Skilful Navigators or Guerrilla Subversives? Accommodating Colleges of Islamic Higher Education in the West

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This paper explores the accommodation of Islamic educational institutions in the secular, democratic West through the prisms of comparative law and legal pluralism, focusing on the United States, but with lessons for like states, such as Australia, with federal legal structures, constitutional protections for freedom of religion, common law backgrounds, and with relatively small Muslim populations. It takes a socio-legal approach, applying a case study method, with the focus on Zaytuna College in California, the first Muslim Liberal Arts College in America. Borrowing from Menski and Yilmaz, the paper demonstrates that Zaytuna educators are more like 'kite flyers', than guerrilla subversives; skilful navigators who purposefully pursue distinct educational strategies that attempt to balance competing norms of cultural, legal, social, political, and religious values. The kite stands as a metaphor for the plural forces and competing tensions which the flyer must skilfully navigate to avoid crashing. Far from subverting the educational system for covert 'Islamist' purposes, the paper argues that Zaytuna transparently recognises the state and 'flies their kite' by an 'active incorporation of norms' thereby properly enabling state accommodation.

1. INTRODUCTION

In the United States, perhaps paradoxically given its secularity and the constitutional separation between church and state, there has been a growth spurt in recent years in students enrolling in educational religious institutions, which has included Islamic schools and colleges.[1] There has been a similar expansion in the UK[2] and Australia.[3] Most of this growth has been in the form of Islamic schools,[4] with colleges of Islamic higher education, bodies offering post-secondary degree programs, still a relative rarity. Nevertheless, new (or revived) Islamic institutions are emerging, offering young Muslims a new educational pathway that both nurtures their Islamic

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[1] See AL Stanton, 'Islamic Colleges and Universities in North America' *Oxford Research Encyclopedia of Religion* (2024) 3 <https://doi.org/10.1093/acrefore/9780199340378.013.864>.

[2] See JM Halstead, 'Islamic Education in England' in H Daun and R Arjmand (eds), *The Handbook of Islamic Education* (Springer, 2018) 855, 867. There are about 184 Muslim Faith schools in the UK (141 independent, 34 state-funded). There are also about 2000 'madrasahs' unregulated by the UK Department of Education. Cf B Jefferys, 'Plans to Regulate Madrassas Published by the Government', *BBC News* (online, 26 November 2015) <https://www.bbc.com/news/education-34933970>.

[3] See JA Ali, 'Muslim Schools in Australia: Development and Transition' in M Abdalla, D Chown, and M Abdullah (eds), *Islamic Schooling in the West: Pathways to Renewal* (Palgrave Macmillan, 2018) 35, 40–1.

[4] There are currently 54 Islamic Schools in Australia, based on 2023 figures: see Statista Research Department, 'Number of Independent Schools in Australia 2023, by Affiliation' *Statista* (Report July 10, 2025) <https://www.statista.com/statistics/1166041/australia-number-of-independent-schools-by-affiliation/>. On the growth and development of Islamic schools in the United States post-9/11, see ZA Grewal and RD Coolidge, 'Islamic Education in the United States: Debates, Practices, and Institutions' in J Hammer and O Safi (eds), *The Cambridge Companion to American Islam* (Cambridge University Press, 2013) 246, 246–65.

https://doi.org/10.55803/E737X

faith and provides them with the intellectual and practical skills to engage with the broader society.[5]

The expansion of private Islamic schools and colleges raises the question whether they can and should be 'accommodated' by the state. Farrar and Krayem have questioned whether the concept of accommodation is fit for purpose in multicultural states[6] such as Australia, Canada, the UK, and the US, amid the factual realities of legal pluralism and respect for human rights. For linguistically, the term implies not just compromise and adaptation but also doing a favour.[7] It connotes the dispensing of privileges more than the acknowledgment of equal rights and freedoms, and in equality debates, use of this terminology tends to put discriminated minority communities onto the backfoot. Hence, calls for 'accommodation' are frequently constructed rhetorically as a case for exemption and 'special treatment' when they are only asking for equality and inclusion — in other words, a 'level playing field' — which respects their human rights.[8]

