The illiberalism of liberalism: schools and fundamental controversial values

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Abstract

This paper analyses the recent protests by mainly Muslim parents against the use of LGBTQ+-friendly story books in a primary school in Birmingham, England, the associated court case, and the broader issues it highlights about the contradictory and complex relationships between liberalism, faith, and democracy. I discuss the case itself, tensions around Relationships and Sex Education, and the wider social and political context for the protest, considering both the position of 'Muslims' in the UK's civic and political society, and how dominant discourses within liberalism responds to 'others' in this present temporal moment. I conclude by briefly considering the potential of deliberative democracy and agonism as approaches to address emotive value clashes, and to emphasise the importance of primary schools as places of shared investments, where families and teachers might move towards developing mutual understandings.

Key words: Religion, Relationships and Sex Education, Liberalism, Values, Schools

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Where new religious communities emerge due to increased immigration, questions of incorporating them into the multicultural society becomes complicated by sentiments of nationalism and the often too easy invocation of the friend-enemy distinction (Neo 2018 p.197)

Introduction

In November 2019, the British High Court made permanent an injunction for an exclusion zone around a Birmingham primary school, Anderton Park. This was to control mainly Muslim demonstrators who had been protesting against school picture books which contained LGBTQ+-friendly messages. In this paper, I discuss the Anderton Park court case, together with reference to data from a recent research project that I conducted on the mandatory promotion by teachers of the 'fundamental British values' (FBV)[1] (Vincent 2019 a and b). The paper is not primarily an empirical one, but rather a reflection on a broader set of issues: the nature of contemporary liberalism, its reaction when challenged by actual or perceived conservative religious belief, and what the discussion of such issues reveals about the contradictory and complex relationships between liberalism, faith, and democracy. It contributes to this Journal's aim to analyse the politics of integration, and takes up Stephen Larin's (2020) recent discussion here of integration policies, including 'the inculcation of respect, the principles of liberty, democracy, human rights, and the rule of law' (2020 p.127). Larin's nuanced analysis focuses on civic integration policies directed at migrants; he argues that these, in effect, reflect 'the self-representation of the majority' rather than providing a basis for social integration (2020 p.138). The case of Anderton Park School involves those of migrant heritage, but I argue that a similar dichotomy of the liberal 'us' and the illiberal 'them' shapes majority understandings of the case. This paper therefore contributes to furthering our understanding of how cases of contested values arise in the

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[1] Since 2014, teachers in England have been required to promote the 'fundamental British values' defined by the government as democracy, individual liberty, rule of law, mutual respect and tolerance for those of different faiths.

educational sphere, the underlying principles and positions which inform them, and how they may be addressed.

I start by giving some details about the Anderton Park court case and published judgement. I argue that a consideration of some of the legal, social and political aspects of the policy context serves to complicate a simple binary of a liberal state versus an illiberal parent grouping. In order to explore this further, I discuss contemporary policy aspects of 'managing' diversity, specifically the Equality and Prevent Duties, FBV, and policy on sex education. I argue that the policy context for these measures is shaped by an assertive, 'muscular' liberalism that allows liberal advocates to adopt illiberal positions in relation to religious, especially Islamic, conservatism. I briefly discuss how this approach shaped the leadership of a school, called here, Garden Primary, and argue that such illiberal liberalism may affect British Muslims' sense of 'perceived belonging' (Healy 2019). Finally, I briefly discuss the limits of litigation in cases such as Anderton Park, and indicate instead the potential of strengthened teacher-parent relationships as a more nuanced response to addressing different understandings of morality, legitimacy and appropriateness in our multi-cultural, multi-religious society.

Birmingham City Council v Afsar et al

At the heart of the tension at Anderton Park were two picture books, described by Nazir Afzal, a human rights lawyer, who briefly tried to mediate in the case.

> [Protestors'] concerns seemed to be around two books in particular - one about two loving male penguins and an egg they looked after [And Tango Makes Three], and one called The Princess Boy about a boy who wore a dress[2].

As parental discontent grew, large, vocal groups of mostly (but not entirely) Muslim demonstrators protested at the school gates. As the demonstrations were causing distress to staff and children, Birmingham City Council applied for and was granted a temporary

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[2] https://www.birminghammail.co.uk/news/midlands-news/cowardly-government-blamed-breakdown-anderton-16351301

injunction in June 2019, keeping the protestors away from the school building. The later court case required the Judge, Warby J, to rule on the legality of a permanent injunction, preventing three named defendants and others from protesting close to the school's premises. At the conclusion of the hearing, Warby J ruled that Birmingham Council's claim for a permanent injunction pursued legitimate aims on the grounds of preventing anti-social behaviour, and 'protecting the rights and reputations of others' (2019 EWHC 3217 (QB) - hereafter referred to as the 'judgment'- s.21, s.133). He further declared that 'the matters actually taught were limited and lawful', and that, moreover the teaching has been 'misunderstood and misrepresented by the defendants, and misrepresented, sometimes grossly misrepresented, in the course of the protests' (judgement, s.21). There were, for example, accusations during the protests that the school was 'pursuing "a paedophile agenda", and teaching children how to masturbate' (judgement s.3)[3]. The school's teaching recognises non-heterosexual relationships and identities, and seeks not to stigmatise them. In effect, this means that younger children may hear that there are different types of families, some with two mums or two dads, whilst older children are taught that 'gay' is not an insult, and an outline of the struggle for gay rights (judgement, s.69). I wish to make clear that, personally, I wholeheartedly support this teaching. I explore here not the justifications for it, but rather the apparent clarity of the example offered by the legal judgement, of liberalism triumphing over illiberal beliefs and attempts to restrict children's education. The court hearing on whether to make the injunction permanent presented a picture of two 'sides' with very different world-views - unsurprisingly given the legal setting. The case was largely portrayed in the media in quite simplistic terms as homophobia versus Islamophobia (e.g. Bracchi 2019, although some accounts sought to go beyond this binary, e.g. Ferguson 2019, Iqbal 2019; see also Shipley 2015). it is this division that I wish to interrogate further.

