, p. 128.
- 19 Karn, V. (ed.), *Ethnicity in the 1991 Census*, vol. 4, London, TSO, 1997, pp. 4, 211–12.
- 20 Modood et al., *op. cit.*, p. 30.
- 21 Ratcliffe, P., 'Housing inequality and "race": some critical reflections on the concept of "social exclusion"', *Ethnic and Racial Studies*, vol. 22, no. 1, January 1999, pp. 1–21.
- 22 See Bora, M., 'An un-heavenly haven: seeking refuge in the UK', *Q-News*, March–April 2002, p. 20.
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