The legal concept of accommodation, however, has a life beyond the dictionary, and can mean different things depending on the political, religious, and constitutional context. Under the First Amendment of the *United States Constitution* (and arguably under s 116 of the *Australian Constitution* also because of similar language),[9] accommodation represents a reasonable compromise between two opposites: the free exercise of religion and the prohibition of establishment.[10] The former envisages state non-interference with religious practice, the latter separation from and non-identification with the state. Accommodation operates in this context as a conceptual buffer, denoting 'a practice undertaken for the purpose of facilitating the free exercise of religion',[11] while avoiding 'excessive entanglement' with the state.[12]

For our purposes, accommodation is not merely asking whether Islamic educational entities should be allowed to operate or exist (albeit informally) in a liberal democratic and secular state: It also asks whether they should be 'accredited'; that is, officially recognised and effectively endorsed by the state, together with the advantages that come with it, such as charitable status, exemptions from anti-discrimination laws, and access to state subsidies (should they want them).

But accommodation through accreditation is not a simple matter for the state or Islamic communities. Islamic educational entities themselves may not *want* the recognition because of the imprimatur of the secular state and the degree of secular control carried with it. According

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[5] Stanton (n 1).

[6] See S Farrar and G Krayem, *Accommodating Muslims under Common Law: A Comparative Analysis* (Routledge, 2017) 6–9.

[7] *The New Shorter Oxford English Dictionary* (1993) 'accommodation'.

[8] The case of Islamic banking and finance across western jurisdictions provides a good example. See further S Farrar, 'Accommodating Islamic Banking and Finance in Australia' (2011) 17(1) *University of New South Wales Law Journal Forum* 100, 111–12.

[9] On discussion of an Establishment clause in the Australian context, see Luke Beck, 'The Establishment Clause of the *Australian Constitution*' (2014) 35 *Adelaide Law Review* 225*,* 235: see especially at 240. *Australian Constitution* s 116 states: 'The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion …'.

[10] See *McDaniel v Paty*, 435 US 618 (1978) ('*McDaniel*').

[11] MW McConnell, 'Accommodation of Religion' [1985] *Supreme Court Review* 1, 2-3. See also the judgment of Brennan J in *McDaniel* (n 10) 639.

[12] According to the still leading US case of *Lemon v Kurtzman,* 403 US 602 (1971), the Establishment Clause is violated if the proposal lacks a secular purpose, if its primary purpose is advancing or prohibiting religion, or it would lead to 'excessive entanglement' between church and state.

to Menski '[Muslims] do not start their decision-making processes from a state-centric position of citizen, but think and act first as Muslim individuals and members of communities'.[13] The state also may have reservations, perhaps due to underlying 'Islamophobia',[14] and public fears that Muslim traditional educational institutions are guerrilla subversives,[15] perceiving them as divisive and separatist,[16] rather than genuine contributors to the common weal. They may fear Islamic schools and colleges covertly undermine the common values of a secular western society;[17] supporters of a 'heterodox counterculture'[18] at best, and jihadist 'Trojan horses' at worst.[19]

The issue for Islamic colleges wanting official recognition — those who seek 'active citizenship'[20] beyond being merely 'members of communities' — becomes whether a middle ground can be found; whether they can discover epistemic meeting points between the state's legal, religious, and value traditions while crafting an authentic Islamic educational institution of their own. The issue for the state and accrediting body is whether their endorsement will necessarily identify them with a religious body, 'excessively entangling' them in religious questions and adopting, by proxy, positions contrary to liberal democratic values.

I explore accommodation of Islamic educational institutions in the secular, democratic West through the prisms of comparative law and legal pluralism, focusing on the United States, but with lessons for like states, such as Australia, with federal legal structures, constitutional protections for freedom of religion, common law backgrounds, and with relatively small Muslim populations. I take a socio-legal approach, applying a case study method, with my

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[13] Werner Menski, 'European Muslims as Skilled Kite-Flyers' in Werner Menski, *Exploring the Multitude of Muslims in Europe* (Brill, 2018) 20.

