



The Institute of Ismaili Studies

**“A Changing Religious Landscape:
Perspectives on the Muslim Experience in North America”
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Abstract

In the last half of the twentieth century, Muslim communities in North America have been increasingly recognised as an established minority rather than a ‘mere exotic presence’. Their ‘encounters’ with their host communities have been multidimensional and consist of a diverse set of experiences. This article explores three dimensions through which Muslims have interacted with their communities of adoption: a) the establishment and creation of community space for prayer and gathering; b) addressing the normative values embodied in family life and tradition within an alternative and primarily secular context of law and rights; and c) recognising the importance of education as a tool for furthering identity and opportunity amidst assimilative national models.

Keywords

Encounter, heritage, culture, religion, Islam, pluralism, diversity, architecture, tradition, prejudice, Qur’an, identity, family, status, transition, ethics, education, Islamic Studies, Europe, Canada, USA, America, Muslims, education, marriage, women, space, normative, values, assimilation, multiculturalism, law, civil society, faith, culture.

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Introduction

The religious and cultural landscape of North America and Europe has undergone dramatic changes in the second half of the twentieth century. Where non-Christian or non-Jewish groups might have been a mere exotic presence once, there are now established communities of Buddhists, Hindus, Muslims, Sikhs, Zoroastrians, and others who have become part of a more complex multifaith, multicultural society in both the 'old' and the 'new' worlds of the West.

Increasing the Muslim 'Presence' in North America

This article examines the Muslim presence in North America and seeks to explore different levels of encounter within its dominant cultural and institutional patterns. The conversation of encounter over religious, cultural, and legal issues that has emerged since the development of greater pluralism in Europe and North America in the late twentieth century, often overshadows the alternative histories of encounter already present in the founding period of European discovery and settlement across the whole range of the Old and New Worlds. It is ironic that the year 1492, which marks the beginning of the voyages of Christopher Columbus to the Americas, was also the year of the Spanish conquest of Granada, marking the end of seven centuries of influence and rule by Muslims of the Iberian peninsula. The expulsion of Jews and Muslims from Spain that followed, destroyed what some scholars have regarded as a significant attempt in the mediaeval world, to create a pluralistic society. Bernard Lewis, in a recent study,¹ notes that 'Islamic civilisation' was universal in nature, in that it comprised peoples of different races and cultures from three different continents. With the rise in European influence and domination in subsequent centuries, the Muslim world experienced a decline in influence and was subjected to a period of conquest and colonisation by Europe. Its heritage of pluralism and diversity, mediated through the instrumentality of the state and a legal system (based on the *shari'a*, but complemented by the incorporation of traditional, indigenous customs known as '*urf*' or '*adat*' and by state prescriptions such as the *qanun* of the Ottoman Empire) suffered erosion and marginalisation. Moreover, the confluence of Muslim traditions with those of the west and other cultures, that had given Islamic civilisation its cosmopolitan character, lost its dynamism and creative impulse, to be overtaken in time by notions of the nation-state, derived from secular, European, and other modern influences. Such a heritage, in differing states of balance and tension, marks most contemporary Muslim societies and states.

Muslims who are now residents of Europe and North America reflect this complex and mutated inheritance of history, culture and influences. While they may generally share a commitment to the defining role of Islam in their lives, their understanding, practice, and capacity to adapt such a heritage to new living conditions varies considerably.

Notions of Pluralism

Their experience, however, serves as a case study to illustrate how new and different religious and cultural heritages have to reimagine and rethink their inheritance in different and sometimes hostile legal and national contexts. Such a process also forces the host society to

¹ Bernard Lewis, *The Middle East: 2000 Years of History* (London: Weidenfeld and Nicolson, 1995), pp. 269-70.



articulate responses to new patterns of life against the background of its own history of dealing with freedom of religion, an articulation that is by no means totally circumscribed or engraved indelibly in past experience. We are therefore compelled to ask not only how we might understand this new diversity, but also to question assumed notions of pluralism, that must be redefined to include indigenous groups excluded from past discourse and strangers from other shores.