I have argued elsewhere (Vincent 2019b) that recognition of the affective characteristics of the wider social and political climate are an important part of understanding how particular

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[3] Similarly, another anti-RSE organisation, 'School Gate Campaign' makes similarly exaggerated claims that resources used introduce '**Nudity, graphic images and terms like *anal intercourse* and *masturbation* to Juniors**. First **sexual intercourse will be encouraged from the age of 13**' (https://www.schoolgatecampaign.org/. Accessed October 16th 2020, original emphasis.)

policies are made and enacted (or not). Anderson (2016) argues that we need to pay attention to the affective properties of a 'geo-historical nexus', a particular time period in a particular place, and consider 'the ways in which collective affects form part of the conditions through which economic-political formations come to form and are lived' (Anderson 2016 p.738). Anderson references Raymond William's term, 'structure of feeling'. This concept focuses our attention on understanding both affective, everyday life experiences, and also the role of mediating structures; thus, it refers to the affective, bodily, emotional experience of living in a particular period of time (Williams 1961, this edtn, 2011, p.65). This draws our attention to the varied, but continued marginalisation of and discrimination of both those who are Muslims and those who identify as LGBTQ+, and indicates the strong emotional drive of the dispute. For the purposes of this paper, I am concentrating on the way in which 'Muslims' are often constituted in contemporary political and social discussions as 'not belonging' in Western liberal democracies (Miah 2017). However, I suggest that there is another paper to be written that illustrates the degree to which education, particularly primary education, is viewed through a heteronormative lens, to the extent that a picture-book about male penguins looking after an egg (And Tango Makes Three) is seen as either progressive or indoctrinating, and not simply as an engaging, but fundamentally unremarkable, story.

In order to fully understand the affective 'tone' of the wider social and political context to the Anderton Park case, I discuss next, aspects of the legal and policy framework which have sought to 'manage' difference in a variety of ways.

The legal and policy contexts: 'managing' difference

Public duties

The court hearing exemplifies the apparent conflict between different aspects of British law; and specifically, different aspects of the Equality Act 2010. The Act mandates that schools and teachers have a public sector equality duty (PSED) to have 'due regard to the need to eliminate unlawful discrimination and harassment, advance equality of opportunity between people who share a protected characteristic and those who don't, and foster good

relations between these groups'[4]. There are nine 'protected characteristics' including race, sex, religion or belief, and sexual orientation. Birmingham Council pleaded reliance (amongst other duties) on its PSED under section 149 of the Equality Act, and Warby J understood sexual orientation as the relevant characteristic that needed protection (judgement, s.62). The protesters presented the case as one of religious rights being squashed. The defendants claimed in court that being subject to the exclusion zone, 'amount[ed] to indirect discrimination on ethnic and/or religious grounds, contrary to the Equality Act 2010', an argument that Warby J did not accept (judgement s.9). Their barrister claimed:

> Parents feel they are told: 'You have got to accept our teaching and keep your own beliefs under the bushel, in a closet at home'...this conflict amounts to discriminatory treatment […] They hear: 'We would like you to learn about equality at the expense of subduing your own religious belief because [doing so] demonstrates tolerance, inclusivity and stepping away from extremism.'[5]

The reference to extremism illustrates the point made by commentators (e.g. Kundnani 2012; Cowden & Singh 2017) writing about government policies on extremism, and the accompanying media coverage: that these are informed by an underlying assumption embedded in these policies and media portrayals, that all Muslims hold, if not extremist beliefs, then highly conservative and retrograde ones[6]. In 2014, an alleged case of 'infiltration' by extremist Muslims of state schools also in Birmingham (the Trojan Horse Affair) led to sustained and negative press coverage of the schools, their staff, governors and communities[7]. Nazir Afzal, cited earlier, referred to the Trojan Horse case as having had

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[4] https://www.equalityhumanrights.com/sites/default/files/psed_guide_for_schools_in_england.pdf

[5] https://www.birminghammail.co.uk/news/midlands-news/anderton-park-school-parents-feared-17110330
[6] Two thirds (67%) of Conservative party members who participated in a YouGov poll in June 2019 believed that there were areas in Britain that operate under Sharia law, and nearly half (45%) believed that there were areas which non-Muslims were not able to enter.
[7] The Trojan Horse Affair - the subject of four different investigations - is difficult to unravel, but the 2015 report by the House of Commons Education Select Committee concluded that, with the exception of one incident, no evidence of extremism or radicalisation was found by any of the Trojan Horse inquiries, and in 2017, the charges of professional misconduct against key teachers were dropped (although the teachers were not cleared, the case against them collapsed on procedural grounds, see Holmwood & O'Toole 2018, Miah 2017 for reviews).

a severe impact on the trust that Birmingham's Muslim communities held in state institutions[8]. The Affair has also become a shorthand for undue and subversive Muslim influence. Following this, the Anderton Park protests were positioned as another instance of extreme Muslims acting to undermine school leaders (Ferguson 2019).