[14] ABC Radio National, 'How Do We Combat Islamophobia in Australia', *Radio National Breakfast* (17 December 2024) <https://www.abc.net.au/listen/programs/radionational-breakfast/how-do-we-combat-islamophobia-in-australia-/104734508> (a segment with Aftab Malik, the Special Envoy to Combat Islamophobia, on the prevalence of 'hate-based' Islam prejudice in Australia, or 'Islamophobia'). See also, Aftab Malik, 'Islamophobia is an Everyday Reality for Too Many Australians', *The Guardian* (online, 18 December 2024) <https://amp.theguardian.com/commentisfree/2024/dec/18/islamophobia-is-an-everyday-reality-for-too-many-australians-ntwnfb>.

[15] The term 'guerrilla' is commonly applied beyond military contexts including a) political economy: see, eg, Danny Lam and Cal Clark, 'Beyond the Developmental State: The Cultural Roots of "Guerrilla Capitalism" in Taiwan' (1994) 7(4) *Governance* 412; and b) including cultural studies and sociology: see, eg, Michael Goddard, *Guerrilla Networks: An Anarchaeology of 1970s Radical Media Ecologies* (Amsterdam University Press, 2018).

[16] See Halstead (n 2) 857, 861, 863.

[17] Che Guevara, the eponymous guerrilla, encouraged clandestine activities to beguile the target society. He urged: 'the guerrilla fighter must have a degree of adaptability that will enable him to identify himself with the environment in which he lives, to become a part of it, and to take advantage of it as his ally to the maximum possible extent': Ernesto Che Guevara, *Guerrilla Warfare*, tr and ed Brian Loveman and Thomas M Davies Jr, (Bloomsbury Academic, 1997) 75.

[18] Lam and Clark (n 15) 413.

[19] Samira Shackle, 'Trojan Horse: the Real Story Behind the Fake "Islamic Plot" to Take over Schools', *The Guardian* (online, 1 September 2017) <https://www.theguardian.com/world/2017/sep/01/trojan-horse-the-real-story-behind-the-fake-islamic-plot-to-take-over-schools>. This is not an exaggerated claim, or 'straw man' set up for the purposes of argument. Fears of cultural subversion and extremism in the UK in 2014 led to the schools inspectorate, OFSTED, carrying out emergency investigations into 21 schools in Birmingham. See 'Forgotten Investigation, Emails, Offer Insight into IIIT Probe', *The Investigative Project on Terrorism News* (online, 3 August 2008) <https://www.investigativeproject.org/737/forgotten-investigation-emails-offer-insight-into-iiit-probe>. A similar fear in the US of Islamic/Islamist think-tanks, led to an FBI investigation of the International Institute for Islamic Thought ('IIIT'). For further discussion of IIIT, see below n 42 and accompanying text.

[20] See also Mario Peucker and Shahram Akbarzadeh, *Muslim Active Citizenship in the West* (Routledge, 2014).

focus on Zaytuna College in California,[21] the first Muslim Liberal Arts College in America.[22] Borrowing from both Menski and Yilmaz,[23] I demonstrate that Zaytuna educators are more like 'kite flyers'[24] than guerrilla subversives: skilful navigators who purposefully pursue distinct educational strategies that attempt to balance competing norms of cultural, legal, social, political, and religious values. The kite stands as a metaphor for the plural forces and competing tensions which the flyer must skilfully navigate to avoid crashing.[25] Far from subverting the educational system for covert 'Islamist' purposes, I argue Zaytuna transparently recognises the state and 'flies their kite' by an 'active incorporation of norms'[26] thereby properly enabling state accommodation.

The data for this case study has been drawn from site visits to Zaytuna College and from semi-structured interviews conducted between December 2022 and January 2023 with Zaytuna's founders, administration, and teaching faculty. I begin, however, with a discussion of the contested notion of Islamic higher education, why it is important for Muslims, and to what extent it is consistent with an education in the West.

2. ISLAMIC HIGHER EDUCATION

The concept of 'higher education' and the justification for the university in the West have been contested and considerably expanded in the last 100 years.[27] The main divide, however, has been between those who see higher education in vocational terms, preparing and equipping the next generation with the knowledge and skills for the workplace, with the more liberal and transformational understanding that it is for developing individual students to take their place in society.[28] This dual civic purpose has not been lost in the Muslim world either, and has provided the main reason for the shift in educational strategy of the International Islamic University of Malaysia ('IIUM') in the early 2000s.[29]

Nevertheless, what distinguishes traditional 'Islamic' higher education from the 'Western' is that its ultimate purpose is not civic but religious. Syed Muhammad Naquib al-Attas clarifies:

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[21] This case study is part of my broader study on 'Practical Sufism' and Islamic educational networks carried out at the University of Oxford; partially funded by a research grant from the University of Sydney. The interviews for this study received ethics clearance from the University of Oxford (Research Ethics Approval Ref No: R68827/RE001).