Popular Prejudices

This comparative perspective takes on added importance in the current geopolitical context, where diversity is not simply more visible through the media and in legal and religious dialogue, but also because perceptions of diversity have been contaminated by a climate of ‘culture wars’ in which debate and dialogue have been replaced very often by confrontation and violence. The role of law, as an overarching central mediating institution, is crucial in understanding the difficult issues and in adjudicating and negotiating difference, a role in civil society that sometimes the state and institutionalised religion, have failed to play adequately.

If one considers also the often ambiguous role of the media in representing the cultures and religions of ‘immigrants’ and minorities, then we can begin to grasp better how a climate of public opinion is often shaped, driving politicians to focus on narrow and parochial interests in addressing the role of the State. Some of the other chapters that comprise this volume have highlighted how the ‘law’ and its instruments defended freedom of religion in the same way they had protected freedom of expression. It is ironic therefore that current wisdom among media specialists suggests that there exists a ‘chasm of misunderstanding and ignorance’ between the practitioners of journalism and religion.² In the case of Islam, this chasm is even wider given the context of events in the Middle East and the transfer of religious conflicts to Europe and America, reviving some of the older stereotypes and prejudices associated with the Middle Ages. Muslim immigrants, like others in the past, notably Jews, have had to carry a double burden – the surviving prejudice of history and the existing pejorative image attached to their faith and culture.

Assessing the Muslim Presence

Although it is difficult, at this point, to provide accurate figures, it has been suggested that anywhere from 3 to 5 million people in North America identify themselves as Muslim. We know that the early European explorers of the New World were accompanied by those of ‘Moorish’ background, whose heritage had been shaped by Islam. Certainly, thousands of Muslims of African origin were brought to the Americas in the eighteenth and nineteenth centuries against their will as slaves. Studies have shown that among emigrants from the Ottoman Empires from 1865 to 1920, at least 80,000 Muslims of Syrian and Lebanese origin came to America. The bulk of the migration from Asia, Africa, and eastern Europe is more recent and accelerated by the changes in immigration laws that allowed large-scale migration from the Third World. Accurate statistics are difficult to come by, so it is difficult to verify the estimates that we have for the immigrant Muslim population in the New World and African-American Muslims who have sought to recover a Muslim identity from the past.³

² John Dart and Jimmy Allen (eds.), *Bridging the Gap: Religion and the News Media* (Nashville, TN: The Freedom Forum, 1995), p. 3.

³ Farid H. Numan, *The Muslim Population of the United States: ‘A Brief Statement’* (Washington, DC: The American Muslim Council, 1992).



The purpose of this chapter is to illustrate, through our examination of three issues, how immigrant Muslims have interacted with mainstream society. The issues involve interrelated elements: first establishing and creating community spaces for gathering and prayer; second, addressing the normative values embodied in family life and tradition, within an alternative and primarily secular context of law and rights; and third realising the importance of education as a tool for furthering identity and opportunity within competing and yet assimilative national models.

Making Space

The first theme involves ‘making space.’ In one sense a host culture or society makes space for others in order that they might become part of it; in another sense the new arrivals ‘make space’ more literally as they create the markers that embody the places in which they will express their heritage of faith and culture. In the case of Muslims, in whose history architecture has been such a powerful symbol to manifest their presence and power, the ‘making space’ has taken the form of building mosques or congregational centers in which religious, social, and cultural identity can be expressed.

Extending further our trope of the environment, we note that there are two ways in which we construct communities. We may conserve or rehabilitate place as well as tradition or we may design and innovate new structures within which to re-vision a heritage. Mosques and other places of gathering also become extensions of ethnic and family identity, meeting places where relationships can be grounded, maintained, and nurtured. Buildings and spaces include and exclude, enclose and disclose. They are markers of identity and permeability for us as well as the other. They also help define relationships to those with whom the larger local or national space is shared.