In addition, to the PSED, I argue that another legal duty contributes to the context of the case (although it was not mentioned in court): the 2015 Prevent Duty. This duty illustrates the complex entanglements of counter-extremism and education. It explicitly brought schools into the already-existing Prevent strand of the counter-extremist strategy, by enshrining a legal responsibility on public bodies, including schools, to have 'due regard to the need to prevent people from being drawn into terrorism' (Counter Terrorism and Security Act 2015 part 5, chapter 1, s.26). The move to creating these particular statutory responsibilities exemplifies the juridification of education. The Prevent Duty requires teachers to have compulsory training in order to fulfill their duty to identify and report any colleagues or pupils displaying signs of being 'at risk' of 'being drawn into terrorism including support for extremist ideas that are part of terrorist ideology'; 'extremism' is defined as 'vocal or active opposition to fundamental British values' (DfE 2015 p.6). Referrals are investigated and some individuals may receive intervention programmes provided by the police-led, multi-agency Channel programme. Prevent is - despite later versions invoking far-right radicalisation in addition to Islamist extremism - still criticised for targeting and alienating Muslim communities, thus further deepening the demonization of Muslims for their difference and presumed conservatism (Lundie 2019, Panjwani et al 2018, Mac an Ghaill & Hayward 2017, Thomas 2017)[9].

Teachers appear to have largely accepted the Prevent Duty as part of their safeguarding responsibilities in line with government guidance (Busher et al 2019, Vincent 2019b), but others have voiced concerns on its potential impact on pupil/teacher trust (Ragazzi 2017),

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[8] https://www.birminghammail.co.uk/news/midlands-news/cowardly-government-blamed-breakdown-anderton-16351301.
[9] Recent statistics show that referrals are now more equally balanced between Islamist and far-right radicals. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/853646/individuals-referred-supported-prevent-programme-apr2018-mar2019-hosb3219.pdf

and the effects of mistaken referrals to Prevent (Open Society Justice Initiative 2016). However, recent empirical work has focused on different local approaches at local authority and school level, some of which may serve to 'detoxify' the brand (Busher et al 2019 p.443; also Elwick & Jerome 2019, Thomas 2017, O'Toole 2016). Despite this, the role of the Prevent Duty in contributing to the context for the Anderton Park case cannot be ignored. Despite the liberal nature of the agenda to prevent radicalization – that is, to safeguard, to foster agency (through building resilience in those perceived as vulnerable) and to promote commitment to democracy, mutual respect and tolerance (through the promotion of fundamental British values (FBV) -see below), it explicitly positions 'the content and aims of education …within a national security agenda' (Revell 2018 p.198).

Sex education and sexuality

Understanding the affective tone of policy in this case requires a consideration of current policy around sex education. Prejudice around same-sex relationships and transgender issues is not of course limited to 'Muslims'. Neither are 'Muslims' one bloc. As with all major religions, there are varying interpretations of the holy text[10]. Although survey research suggests that many Muslims, like adherents of other religions, are more conservative than the non-religious with regard to issues of sex and sexuality, it is noteworthy that Kashyap & Lewis's (2013 p. 2135) survey showed that young British Muslims separated their personal moral beliefs from public policy, and therefore supported the legal recognition of same-sex relationships. On a more micro level, clearly not all Anderton Park's Muslim parents opposed the use of the contested resources. Similarly, Parkfield Primary, also in Birmingham and also subject to protests in 2019 because of its use of similar story books, (as part of a programme entitled *No Outsiders*, Moffatt 2011) had successfully used such materials for four years prior to the 2019 protests (CCE, 2019 p.65).

The tension between conservative religious groups and the more progressive attitudes of many education professionals concerning sex education and sexuality may bubble away largely unnoticed, only emerging at particular flashpoints. These flashpoints however can be

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[10] See for example the liberal reading of the Qu'ran provided by Imaan, an LGBT Muslim organisation, (https://imaanlondon.wordpress.com; also Shah 2016)

very revealing. Bialystock and Wright argue that 'sites of sexual panics' are 'windows through which to investigate issues that are seemingly unrelated to sex …. particularly "race"-based discourses such as nationalism, colonialism, and multiculturalism' (2019 p.344). Their analysis of struggles over sex education in Ontario, Canada, note that the 2015 Ontario protests – seemingly very similar to those in 2019 in Birmingham, England, with evidence of misinformation and prejudice on the part of the protestors – also became entangled with existing prejudices amongst the majority population around the presence of multi-ethnic diversity, with 'the effect of essentializing protestors by race and religion' (2019 p.348) and creating a 'moral', plus a 'multi-cultural panic' (2019 p.344, also Shipley 2015).

> The media particularly seized on the role of non-White, Canadians, especially Muslims – many of them first-generation – fuelling a meta-debate about the 'Canadian-ness' of recent immigrants and the incompatibility of liberal values with those of the majority/non-Western world. (2019 p.343-4)

The authors argue for the need to recognise the 'power-laden dynamics at the levels of family, community, and state' (2019 p.354), when sex education programmes are being implemented. Similarly, Rasmussen (2017) argues that comprehensive sex education has related connotations of 'modernity', 'freedom' and 'science'. This can have the unfortunate effect of portraying those who oppose elements of such programmes as backward, unthinking, and oppressive – particularly if they are ethnic as well as religious minorities.