[22] See generally Scott Korb, *Light without Fire: The Making of America's First Muslim College* (Beacon Press, 2013). For an analytical and academic discussion: see N Spannaus and C Pooya Razavian, 'Zaytuna College and the Construction of an American Muslim Identity' in Masooda Bano (ed), *Modern Islamic Authority and Social Change: Volume 2, Evolving Debates in the West* (Edinburgh University Press, 2021) 39.

[23] I Yilmaz, *Muslim Laws, Politics and Society in Modern Nation States: Dynamic Legal Pluralisms in England, Turkey and Pakistan* (Taylor & Francis, 2005) 26.

[24] Menski, 'European Muslims as Skilled Kite-Flyers' (n 13), 27–8.

[25] Ibid.

[26] Gordon R Woodman, 'Customary Law in Common Law Systems' (2001) 32(1) *IDS Bulletin* 28, 29.

[27] See RY Chan, 'Understanding the Purpose of Higher Education: An Analysis of the Economic and Social Benefits for Completing a College Degree' (2016) 6(5) *Journal of Educational Policy, Planning and Education* 1 <https://scholar.harvard.edu/files/roychan/files/chan_r._y._2016._understanding_the_purpose_aim_function_of_higher_education._jeppa_65_1-40.pdf>.

[28] M Tight, 'The Idea of the University: Towards a Contemporary Formulation' (2024) 46(1) *Journal of Higher Education Policy and Management* 48, 48.

[29] See SS Abdallah, S Hussein and NA Hisham 'The Experience of Islamization of Knowledge at the International Islamic University Malaysia: Successes and Challenges' (2017) *New Intellectual Horizon in Education* 91, 95 <http://irep.iium.edu.my/14493/1/The_Experience_of_Islamization_of_Knowledge.pdf>.

> [T]he concept of education peculiar to Islam … we … define as: recognition and acknowledgement, progressively instilled into man, of the proper places of things in the order of creation, such that it leads to the recognition and acknowledgement of the proper place of God in the order of being and existence.[30]

Rather than prioritising the needs of the state and civic responsibilities, traditional Islamic higher education, as al-Attas defines it, positions God at the apex of its priorities. Further, in terms of developing students, according to al-Attas, Islamic higher education seeks not to make a 'good citizen' but 'a good man' which is modelled on the knowledge and right actions of the 'Perfect Man' (*al-insān al-kāmil*), Prophet Muḥammad.[31] While on the one hand this might look highly subversive to the secular state, Al-Attas argues that by making individual 'good men' and instilling the virtues and discipline that entails, an Islamic higher education *indirectly* makes 'good citizens' and a better society as a result. This qualification notwithstanding, the Islamic notion of higher education is particularly problematic in the western context as the state, and its liberal educational institutions, are not only not associated with Islam, but they are also not associated with religion nor even in the business of dictating what amounts to a 'good man' (or 'woman'). The liberal state is secular and neutral between life choices.

Traditional Islamic higher education has been associated with the *madrasah*, an institution of central importance in Muslim societies as they interpreted the religious texts helping to define virtues and what it meant to be a good Muslim.[32] Their ancient seats of learning (such as the Azhar in Egypt and the Qarawiyyin in Fes) were also, in many respects, the forerunners of the modern university.[33] The contemporary image of the *madrasah*, especially in the West, however, is not favourable: backward, poorly managed, archaic (in content and pedagogy), unsuited to modern urban lifestyles (as found mostly in rural areas),[34] and reliant upon a religious personality rather than the systemic quality of instruction.[35] In modern times, they have also been associated, though lacking direct evidence, with terrorism and militant tendencies.[36]

Since the 1970s and 1980s, Muslim scholars and reformers have worked on addressing the weaknesses and shortfalls in Islamic higher education,[37] not in the historical *madrasah* specifically, but conceptually and in establishing new institutions. Malaysia has been at the forefront of these developments and in the 1980s, with the assistance of an international consortium, established the International Islamic University of Malaysia. Its educational curricula were initially based on the 'Islamization of Knowledge': an educational agenda that