The Edmond, Oklahoma Case

My first example concerns a plan to build, in the early 1980s, a religious and cultural center for the Muslims of central Oklahoma in the city of Edmond.⁴ More than 1,000 persons signed a petition opposed to such a centre, citing their fear of allowing a terrorist network to be established that could threaten the American way of life! Their fears had been fueled by reports of such terrorists having been responsible for hijacking of airlines. Leaders of the Muslim community, headed by a noted Oklahoma heart specialist, Dr Nazih Zuhdi, stunned by the opposition, decided not to go through with the deal. An editorial in the *Oklahoma Observer* had these pertinent remarks to make after the event:

Reaction to the proposed mosque might have been predicted in some rural backwater in Oklahoma, but Edmond is one of the highest per capita income communities in Oklahoma. The mosque was to be located near Central State University. Edmond boasts one of the highest literacy rates in Oklahoma . . . The community’s religious and political hierarchy stepped gently because of Dr Zuhdi’s national reputation as a heart surgeon. Who knows when one of them may need his quick fingers and famous skill? They referred to him as a ‘good man’ – it’s his religion that stinks! The thought of having those oily-skinned

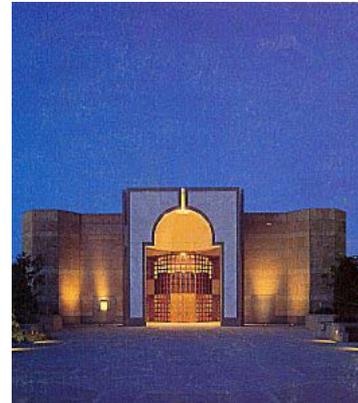
⁴ The incident is described in Azim Nanji, ‘The Muslim Family in North America: Continuity and Change,’ Harlette P. McAdoo (ed.), *Family Ethnicity, Strength in Diversity* (Newberry Park, CA: Sage Publications, 1993), pp. 230-31.



folks driving in from all over to pollute the pristine atmosphere of the WASPs was just too much. The holy war was brief – Edmond is safe. But for what?

The Burnaby, British Columbia Case

The second example concerns the establishment of the Ismaili Centre and Jamatkhana in Burnaby, British Columbia, completed in 1985. As Don Mowatt, the CBC producer recollected the events in a program broadcast much later⁵ the center had been born in a climate of racial and cultural suspicion. It had been initially opposed by neighbors who feared intrusion of strange customs and rites. He traced how in time the building, with its striking architectural character and sensitivity to regional characteristics, came to be perceived as a common treasure. Ironically, the architect, Bruno Freschi, was a Canadian, who had sought to create a contemporary building that would respect and reinterpret the architectural and cultural values of a Muslim community in a space far removed in time and geography from the origins of their religious and cultural tradition and yet affirming a commitment to enlarge the cultural vocabulary of their new home. Here was a case where another narrative could be added to the master narrative, without cultural values being totally assimilated.



Main Entrance to
The Ismaili Centre and Jamatkhana
Burnaby, British Columbia, Canada
© Islamic Publications, 1985 / Gary Otte

The Albiqui, New Mexico Case

The third example offers a more dramatic choice, where a decision to re-create an exclusive environment was made by an American Muslim community. Such a task was initiated by a group of Muslims in the semi-arid and mountainous region of northern New Mexico near the town of Abiquiu. The site was called Dar al-Islam.



Dar al-Islam
Albiqui, New Mexico, United States
© The Aga Khan Trust for Culture and the
American University of Cairo / Said Zulficar

The plans for the mosque, which were soon completed, called for the building to be constructed of material indigenous to New Mexico: adobe and brick. The technique of building with adobe had been introduced into America hundreds of years earlier by the Spanish, who, in turn, had probably acquired it during the period of Muslim rule in Spain that lasted for more than 800 years. A great deal of the original technique had fallen by the wayside, however, and no one in New Mexico was capable of constructing the exquisite vaulting domes that were such an integral part of traditional designs. So a working seminar for masons, attended by adobe specialists from all over America, was organised. Hasan Fathy, the famous Muslim architect from Egypt (who died in 1993), attended and brought with him two Egyptian masons to teach the ancient techniques.

⁵ Don Mowatt, *A New Space for Islam*, CBC Radio. (Vancouver BC, March 1993).



The following year, construction started on the mosque. Already, several of those who had attended the seminar had become Muslims and were working full-time on the project. Within a year of very hectic work, the mosque was completed, and a grand opening was held that was attended by architects and builders from all over the United States. While Dar al-Islam was conceived as a complete religious and cultural environment, in which Muslim values could be embodied and preserved, the experience of those living there over the years has not been entirely consistent with the original vision. The space and its role have undergone change as has the direction of its programs of education, employment, and cultural life.

