

The Selective Funding of Faith Schools: A Legitimate Exercise of State Power?

by

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Abstract

The relationship between religion and the state is at the heart of this thesis and the power of faith groups in state schools and the power of the state in faith schools are areas in which few academic lawyers have recently been engaged on research.

The state currently funds 32% of its schools through faith groups; they educate 22% of the school population. The majority of state-funded schooling is in secular institutions, albeit with "wholly or mainly broadly Christian" assemblies and worship provided.

This thesis finds that three of the major faith groups (the Anglicans, the Roman Catholics and the Muslims) have very different reasons for participating in the system of state education – and very different success rates, especially when measured against their own objectives.

The European Convention on Human Rights and the Human Rights Act 1998 allow the state to decide on the quality, type and funding of whatever education is provided. The human rights of children are, however, compromised; children's rights under local and international law remain subordinated to their parents' rights.

The 'mixed economy of faith and secular schools in England and Wales is widely accepted and only locally controversial. The legitimacy of the government's policy is evidenced by recent and repeated new legislation in Parliament, confirming and enhancing the provision of maintained faith schools.

The power of religion is something that governments cannot control and the best way for the government (any UK government) to obtain and retain a broad consensus across the innate conflicts between religion and state is to reach a compromise which keeps all of the relevant forces content. That is the essence of social inclusion and modern multiculturalism.

For all these reasons, in a multi-faith and no-faith society, the selective funding of faith schools is a legitimate exercise of state power.

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