The recent flashpoint for the Birmingham protests may not have been only Anderton Park's use of particular story books, but the wider context of the government announcement that Relationships Education would be made mandatory in schools from September 2020. (Relationships Education only for primary schools – Anderton Park, for example, does not teach sex education- and Relationships and Sex Education (RSE) for secondary schools[11]). Unlike the assertive liberalism discussed elsewhere in this paper, Department for Education (DfE) guidance on RSE and Relationships Education seeks to avoid controversy, leaving

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[11]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805781/Relationships_Education__Relationships_and_Sex_Education__RSE__and_Health_Education.pdf

schools – without much guidance - to decide when is a 'timely point' for students to be 'taught LGBT content' (DfE 2019a para 15, also DfE 2019b). However, as we will see below, the DfE and Ofsted have also appeared to understand the non-teaching of LGBTQ+ issues as an indicator of potential extremism.

The tension around the acknowledgement of sexuality and same-sex relationships, and some people of faith was visible in interviews I conducted with education professionals recently for research on 'fundamental British values' (FBV) (see Vincent 2019a, 2019b for a full discussion of the project. Briefly, the research focused on nine case study schools with different pupil demographics. It involved interviews with 56 teachers and other educational professionals, and 49 school-based observations, largely of lessons and assemblies). The FBV are defined by the government as democracy, the rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs, and are positioned as an essential part of the government's counter-extremism strategy (Home Office 2015). Since 2014, schools have been inspected by national inspectors, Ofsted, on how effectively they discharge two requirements; namely that teachers 'promote' the FBV, and also prepare pupils for 'life in modern Britain'. When FBV were first introduced, there was concern as to whether faith schools were being asked to 'promote' same-sex marriage. This reflects the conflation of these two requirements. It is not an uncommon area for confusion as Ofsted itself has recognised in relation to inspection reports [12].

My research focused on teachers' understanding and promotion of the FBV. However, I also spoke to staff at organisations supporting state-funded Catholic and Jewish schools. They both expressed concerns about the state instructing faith schools to promote particular government-defined values, and both focus on sexuality as an area of possible tension.

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[12] In a 2019 statement provided to Humanists UK, Ofsted commented that in an inspection report on Vishnitz Girls' School: "We merged two standards by incorrectly stating that the school did not pay due regard to the [Equality Act's] protected characteristics and was, therefore, undermining fundamental British values. However, these two standards are not inherently connected, so the report now states that the school met the standard regarding British values, but not the standard regarding equalities'. https://www.tes.com/news/ofsted-removed-lgbt-concerns-published-report (accessed October 16th 2020)

So I think one of the things that we were very clear about was that, okay, this list of [current FBV], we don't have a problem with any of these values….but if you start saying things to do with equal marriage, for example, [that] might be difficult, if we are told that you have to promote same-sex marriage (Catholic educator).

Speaking of teaching about the 'LGBT agenda', a Jewish educator said,

There are problems because particularly if you go to the very Orthodox schools, they do not teach about heterosexual relationships, so all of a sudden being expected to be teaching about nuances within sexual relationships when they don't teach them at all is particularly problematic […] What we teach and should be teaching is that every single child has to show a love and a respect for others […]. One of the issues that we have raised [with the DfE] is that inspectors are inspecting disproportionately on one aspect of the protected characteristics [i.e. sexual orientation], and not on others. I would question that any school has ever had an inspection on whether they teach respect to the elderly. [Age is also a protected characteristic in the Equality Act 2010].

The speaker here is suggesting that inclusion of 'LGBT' relationships has become a touchstone for modernity for Ofsted inspectors when evaluating schools' preparation of their pupils for 'life in modern Britain'. Vanderbeck and Johnson (2016) agree, and note that the notorious 'Section 28' of the Local Government Act 1988 which specifically forbade the 'promoting' of 'the acceptability of homosexuality' in schools, was not repealed until 2003 – relatively recently. This repeal appears to indicate a sharp reversal in the state's attitudes towards same-sex relationships. Arguably, however, this new attitude of inclusiveness allows the Department of Education, and Ofsted a shorthand to identify particular schools as 'suspect'[13].

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[13] In 2017, Ofsted's Chief Inspector linked the wearing of hijabs by girls of primary school age with fundamentalism, and inspectors were instructed to question the children to ascertain why they wore a hair covering (hijabs are often adopted at the onset of puberty, but some younger girls also wear them).

A perception that government is using equality issues selectively and inconsistently is potentially reinforced by the evident unwillingness of government outside of the framework of national security to take measures that would more decisively embed discussion of sexual orientation diversity in the curricula of schools (Vanderbeck & Johnson 2016 p.313).

Vanderbeck & Johnson argue that the selectiveness in applying equalities legislation is driven, not by a concern to promote equality, but rather by the priority given to counter-extremism in government policy. Writing before RSE was made mandatory, they further argue that individual schools have been given a role in 'governing difference based on sexual orientation, [but] the boundaries remain ambiguous and contested between teaching about sexual health and practices, actively encouraging respect and toleration for difference, and promoting a particular sexual orientation' (2016, 295). Certainly, ambiguity and variations in practice around RSE abound. It remains to be seen whether mandatory Relationships Education/RSE will usher in some clarity, but government reactions regarding the Anderton Park case are not promising. Currently the 'teaching of' LGBTQ+ relationships could merely acknowledge non-heterosexual relationships exist and are recognised by law, whilst 'advocating heterosexual marriage as the only morally sanctioned form of sexual expression' (ibid 2016 p.314), a situation that, as Vanderbeck & Johnson argue, continues to marginalize non-heterosexual people.