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[30] Syed Muhammad Naquib al-Attas, *The Concept of Education in Islam: A Framework for an Islamic Philosophy of Education* (International Institute of Islamic Thought and Civilization, 1999) 21.
[31] Ibid 22–3.
[32] Masooda Bano, 'Engaging Madrasas to Meet the EFA Targets: Evidence from South Asia' (Conference Paper, International Conference on Islamic Economics and Finance, 2011) 1.
[33] See G Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh University Press, 1981).
[34] See MM Wijaya, 'Islamic Education Model in Madrasah in the Perspective of Islamic Education Philosophy' (2021) 8(1) *Ar-Raniri International Journal of Islamic Studies* 1, 1.
[35] A Khan, 'Sunni Higher Education: Can it be Liberal?' in H Daun and R Arjmand (eds), *Handbook of Islamic Education* (Springer, 2018) 514. See also Grewal and Coolidge (n 4) 256.
[36] Much of this impression has derived from *madrasahs* in South Asia. This is despite the fact there remains no direct link between terrorism and the *madrasah*: see MW Malla, 'Madrasas and Extremism' in R Lukens-Bull and M Woodward (eds), *Handbook of Contemporary Islam and Muslim Lives* (Springer, 2021) 1171.
[37] A Sahin, 'Critical Issues in Islamic Education Studies: Rethinking Islamic and Western Secular Values of Education' (2018) 9(11) *Religions* 335.

sought to re-assert Islamic identity and intellectually re-build Muslim societies in the post-colonial context.

Although it was not always clear what the 'Islamization of Knowledge' meant,[38] two distinct approaches and conceptions emerged. The first, following Syed Muhammad Naquib al-Attas,[39] sought a clear distinction between Islamic and secular worldviews. He argued Muslim education had become dominated and confused by secular viewpoints and that a process of de-westernisation and de-secularisation was required. This did not entail any reform of the traditional religious disciplines but rather the 'Islamization' of the intellectual, natural, and philosophical sciences. They would be purged of their secularity, and subsequently infused with an Islamic worldview.[40] The second approach, proposed by Ismāʿīl al-Fārūqī[41] and subsequently developed by his think-tank, the International Institute for Islamic Thought ('IIIT'),[42] was more integrative and reformist in approach. It generally accepted western knowledge and disciplines 'as is' but sought to infuse them with extracted Islamic principles. Drawing upon Salafist ideas, they also sought to bring greater flexibility and adaptability to Islamic law, with an interpretative shift from established rules to broad principles and values.

Over the next two decades, these ideas were tested at IIUM, transforming the conventionally separate study of Islamic and secular sciences through integrated curricula and juxtaposed study of 'western' with the Islamic. There were advantages and disadvantages to this accommodation, especially in the context of a pluralistic legal system such as Malaysia's. Practically speaking, students benefitted by graduating with double degrees enabling them to provide services not just within the narrow confines of Islamic communities but also within the broader society. This enabled Law graduates, for example, armed with an LLB and an LLB (*Sharīʿah*), to practice in both the *Sharīʿah* and the Civil Law courts. Also, and from a political perspective, the government now had a new cadre of officials more inclined and willing to implement their reformist legislative agenda.

Intellectually and educationally, however, the 'Islamization of Knowledge' program was problematic. First, it required students to master inter- and multi-disciplinary knowledge across a plurality of languages and contexts. While desirable (from an Islamic perspective), it

[38] This was a controversial term that seemed to imply that knowledge, which was God-given, needed to be made 'Islamic': see Fazlur Rahman, 'Islamization of Knowledge: A Response' (1988) 5 *American Journal of Islamic Social Sciences* 196. While this made sense for the social sciences and humanities, it was argued it had no application to the revealed religious sciences that, by definition, were 'Islamic'. See also R Hashim and I Rossidy, 'Islamization of Knowledge: A Comparative Analysis of the Conceptions of al-Attas and al-Faruqi' (2000) 8(1) *Intellectual Discourse* 19*;* A Sahin (n 37) 335.