These examples illustrate the range of cultural and legal issues involved in creating new spaces and also suggest the differing options Muslims have chosen to exercise in America. The initial obstacles stem from a persistent racial and cultural prejudice common to both Canada and the United States. At the local level such prejudice often manifests itself in the use of restrictions and covenants to block or limit the construction and establishment of mosques or similar structures. Often this has meant that Muslim communities have had to move away from preferable locations to zones where such local legal rules are not applicable. The case of Oklahoma is further compounded by hysteria generated by media attention following an international airline hijacking in the Middle East. The New Mexico model consciously sought to establish a remote community, whose character would be self-enclosed and self-sufficient. In general, since the 1980s, most Muslim communities have had great success in building mosques and centres. In North America there are now several hundred such buildings that offer Muslims space for gathering and prayer. Many of these may be spaces converted to congregational use.

The creation of mosques and religious and cultural centers in North America and Europe, has involved for Muslims, an exercise in negotiation and encounter with local, municipal regulations governing the building of religious spaces. That has proven easier where local law and policies have been complemented by benign national legal strategies encouraging and even subsidising these developments. In the case of Edmond and Burnaby, the permits for occupying and building on specific sites were discussed and negotiated in the context of local councils and municipal law. In Edmond, the city council denied permission to build, while in Burnaby, the permit was eventually granted, through negotiation. By contrast with these examples of outright opposition or grudging concession, Holland offers an excellent example of a liberal, Western legal tradition seeking to accommodate the entry of Muslims and other religious groups by facilitating the creation of mosques. While the Dutch constitution articulates a separation between church and state and institutes the principle of nondiscrimination among various religious communities, successive national governments have recognised the need to subsidise space and even social and cultural activities among Muslims. The practice eventually ended in the mid-1980s, and the government has encouraged municipalities to facilitate the foundation and maintenance of mosques. The extent of the practice varies across Holland, but it is noteworthy that where local non-Muslim groups have voiced objections, their focus tends to be on issues such as ‘noise’ (the prayer-call for instance), but on the whole municipalities in Holland have been forced to develop policies to enable and assist Muslims in creating new environments that incorporate the practice of their faith as well as the sustaining of social and cultural activity around the mosque.⁶

⁶ For Abiqui, see Nanji, pp. 238-39; and for Holland, see W. A. R. Shaded and P. S. Van Koningsveld, ‘Islam in the Netherlands: Constitutional Law and Islamic Organizations,’ *Journal of Muslim Minority Affairs*, 16:1 (1996): pp. 111-28.



Local legal and municipal frameworks probably offer the most significant opportunity for Muslims and others to build community consensus and relations in the long run. It is success at this level, building on the tradition of the public square, encouraged by national strategies and policies for forging multicultural and multifaith understanding that will engender positive change and a spirit of accommodation. Already, favorable legal conditions and tax regulations have engendered and built on a spirit of Muslim philanthropy and giving, to enable these communities to support mosques and centres in North America and Europe. Muslims are contributing to the creation of a shared architectural heritage as they construct visible signs of their presence in the local landscape.

Family Life and Values

The present Muslim population in North America and Europe has its roots in many different parts of the world ranging from Albania to Zanzibar; they are not a single homogeneous unit. This geographic, ethnic, national, and cultural diversity is reflected in the variety of traditions that constitute the family among Muslims in the West.⁷

Islam, Culture and Marriage

Family life in Islam assumes the necessity for and regulation of marriage. Disparaging popular images of Muslim women hidden under folds of clothing and shuttered away in exotic harems have created the unfortunate stereotype of the oppressed Muslim woman in popular western consciousness. In reality, the regulations of the Qur'an sought to define rights as well as obligations for men and women in marriage, assuming a degree of choice: this is true of rights of divorce and inheritance, opportunities for participation in the public sphere, and safeguards for a distinctive feminine identity in matters of dress and behavior. As among other religious traditions, notably 'fundamentalist' understandings of Christianity and Judaism, some in Islam have interpreted these principles in a very conservative manner to assure a separate and subsidiary role for women in public life. In the overall context of Muslim history and society, however, the status and role of women is contextualised within the larger view of the integrity and vitality of the family as the cornerstone of social relationships.⁸