Thus, I have argued in this sub-section, that sexuality and sex education are often a flashpoint for division between more conservative followers of the major religions and many secular educators; a flashpoint which can become invested with ideas about the 'appropriate' beliefs for claiming national belonging. It is particularly with regard to Islam, that signs of discomfort around teaching about sexuality is understood to indicate potentially extremist views. I suggest that these links – between national belonging and attitudes to RSE – are shaped by a particular, 'muscular' interpretation of liberalism that seeks to 'manage' perceived Muslim difference. I discuss this claim in more detail below.

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https://www.theguardian.com/education/2017/nov/19/school-inspectors-to-question-primary-school-girls-who-wear-hijab.

'Muscular' liberalism

Over the course of this century, various western European nations have made moves to both establish anti-discriminatory legislation to protect minority rights (such as the UK's Equality Act 2010), whilst also enacting 'civic integration' policies (Joppke 2007). Civic integration refers to the obligatory integration of immigrants into these nations 'predicated on the[ir] adoption of liberal-democratic norms and practices' (Korteweg 2017 p.431). Commentators note that such developments are mainly directed towards Muslim populations in western European countries (Joppke 2007, Olsen 2017), and that the label of immigrant 'stretches' to include those of immigrant heritage, although born in Europe. Korteweg (2017) argues 'integration' is a discursive project 'that relegates a group to outsider status even as it purports to build a bridge to insider status' (2017 p.434). Thus, Muslims are the focus of state-sponsored 'integration', with Islam, as in the Trojan Horse example above, often presented in homogenizing and negative terms: as pre-modern, unbending and threatening to the liberal values put forward as a core constituent of European national identities (Morey & Yaquin 2011). This is the 'contemporary paradox' of liberalism - being implicated 'in a rising intolerance towards religion', although it has 'historically and philosophically often been associated with tolerance and freedom of religious expression' (Gustavsson et al 2016 p.1719).

This paradox of 'liberal illiberalism' (Moffitt 2017) can be understood as 'rooted in a particular inflection of liberalism' (Triadafilopoulos 2011 p.871) called, variously, 'unashamed' (Rubenstein 2017), 'assertive' (Olsen 2017), 'Enlightenment' (Galston 1995, cited in Triadafilopoulos 2011), 'Schmittian' liberalism (Triadafilopoulos 2011), and 'muscular' (Cameron 2011, 2014). Gustavsson claims that despite differences in terminology, there is 'much agreement on the recent shift from multiculturalism to a harder line towards Muslim immigrants in several European countries' (2014 p.91), one that is justified with reference to liberal – rather than ethno-nationalist - ideas. That is, with reference to forms of what I am referring to, (following ex-Prime minister Cameron, see below), as a 'muscular' liberalism, that broadly 'aim[s] to clarify the core values of liberal societies and use coercive state power to protect them from illiberal and putatively dangerous groups' (Triadafilopoulos 2011 p. 861). Debates around different interpretations

of liberalism is a rich and nuanced field, and a brief discussion risks simplification and omission. Recognising that, I note only that two dichotomies underpin the distinction I wish to emphasise. The first is Reformation and Enlightenment forms of liberalism, as referred to by several authors cited here. For example, Triadafilopoulos, drawing on Galston, suggests that 'debates over the role of the liberal state in pursuing integration policy lay bare a fundamental tension in the liberal tradition, driven by differences in its 'Reformation' and 'Enlightenment' strands' (2011 p.874). The latter emphasises the 'fostering of an autonomous, self-directing, rational character' (2016 p.1725), as oppose to a 'diversity-oriented' reformation liberalism (ibid p.1733) that avoids any specific idea of the virtuous life, and which stresses tolerance towards religious and cultural differences (Triadafilopoulos 2011). The second dichotomy- perfectionist and political liberalism – broadly mirrors Enlightenment and Reformation forms of liberalism respectively. Perfectionist liberalism is a set of political principles based on a comprehensive doctrine about what constitutes the good life (Nussbaum 2011). Political liberalism, exemplified by the work of John Rawls, is not a comprehensive philosophy, instead offering a 'thin core of morality' to 'avoid ideas of the type that divide citizens who reasonably disagree' (Nussbaum 2011 p.16). Political and Reformation liberalism appear to be helpless in the face of religiously-motivated non-compliance (Clayton & Steven 2014), suppression of which requires a more perfectionist, muscular, 'Enlightenment' liberalism.

Indeed, Gustavsson and colleagues note exactly that: 'an emerging alliance between [muscular] liberal values and anti-Islamic attitudes' (2016 p.1721, also Olsen 2017, Mondon & Winter 2017). Triadfilopoulous (2011) describes the rhetoric and practices which emanate from the former as 'aggressive civic integration' motivated by a 'broader campaign to preserve Western civilisation from illiberal threats' (p.863), a 'clash of values' rhetoric which pits the Enlightened West against (fundamentalist) Islam, and therefore calls for decisive action. Thus, assertive, muscular liberalism encourages policies of integration which emphasise the need for imposing shared values (through, for example, citizenship tests and/or proclamations referencing the declared values of the nation state) (Olsen 2017). Larin gives two examples of the positioning of progressive policies within controlling civic integration policies: policies around female and homosexual emancipation which work

discursively 'to frame Europeans as modern liberals and Muslims as backward homophobes' (Larin 2020 p. 134; Simonsen & Bonikowski 2020).