[39] Syed Muhammad Naquib al-Attas, *The Concept of Education in Islam: A Framework for an Islamic Philosophy of Education* (International Institute of Islamic Thought and Civilization, 1999). This book is an aggregation and development of his ideas originally set out in a paper presented in 1977 at the First World Conference on Muslim Education held in Mecca from 31 March to 8 April 1977. This small book was originally completed in 1980 and then reprinted by the International Institute of Islamic Thought and Civilization in 1999.

[40] Ibid.

[41] See Ismāʿīl R al-Fārūqī, *Islamization of Knowledge: General Principles and Workplan* (International Institute for Islamic Thought, 1982).

[42] The International Institute for Islamic Thought ('IIIT') was set up by Ismāʿīl R al-Fārūqī in 1981, in Herndon Virginia, USA. It also has several offices and branches throughout the world: see 'Offices & Representatives' *International Institute for Islamic Thought* (Web Page, 2025) <https://iiit.org/en/offices-affiliates/>. In addition to International Islamic University of Malaysia, al-Fārūqī's ideas were also foundational to the American Islamic College ('AIC') in Chicago following its establishment in 1981, but the influence waned subsequent to his violent death in 1986 and financial difficulties experienced by the college. In 2010, the AIC took a different intellectual direction when its leadership was assumed by the Turkish Gülen Movement: see further Grewal and Coolidge (n 4) 257–58.

was over ambitious and did not account for the capacity and motivation of students to manage such a packed curriculum. Secondly, IIUM did not have sufficient teaching resources and could not recruit the necessary calibre of staff to implement its grandiose plans. The Islamization of Knowledge university education agenda was eventually deemed a failure and abandoned in favour of more practical approaches.[43]

Nevertheless, the underlying ideas of addressing secularism and replacing or juxtaposing its perspectives with Islamic worldviews within educational curricula remain influential. One of the most prominent current thinkers and Islamic scholars in this subject is Shaykh 'Abdullah bin Bayyah, President of the Humanities Division and Chair of the Supreme Academic Council at the recently established Muhamad bin Zayed University for the Humanities ('MBZUH') in the UAE. In conference speeches given in 2022,[44] he criticised the continuing fragmented nature of Islamic education and the strict separation between the 'Islamic' and 'Western' which, he said, had only served to produce a 'sick state of narrow-mindedness, exotericism, literalism, backwardness and intolerance'.[45]

Bin Bayyah's reforms of Islamic Higher Education focus instead on a theorised Islamic accommodation with and integration of human sciences and philosophy. The post-colonial focus and emphasis on resistance, identity, and separatism that characterised the Islamization of Knowledge (at least in the conception of Syed Muhammad Naquib al-Attas) is replaced with a civilisational enterprise 'based on building bridges of connection between fields of knowledge and cultural spaces.'[46] The proposed educational agenda seeks 'a comprehensive perspective that encompasses the diversity of sciences and brings together their disparities coherently and within a unified epistemology: through interdisciplinarity, multi-disciplinarity, and trans-disciplinarity.'[47]

Bin Bayyah suggests a pluralistic and diverse educational curriculum that represents 'an alliance of virtue and shared universal concerns.'[48] Islamic education, therefore, is not only to explain the textual and received Islamic tradition but also to engage constructively with the religious beliefs and secular ideas of the contemporary society in which it inhabits. This is not theosophy or perennialism but rather a normative dialogic approach to inter-faith relations.[49] The emphasis on inclusion in the educational space is to open the channels of communication and to further the causes of peace.[50]

Bin Bayyah's program of Islamic higher education deploys the rational sciences within a comprehensive Islamic frame, but is traditional in its deference to the scholastic heritage of the

[43] A Sahin (n 37) 3. Acknowledging its troubled legacy, even the IIIT no longer uses the terminology of 'Islamization of Knowledge', preferring the 'integration' of knowledge through Islamic principles: see 'About Us' *International Institute for Islamic Thought* (Web Page, 2025) <https://iiit.org/en/home/>.