The Qur'an, within the context of the social circumstances of the times, permitted a man to have a maximum of four wives at one time, thus regulating a system that had allowed for unlimited cohabitation. At the same time, it encouraged the view that equity might only be truly possible within a monogamous household. The Qur'an recognised the possibility of breakdown in marriage and allowed for divorce after reasonable attempts had been made to reconcile the parties. Marriage was to be accompanied by the signing of a legally binding contract, with the husband specifying the amount of settlement to be made to the wife in the event of divorce. Divorced persons, widows, and widowers were also encouraged to remarry.

⁷ Among recent studies on Muslims in North America and their background see Yvonne Haddad (ed.), *The Muslims of America* (New York: Oxford University Press, 1991) and with Jane I. Smith (ed.), *Muslim Communities in North America* (Albany: State University of New York, 1994). Also, Fred Denny, 'Islam in the Americas' and Lawrence Mamiya, 'African American Muslims' in Azim Nanji (ed.), *The Muslim Almanac: A Reference Work on the History, Faith, Cultures, and Peoples of Islam* (Detroit: Gale, 1996), pp. 141-48 and 148-57.

⁸ For the role of women in Islam, in general, see Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992).



Another area of family life touched on in the Qur'an is that of inheritance. The Qur'an prohibited Arab custom whereby a son could inherit his stepmother as part of his father's legacy and then convert the wife's property and gifts into his own. It defined a share of the inheritance for both male and female children, granting, in the context of social roles of the time, the male child twice as much as the female. The widow is granted one-eighth, if there are also children involved; if not, she receives one-fourth.

Some Muslim modernists have argued that such regulations based on ethnic and rural frameworks offer alternatives that can be adapted when society undergoes urbanisation and that the inheritance shares should change accordingly.⁹ A particular concern was also expressed for orphans, needy children, and the disadvantaged within the family and society, for whom particular care was to be exercised and special funds set aside for their use. Compassion and care was thus given institutionalised shape through philanthropic activity. The Qur'anic teaching on sharing one's wealth and giving charity, through *zakat* and *khums*, for example, provided the basis for institutionalising through the state or through private endowments and community initiatives, mechanisms that allowed such giving to be specifically directed, by individuals or community leaders, to those most in need.

The Concept of Family

The legal articulation of the Muslim concept of the family provided individuals with identity and status, and protected them through rights and obligations. The extension of the kinship relationship through marriage created a wider network of contacts. The emphasis on the cultural notions of privacy, intimacy, and seclusion in the sphere of life affecting women, however, gave rise to distinct categories of relationship with those within the kinship sphere and those without. For instance, for Muslims from South Asia, this came to be expressed in terms of two dialectically opposed categories, our (*apna*) and those outside (*ghayr*), which in turn denoted the personal and family spheres as against the impersonal, public sphere.¹⁰ Muslim society, in general, thus developed a patrilocal household that was extended through endogamy and was characterised by strong ties of descent. On the whole, this cultural heritage of social grouping and family values characterised the value system of immigrant Muslims. It provided for a strong sense of personal identity within the private, family network, with its element of mutual support and kinship solidarity, reinforced by a strong Islamic emphasis on the centrality of the bonds of the family.

The first major area of change for Muslim families in the west involved the loss of what was perceived as a traditional cultural environment. Coherence in Muslim family life, it was believed, came from having the security of a well-defined framework of values and institutions to support it. Since the inherited legal rules embodied in the *shari'ah* could not be fully applied in North America, and the cultural network of family or kinship ties did not exist in the same way to reinforce it, tradition might guide how families lived, but these traditions were not anchored within the law and in a shared social setting. In fact, the legal status of individuals within the new system in the west was of a completely different order, assuming individual rights rather than one's status within the family or social unit. In addition, there was a major transition involved in adapting to a highly post-industrialised, market economy,

⁹ Fazlur Rahman, *Major Themes in the Quran* (Minneapolis: Bibliotheca Islamica, 1980), pp. 49-51.