Simonsen & Bonikowski counsel against the reductionism of viewing nationalism and dominant strands of liberal thought as uniform across Western Europe. They argue that exclusionary notions of national culture that portray Muslims as 'incompatible with European liberal values' (2020 p.114) are particularly visible in North-Western Europe (e.g. the Nordic countries, the Netherlands and France), influenced by the historical separation of religion and state in those countries. However, they base their argument on 2008 data, and I suggest that in the intervening period, the Prevent Duty and FBV exemplify how British politicians now also frame liberal values in 'culturally essentialist terms' (ibid p.118).

The FBV provide an example of this. The introduction of the requirement for teachers to promote FBV was part of ex-Prime Minister David Cameron's wish to promote a more 'muscular' liberalism. Whilst rejecting the notion of a 'clash of civilisations', he also identifies the failings of 'hands-off tolerance' specifically in relation to young Muslims (Cameron 2011). 'British values and the institutions that uphold them' are asserted against those who do not believe in 'democracy', 'equality' or 'tolerance' (Cameron 2014), whilst stating that [the FBV are] 'not optional; they're the core of what it is to live in Britain' (Cameron 2014). So, the FBV appear to be intended as an example of muscular or assertive liberalism which rejects particular practices and beliefs on 'ostensibly *liberal* grounds' (Olsen 2017 p.816, original emphasis), whilst emphasising the 'necessary creation of citizen virtues to ensure integration' (ibid). The rhetoric claims the FBV as liberal values particular to Britain and Britishness, set over and against the threat of 'extremism within'. As Mourtisen notes, the presentation of,

> universally shared values such as democracy, human rights and equality—often in connection with a critique of old-fashioned nationalism (immigrants need do no more than love our 'political values') […] are presented as accomplishments of distinct national histories and circumstances (Mouritsen 2008, 23, cited in Larin 2020 p.134).

In this conceptualisation and deployment of FBV, some minority groups are understood as more 'in need' of FBV than the majority (Winter & Mills 2020).

However, despite the requirement placed on all teachers to promote FBV, and its inclusion in Ofsted inspections, teachers had considerable space in which to translate and interpret the policy as they saw fit (also Busher et al 2017). Thus, the majority response in my research was for teachers *not* to forcefully assert particular representations of being British (Vincent 2019a and b), but rather to embed the FBV within their own practices and values, thus diluting any potential 'muscular liberalism' (McGhee & Zhang 2017). Yet the rhetoric of muscular liberalism can help explain the apparent paradox I found in one of my case-study schools, Garden Primary.

Garden served a multi-faith population of predominantly Asian-heritage. The headteacher, John, had introduced a strong strand of progressive work around identity, focused on accepting difference and promoting equality, as a form of defence against what he understood to be actual and potential incursions by religiously conservative Muslim parents. Although there had been no parental protests at Garden, John was alert to possible tensions around RSE. Other areas of concern for him included a request by the Parent-Teacher Association (PTA) for a women-only event; girls wearing hijabs; separate changing space for girls and boys (allowed for the oldest year group only), and incidents where both a mosque and a synagogue tried to sit the visiting girls and boys separately. John emphasised the school's wish to promote equality and mutual respect. However, his tone in interview was noticeably antagonistic. He notes for example, 'The majority [of Muslim families at the school] are probably lapsed…When it suits them they are off for Eid, but "I am not going to the mosque and I like a whiskey"'. Discussing the PTA's plans to repeat a women-only fund-raiser, he objected first to the screens used (so women could remove their hijabs) and then to the women-only nature of the event, accusing the organisers of 'manipulating the school'.

In relation to girls wearing hijabs to school, a similar language to Cameron's assertion of 'Britishness' against possible illiberalism is clear.

We have kind of been very – not letting that go – and just saying, 'oh no I'm not going to challenge you', actually there is a risk here [of an accident in PE].[…] There are cultural sensitivities but you know 'you do live in England and we want to treat everybody the same' (John).

The school's role is understood as protecting the children against their families and communities. Indeed, the Muslim 'community' has become a seemingly homogeneous bloc, - John mentions their shared failure for preventing terrorist attacks for example - where the racial, ethnic and classed aspects of identity become subsumed in the religious dimension. I argue that this 'surplus of meaning' where religious identification is presumed as the explanation for all actions and comportment of those identified as Muslim (Wesselhoeft 2017, Shah 2019) exemplifies the affective policy 'tone' emanating from the contemporary structure of feeling.

Some of John's attitudes appeared influenced by a difficult interaction with a Muslim community group which had used the school building out-of-hours for supplementary education. Moving to end the group's contract prompted personal abuse directed towards John. 'They tried to manipulate the school to do what they wanted to do, which wasn't to change the character of the school, but they wanted to rule the school and tell us what to do.' This incident - unsurprisingly - had an enduring effect, leading John to homogenise and mistrust all Muslim parents: 'We have never seen the community in the same light [since]'. He refers to it as our 'mini Trojan horse' (as noted above 'Trojan Horse' has become shorthand for perceived pernicious Muslim influence).