[44] *Al-Kalimat al-Ta'ṭīriyyat, Mu'tamar al-Akhlāq wa al-Falsafah* (Keynote Speech, 17 November, Conference on Ethics and Philosophy, MBZUH, Abu Dhabi, 17–18 November 2022); *Al-Kalimat al-Ta'ṭīriyyat, Mu'tamar al-Dirāsāt al-Islāmiyyah* (Keynote Speech, Conference on Islamic Studies, MBZUH, Abu Dhabi, 21 November 2022). These speeches were delivered in Arabic. There is an official English translation of the former speech, but not of the latter (translations are my own).

[45] Ibid (Keynote Speech, 17 November 2022).

[46] Ibid.

[47] Ibid.

[48] Ibid. This is clearly an extension of the 'Alliance of Virtue' and the law-focused work conducted at the 2019 Peace Forum (Forum for Peace in Muslim Societies, Abu Dhabi, 9-11 December 2019).

[49] Interview with Zeshan Zafar (Salim Farrar, Zoom, 13 December 2022) ('Interview with Zeshan Zafar').

[50] Abdullah bin Bayyah, (Keynote Speech, 17 November 2022).

past (*al-turāth*).[51] In contrast to Salafist notions of renewal in which revealed texts are detached from tradition to promote fundamental 'correction' (*iṣlāḥ*),[52] this educational renewal is 'precedent-oriented', in which not just the text and scripture but also schools (*al-madhāhib*) and the learned imams of the past are accorded due weight and the tradition affirmed.[53] Bin Bayyah states:

> We must instill in our students…that the scientist or philosopher does not think alone, but rather through ancient traditions of knowledge, and in constant dialogue with those who proceeded him in this field.[54]

Bin Bayyah's specific reforms, the details of which are beyond the confines of this article, have focused on new educational institutions in the Muslim world, and are yet to be fully operationalised. However, his integrationist and civilisational approach to Islamic higher education has already been implemented in the West by his student, Shaykh Hamzah Yusuf Hanson, at Zaytuna College in California. In the following section, I examine Zaytuna College in detail as a case study of Islamic higher education in the West and explore to what extent it has been able to successfully balance and accommodate apparently competing normative orderings of Islamic and Western higher education. But I first contextualise this analysis with a discussion of Islamic higher education in the West and examine why separate Muslim educational institutions are increasingly being deemed necessary (by Muslims).

3. ISLAMIC HIGHER EDUCATION IN THE WEST

In contrast to the normative Islamic higher education as conceived by Syed Naquib al-Attas, Islamic higher education in the West has served the interests more of the secular state than of producing 'good men' or 'good Muslims'. For most of the last century, Islamic higher education has been taught within general universities as 'Islamic Studies' and as a sub-discipline of 'Oriental Studies'.[55] Far from an academic discipline centring on Muslim perspectives, Oriental Studies was 'conceptualised or conceived of first and foremost as an intellectual facet of Western civilisation's engagement with non-Western peoples, societies and civilisations.'[56] In other words, Islamic Studies reflected western culture and the biases and critical frames embedded within it. In the modern period, Islamic Studies has moved away from and become more aware of latent biases. But for the most part, Islamic Studies is still studied as an element of other disciplines such as Areas Studies, Political Science, Sociology, Anthropology, Theology, and Religious Studies rather than as an integral discipline in its own right.[57] Moreover, as noted by Kamali and Nalla, Islamic Studies in the West 'is rarely

[51] The reference to the *turāth* does not necessitate a normative canon, but rather a historical repository of texts transmitted from one generation to the next. It may include reliable and authentic works but also those that are not intended to be acted on or followed. It may even include works deemed heretical (within the Sunni tradition). It should be distinguished, therefore, from *taqlīd*, which implies both normativity (as works have been placed within a hierarchy of authenticity and reliability) and adherence. See further Walaa' Quisayy, *Neo-Traditionalism in the West* (Edinburgh University Press, 2023) and her cited interview with Ḥabīb ʿAlī al-Jifrī, who understood the word 'tradition' as the 'authentic school' (*madrasa al-aṣīla*), at 37-38.

[52] Mohamed Hashim Kamali, *Tajdid, Islah and Civilisation Renewal in Islam* (IIIT Occasional Papers Series 27, 2018) 14.

[53] Ibid 24–5.

[54] Keynote Speech, (17 November 2022, above n 46).

[55] For a critical and historical account of approaches towards the study of Islam: see M Daneshgar and AW Hughes (eds), *Deconstructing Islamic Studies* (Harvard University Press, 2020).