¹⁰ Regula Qureshi and Salm Qureshi in Earle Waugh (ed.), *The Muslim Community in North America* (Edmonton: University of Alberta Press, 1983), p. 13.



that kept shifting through successive recessions and periods of growth. Polygamy was prohibited and in many cases, marriages had to be notarised by civil authorities.

The Impact on Muslim Women

It can be said that the most significant impact of this cultural dissociation has been on the lives of Muslim women.⁹ As in their home countries in modern times, many had to choose, of necessity and as an extension of their new roles, to work outside the home. The wearing of traditional forms of dress, ways of relating to others, both men and women, outside the family, and the degree of displacement of the dominant role of the husband in the household were all issues that came to the fore. Women have thus borne the greater brunt of the stresses created by migration and settlement. The overall expectation of the traditional role of the Muslim woman is not very different from that of many other ethnic and religious groups; as a mother, she is the anchor of the family; as a wife, her role is to complement and enhance the image of her family and husband; and as a homemaker, she is the one on whom the bulk of responsibility falls for the organisation and maintenance of the household. This traditional role expectation still constitutes a norm in most Muslim families, but clearly some fundamental changes have taken place in the lives of Muslim women in America. The most important is the transition of women from the sphere of work in the private space within the house to the realm of public space in the workplace. This has meant that the essentially separate worlds of Muslim men and women prevalent in the urban, public sphere in their home cultures, have now become fused. One corollary of this is that Muslim women also tend to participate more actively in the life of prayer and worship in the mosque, whereas in the past they may have prayed almost exclusively at home. Most Muslim women's social lives, however, still revolve around networks linked to the mosque and the local community. Marriage, however, is entirely monogamous in its North American setting, and increasingly becoming a matter of personal choice rather than simply of family arrangements.

An Intergenerational Gap?

The strains that mark intergenerational conflict are as much in evidence among Muslims as among other tradition-oriented American groups. Some Muslims perceive their children to have imitated aspects of unacceptable social behavior, such as dating, drinking, drugs, and so forth. They also worry about the likelihood of intermarriage. Again Muslim girls who according to traditional Muslim law, are forbidden to marry outside the faith, represent a vulnerable area of stress in such families. In general, as the new generation grows up, the intergenerational gap in perception of North American versus the past home-country system of values tends to grow wider.¹¹

It is unlikely that existing codes of family life in North America can be significantly altered to take account of the diverse family traditions of Muslims or for that matter, other incoming religious groups. However, as in Europe, certain efforts can be made to promote reunification of families, greater sensitivity to religious and cultural values in family and social work counselling, and appropriate flexibility in affording rights to individuals within traditional

¹¹ See the section on 'Muslim Women: Gender in Socio-Religious Context,' Earle Waugh et al. (eds.), *Muslim Families in North America* (Edmonton: University of Alberta Press, 1991), pp. 256-325. Also, Fariyal Ross Sheriff, 'Islamic Identity, Family and Community,' *Muslim Families in North America*, pp. 101-17.

¹² M. Berman-Gibson, 'Eric Erikson and the "Ethics of Survival,"' *Harvard Magazine* (1984): p. 59.



family structures and codes based on foreign law. At the same time, vulnerable groups such as women and children, need greater protection and empowerment during periods of transition. As in Europe, issues related to the recognition of marriages in the home country, divorce, and custody rights related to children, are likely to arise and the court system can only benefit and be an enabler in contributing to changing needs and perceptions, through greater understanding and openness.

Among Muslims in Canada and the United States, as indeed in the world, given their diversity, these strategies can by no means be homogeneous. At the heart of all their responses, one can discern a hope shared by more and more North Americans, that of establishing a balance among all the elements of the world they live in: a greater emphasis on human values in an increasingly programmable information-oriented society; a need for ethical underpinning in the face of a secularisation of the means of moral decision making, and an aspiration for the enhancement of the quality of individual and social life and the environment. Erik Erikson's insights have shown us that families across generations strive to create conditions for what he called the 'maintenance of the world.'¹² The study of American life, *Habits of the Heart* points to the necessity of moral tradition and 'communities of memory' as vital to the eventual transformation of our social ecology.¹³ Better mutual understanding can help engender a common pursuit of how different groups and faiths can build on their heritage of ethics to combat the negative consequences of change.