Thus, in response to the apparent shortcomings of families, the school centred work to promote equalities. I observed some powerful lessons on children's rights and responsibilities, and respecting religious differences, all of which seems to present a paradox of progressivism – where teaching that promotes respect and equality derives from disrespectful attitudes that do not appear to regard the Muslim parents as equal. John does not appear to have a pluralistic conception of citizenship, which would involve 'regarding the stranger as having equal dignity and moral worth' (Ajani 2015 p.137). Rather the Muslim families are seen to possess a 'radical "otherness"' (Meer 2010 p.20). The school

focuses on 'treating everyone the same' – which goes beyond the usual bland declarations of fairness to a heightened awareness of and alertness to any signs of religious conservatism impacting the school (see also Mondon & Winter 2017).

I have argued up to this point that in order to understand protests by parents about what schools teach, the broader policy context in which such protests take place is key. I have also pointed to the role of a particular strand of liberalism – muscular liberalism – to explain the way in which liberal advocates can find themselves taking up illiberal positions in relation to religious, especially Islamic, conservatism. Healy's (2019) three dimensions of belonging are relevant here. She identifies *membership belonging* (e.g. formal belonging, rights and responsibilities), and a *feeling/sense of belonging* (the emotional dimension of status) and *perceived belonging* (the acceptance by others that an individual has a right to the shared goods of a community). It is the third dimension for migrants and those of migrant-heritage, especially Muslims, that I suggest can be negatively impacted by policies and practices informed by muscular liberalism. Next I turn to briefly consider other possibilities and positions from which a way forward might be identified.

Dialogue, debate and agonism

I argue first that the way forward is not recourse to the legal system which can be a time-consuming, and cumbersome process. Two related points arise directly from the Anderton Park judgement to explain the limitations of juridification. The first is that the underlying cause of the protest – the protestors' sense that their children are being taught beliefs and attitudes which go against their own - is not discussed in the case, and indeed could not be. Rather, Warby J is required to adjudicate on the particular point in dispute: is the injunction lawful and if so, should it be made permanent? (judgement s.64). In that sense, the expanding juridification to which the education system, like other public sector services, has been subject (Murphy 2020) seems too limited and unwieldly a way of approaching such clashes in values between proponents of conservative religious outlooks and the state. Secondly, the ontology and mechanisms of a court of law and drafting legislation allow for fine distinctions which may be difficult to replicate in practice. For example, the Equality Act draws a distinction between curriculum content which is *not* covered by the Act, and the

'way [a school] provides education for the pupil', which *is* covered (ss89 (2) and ss85 (2)(a) respectively, of part 6 chapter 1, Equality Act 2010). Arguably, such a distinction – between curriculum content and the provision of education - is illusory in empirical terms, and indeed Warby J notes that 'it may sometimes be blurred in practice' (judgement, s48). Thus, recourse to the courts may be of limited use to guide schools in such cases.

Chantal Mouffe understands juridification as a result of an impoverished public sphere. 'In the context of the increasingly irrelevant role played by the "political public sphere" in democratic societies', the legal system takes up the role of 'organising human coexistence and regulating social relations' (2017 p.109). Indeed, the lack of 'public' debate and our generally limited experience in conducting such a thing is clear; the fall-out from the 2016 EU Referendum for example, illustrates misinformation, polarisation and disengagement. Sandel (2018) makes a similar case, arguing that the source of political passivity derives from neoliberalism, which marginalises a citizen identity, positioning individuals instead as consumers, divorced from any conceptions of the collective good. Thus, both Sandel and Mouffe argue that in order to defend liberalism and plurality, we must grow accustomed to engaging in disagreement, developing 'a morally more robust public discourse' (Sandel 2018 p.359), a more 'dynamic democratic life' (Mouffe 2017 p.110).

However, this is a far from easy task and there is little consensus over the mechanisms by which such a situation can be achieved. Ruitenberg identifies two approaches in the literature on 'democracy' and 'politics'. The first is deliberative dialogue that 'emphasizes the importance of rational dialogue and deliberation, leading to democratic agreement'; the second is agonism, that 'emphasizes the importance of dissent and disagreement in the vitality of a democratic public sphere, and the centrality of struggles over power at the heart of politics' (2011 pp.97-8).

Constraints of space do not permit a full discussion of either deliberative democracy or agonism, but I will make a few relevant points here. Deliberative democracy endeavours to enable different voices to present their interests within a rational, impersonal dialogue apparently open to all, which leads to identifying areas of consensus. Critics, such as Iris Young, question the possibility of creating rational consensus, arguing that ideals of impartiality and the civic public act to suppress difference, 'affectivity, particularity and the

body' (1990 p.117). Furthermore, she says: 'the culture of the rational public' … 'attains unity and coherence through the expulsion and confinement of everything that would threaten to invade the polity with differentiation' (p.111). Religious belief can be thus excluded as non-rational (Todd and Sastrom 2008 p.2). Todd continues by arguing that the deliberative focus on dialogue is often presented as a way of 'managing' diversity, thereby understanding dialogue as a 'social arrangement that smooths over tensions brought about by cultural differences' (2011, p.103), and positioning individuals, not as embodied and unique, but rather as 'cultural subjects', representatives of a particular community. Given these limitations, Todd argues for a form of Ruitenberg's second approach – agonism. Agonism seeks to emphasise the inescapability of dissent and disagreement; that such conflict is an inevitable part of democratic dialogue, rather than an indicator of communicative collapse. This position is often associated with the work of Mouffe who argues 'My understanding of the agonistic relation is that it is a sublimated antagonism' (Hansen & Sonnichsen, 2014 p.268). However, so that agonism does not 'degenerate into antagonistic violence' where moral categories of good and evil dominate (Todd & Sastrom 2008 p.4), it is necessary to 'treat each other as legitimate adversaries who are engaged in debate and struggle over meaning within a set of contesting norms and competing perspectives' (Todd 2010 p.226). This 'does require a sustained openness to listen to other perspectives and to counter and respond' (ibid).

However, this view, whilst strong theoretically, is challenging to put into practice in schools, and agonism seems to offer little in the way of practical guidance. How do the Muslim activist parents and the school staff in the Anderton Park case consider each other to be legitimate adversaries, when it appeared that the teachers understood these parents to be, at worst, teaching their children a retrograde, hostile and discriminatory understanding of those who identify as LGBTQ+, and at best cloaking these issues in a heavy silence, whilst the activists saw one more attack on their religious beliefs from a state that sees them as 'suspect' and marginal to the body politic? Arguing that people have to be ready to debate views they find unpalatable assumes that people can engage in a dispute whilst harnessing in some fashion all their emotional responses about having their core moral commitments attacked. Indeed, as was argued at the time, would 'rational discussion' mean that those

who identify as LGBTQ₊ are required to debate the morality of having their existence acknowledged by the state education system (see Waterson 2019)?

The challenging nature of this process is why the Anderton Park dispute ended up in court where the grounds for decision-making were not so much about the contested questions of what should be taught and who decides when family-school values clash, but rather about the legality of implementing what is, in effect, a respect barrier (respect barriers control the behaviour of the spectators at football matches in order to limit abuse of players or match officials). The larger questions remain.

Conclusion

In this paper, I have outlined one high-profile case of a parent-school values clash, and through it, discussed contested issues around RSE and equalities teaching, and the limitations of juridification in addressing these tensions. I have suggested that what appears as a clear case of a liberal 'us' versus an illiberal 'them' also raises questions about the positioning of 'them' in policies shaped by muscular versions of liberalism. In conclusion, I briefly discuss another avenue for addressing such contested issues, one potentially more nuanced and locally responsive than the enforcement of statutory provisions: parent-teacher relationships.

To return to Healy's earlier reminder about the importance of perceptions of belonging, this is arguably an element of integration that is overlooked. Increasing perceptions of belonging is, of course, the justification for programmes such as 'No Outsiders' mentioned earlier. Perceptions of belonging are also affected by majority groups regarding minorities as 'other' due to their ethnicity and/or their religion. 'Why should they give allegiance to institutions that have marginalised them so completely?' (Mouffe 2017 p. 113). If the state defines the basis for a shared national identity (e.g. via the FBV), it risks the imposition of an identity based on the majority's commitments and heritage (Vincent 2019b). Therefore, Mason (2018) observes, building a sense of a shared stake in institutions is more valuable as a basis for developing shared identification. Likewise, Larin argues that 'shared values' arise from integration, rather than being 'a mechanism for its achievement' (2020 p.128), and that it is public institutions 'that create and maintain ties between people who may otherwise have

never come into contact with one another' and 'relationships (especially when institutionalised)…that generate a sense of shared identity and facilitate shared values' (Larin 202 p.137).

Primary schools are emotive and connective sites that can bring together different families and teachers around a common investment in the institution as a shared social and educational resource (Vincent et al 2018). Building on this understanding seeks to avoid the imposition of a legalised dispute resolution paradigm, as in the Anderton Park case. Murphy (2020) argues that juridification has contributed to the diminution of the trust placed by both teachers in families, and the public in public sector professionals. A focus on developing parent-teacher relationships seeks to counter this, by creating and maintaining ties that generate mutual trust. It is notable that some parents at Anderton Park mistrusted to the school to the extent that they believed the exaggerated claims being made.

Thus, primary schools appear in the forefront of being able to try and develop relationships informed by a sense of shared investment; relationships that, if we accept at least some of the arguments for agonism, should be informed by a 'hospitable respect' (Todd and Sastrom 2008 p.3, p.7), rather than an assumption of consensus, a potentially suffocating 'united "we"' (ibid). Nussbaum in her defence of political liberalism argues for a version grounded in respect of people, not particular doctrines, to avoid the 'subordination that consists in being publicly ranked below others' (2011 p.35)

I have written elsewhere of the importance of constructing a living, dynamic relationship, a dialogue of equals, between teachers and parents, and one that draws on and acknowledges parents' knowledge of and concerns for their own children (Vincent 2017). Clearly, this is far from an easy task and one that requires more time and commitment than most teachers have available. Currently, the government seems to be giving schools the responsibility for negotiating controversial issues with parents, without any support, or efforts to open up a broader civic conversation about the respective roles of state education and families in contested circumstances. Giving teachers funding, training and the space in which to spend more time in conversation with their students' parents may not enable them to reach all parents, cannot offer instant resolution to conflicting views about what is

taught and when, and is not, by any means, a certain mechanism for preventing abusive, prejudiced demonstrations. However, strengthening existing teacher-parent relationships, leading to increased mutual trust and parental perceptions of belonging, might go some way towards preventing the occurrence of such protests.

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