Education

Education in democratic societies is often viewed as one of the most significant forces of integration and assimilation into mainstream values. It provides the means to participate in a nation's political and economic life, while conversely creating attitudes and promoting values that might be viewed as undermining inherited traditional and religious ones. For most immigrant groups, such as Muslims, it may not be possible to create their own private system of education, hence a major part of the socialisation into the host society will occur through the public educational system.

The attitudes and assumptions of many teachers and fellow students are likely to be shaped by the same popular assumptions held in general by other groups in society. Many schools have felt the need to develop teacher education programmes that address the needs of religious and ethnic minorities, and to make their curricula reflect that diversity. While this concern is shared by teachers and parents in general, there has of late been growing resistance to what is perceived as undue emphasis on the needs of minority cultures and the steady erosion of established, dominant Euro-American values, grounded in the Classical and Judeo-Christian traditions. Given the differing histories of education and differing attitudes toward the integration of religion in publicly funded schools in Canada, Europe and the United States, it is unlikely that uniform Muslim approaches to the issue can be developed. There is case law on religious belief and its relevance to public education in all three regions that places constraints on the ability of Muslim parents to educate their children as they wish with support from the State.

¹³ Robert Bellah, *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley: University of California Press, (1985).

¹⁴ Constitutional Act. 1867 (UK). 30 and 31 Vict., c.3.



The Canadian Example

Though there is a long history in Canada of support for religious education, whether Roman Catholic or Protestant, within the publicly funded school system, based in the British North America Act of 1867,¹⁴ recent rulings suggest that the courts, in protecting the rights granted to all Canadians according to the *Charter of Rights and Freedoms* are now committed to a more secularised form of public school education. A recent Canadian example from Ontario, traced more fully in the chapter in this volume by Elizabeth Shilton,¹⁵ illustrates how the courts have responded where parents of non-Christian children challenged existing practices of opening and closing exercises that reflected a Christian pattern of religious belief. These practices were found to offend the freedom of religion and conscience clause in the charter, section 2(a). There is also recent authority to the effect that religious minorities, other than those specially favored by section 93, have no claim to state support for the religious education of their children. Only in provinces that provide funds for denominational schools more generally is access to public education for a religious community such as Muslims, possible.

As a consequence, Canadian Muslim parents have the choice of creating private schools for their children, which may or may not be supported across Canada by public funds. Within the public school system, they may object to religious teaching that they might regard as indoctrination of another faith but cannot demand to have their children be educated in their own religious tradition.

On the whole, Canadian Muslims have different views on how they wish their children to receive Islamic-oriented education. Given the diversity of Muslims, there is, of course, no consensus.

Comparisons with Britain

England, by contrast, offers a different kind of illustration. In some school districts in cities such as Bradford, with a large majority of Muslim students, attempts by Muslim groups to seek control over the curriculum and administration of such schools have been rejected by the courts. In the early 1980s, some Muslim parents in Bradford had applied locally for the establishment of five schools. Rejection at the level of the borough council caused the parents to take the issue to the Minister of Education and eventually for review before the High Court. The arguments against allowing such control were based on the view that it would promote social segregation and erosion of the quality of education. In 1993, after further appeals and judicial consideration, the Minister of Education rejected the application.¹⁶ While a segregated mode of education based on ethnic or religious identity could still easily develop in Britain, there is another answer. Much could be gained at a national level by creating balanced curricula that attempt a proper educational perspective in integrating cultural and religious

¹⁵ A number of cases are cited by Elizabeth J. Shilton in her contribution to this collection of essays, see 'Religion and Public Education in Canada after the Charter,' *Religious Conscience, the State and the Law: Historical Contexts and Contemporary Significance*, ed. John McLaren and Harold Coward, (Albany: State University of New York, 1999), Chapter 13.

¹⁶ Jorgen S. Nielsen, *Muslims in Western Europe* (Edinburgh: Edinburgh University Press, 1995), pp. 53-59.

¹⁷ Stephen Carter, *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion* (New York: Basic Books, 1993).



plurality. The School of Oriental and African Studies of the University of London is already showing how this can be done at the level of tertiary education.

The American Example

In the United States, under the ‘non-establishment’ clause of The First Amendment, public schools cannot endorse or include instruction that would promote or privilege the views of any religion. By the same token religious groups cannot secure federal or state funding for educational costs that are seen as promoting their religion. Only if the money is made available for purposes classifiable as secular or otherwise viewed as not involving support of religion (e.g., transportation, medical or therapeutic services, or communication services to physically challenged students) has expenditure by the state been upheld. Public schools may be able to offer courses on religion and culture as part of the curriculum, provided that such courses are non-directive and do not privilege or promote any religion or religious practice. Muslim parents, like others, can legitimately object to having their children subjected to the claims or practices of another faith tradition, but cannot demand that their children be educated in the Muslim tradition, unless it be in their own privately funded schools.

In recent years, the language of ‘culture wars’ has dominated debate in America about such issues as the proper role of religion in society and public education. Observers such as Stephen Carter have tried to demonstrate the marginalisation of religion in public discourse about culture and values.¹⁷ Other vigorous proponents of American values, such as William Bennett, former Secretary of Education, have written of the ‘de-valuing of America,’ arguing that religion has been shunned in public education. He maintains that ‘American culture and American greatness – perhaps more accurately American goodness – draw strength and direction from the Judeo-Christian tradition.’¹⁸ Muslim leaders, educators, and intellectuals are just entering the debate. An important role in building common purpose through higher education, is evident in the changing curriculum and work of some law schools.

One Muslim scholar of education in the United States, has suggested that Muslims might best approach their situation by seeking to ‘preserve Islamic identity in an integrative manner within the pluralistic western society.’¹⁹ The challenge is likely to take time to resolve, but with cultural empathy and educational initiatives, knowledge about Muslims and their civilisations and cultures can become part of the mainstream curricula in the humanities and social sciences, without privileging any one faith tradition. At Harvard and at Emory Universities, for example, we are witnessing a gradual integration of materials and case studies involving Muslim societies and legal systems.

Concluding Remarks

It would be appropriate in summing up a discussion of the specific issues addressed in the article, to offer some cautionary remarks on methodology in the Humanities and Social

¹⁸ William Bennett, *The De-valuing of America* (New York: Summit Books, 1992), p. 208. It would be salutary also to keep in mind as these debates unfold, the general thesis of Edward Said’s work *Orientalism* (New York: Pantheon Books, 1978), of the intellectual shortcomings and pitfalls of reified cultural constructions of others and of self.

¹⁹ Nimat Hafez Barzangi, ‘Islamic Education in the United States and Canada: Conception and Practice of the Islamic Belief System,’ *The Muslims of America*, p. 172.

²⁰ Mary Douglas, ‘Effects of Modernization on Religious Changes.’ *Daedalus* 3:4. (Winter, 1982): p. 1.



Sciences as they deal with questions of law, religion and the State. In an essay, as far back as 1982, Mary Douglas, the noted anthropologist, remarked that ‘events have taken Religious Studies by surprise.’²⁰ As examples, she cited that fact that scholars were unable to foretell the so-called resurgence of Islam, the recent revival of traditional religious forms, and the renewal of right-wing political values based on fundamentalist interpretation of scripture in the United States and elsewhere in the world. In 1996, the issues seem hardly to have changed. Religious studies scholars were taken *unawares*, Dr Douglas contends, because of the rigid structure of their assumptions and the fact that their eyes were glued to those conditions of modern life identified by Max Weber as antipathetic to religion. Surely, if in the social sciences and the humanities, as indeed in the study of law, we are to begin to make better sense of the relationship between religion and society, then we may need to discard some of these methodological assumptions that have caused us to focus unduly on secularisation as a normative and even desirable process. Academic institutions and intellectuals, as well as the news media, can play a very constructive role in the public debate over these issues, by recognising and incorporating the new complexity in the teaching and preparation of those who will have a role to play in politics, law, education, and the media. The peril of a failure to do so, is to extend further the gaps in cultural understanding that endanger the building of a democratic, civil society.