[56] H Rane, A Duderija and J Mamone, 'Islamic Studies in Australia's Higher Education Sector' (2021) 6(1) *Australian Journal of Islamic Studies* 1, 5.

[57] Ibid 5–6. See also A Sahin (n 37) 2.

presented as a religion, and all that this implies.'[58] To this, of course, we have to add the concerns with extremism and 'de-radicalisation' which continue to cast their shadows and to give the impression that the study of Islam in western institutions is to control and monitor rather than to facilitate the development of individual Muslims, as Muslims, and their contributions to western society.

Scepticism towards Islamic Studies in western universities has led Muslims in the west to call for their own institutions so that they can pursue advanced Islamic studies in an environment supportive rather than critical of their faith. Many have preferred to attend unaccredited Islamic seminaries rather than state universities. In the UK, for example, more than 25 such Islamic seminaries now exist,[59] often supported by transnational Muslim movements, of various orientations, where Muslims can study classical Islamic sciences (eg Qur'an, Hadith, and Fiqh). But this development is problematic in several respects. From the perspective of the state, as there is generally no access to these institutions, there is no independent oversight of their courses or curricula. The Islamic seminary could well comprise 'guerrilla subversives' teaching particular interpretations of texts that support militant activity, violent extremism, or other matters that are contrary to or otherwise undermine public policy. From a state educationalist perspective, it is also unclear what, if any, critical, rational, and civilisational skills are taught beyond religious dogma and how this form of education would suit living in a democratic, multicultural, and secular state. From the perspective of Muslim communities, although the Muslims develop individually and spiritually, as the Islamic seminary is not part of a mainstream education, its graduates lack formal qualifications and so face disadvantages when it comes to seeking employment in the jobs market. Rather than integrating Muslims into western societies, the proliferation of Islamic seminaries thus appears to isolate them and further their marginalisation.

These problems have energised Muslim intellectuals living in the West in recent decades and there has been a move towards Islamic institutions seeking accreditation[60] and a more integrative approach between Western and Islamic models of education. In Australia, for example, we are witnessing the emergence of hybrid institutions, such as the Islamic Sciences and Research Academy ('ISRA') and its Islamic Studies courses conducted through the Centre for Islamic Studies and Civilisation at Charles Sturt University,[61] but there is no independent accredited Islamic college or university. The following section provides a case study of one of the most innovative attempts to establish such an institution in the United States and charts how its founders, teachers, and administrators have sought to bridge the Liberal West/Islamic epistemic and pedagogic divide.

I have chosen Zaytuna primarily for two reasons: first, because of its 'civilizational approach' that projects Islam not just in terms of theological texts, but also 'in the light of the creative spirit that it has inspired since its revelation: a spirit that led to the birth of a dynamic Islamic civilization';[62] and secondly, because of its standing among other Islamic colleges in the world

[58] MH Kamali, and Z Nalla, 'The Teaching of Islam in Western Universities: Reflections and Impressions' in P Morris et al (eds), *The Teaching and Study of Islam in Western Universities* (Routledge, 2014) 65, 65.
[59] A Sahin (n 37) 18.
[60] See Stanton, above n 1.
[61] See 'Centre for Islamic Studies and Civilisation' *Charles Sturt University* (Web Page, 2025) <https://arts-ed.csu.edu.au/centres/cisac/home>.
[62] M Bano (ed), *Modern Islamic Authority and Social Change: Volume 1: Evolving Debates in Muslim Majority Countries* (Edinburgh University Press, 2021) 3.

and the inspiration it has provided.[63] In addition, America's common law legal system, federal legal structure, constitutional guarantees of freedom of religion and equality, as well as its multicultural and secular educational contexts make the case study suitable for comparative purposes in similarly situated countries, like Australia. It should provide insights, therefore, on accommodating Islamic higher education institutions also in Australia.

4. ZAYTUNA COLLEGE, A CASE STUDY

(a) Backstory, Concept, and Founding

The 'civilizational approach' of Zaytuna College is based on the vision and concept of Shaykh Hamza Yusuf Hanson (hereinafter, "Hamza Yusuf"). That vision seeks to 'renovate'[64] and restore intellectual discussion and reasoning to contemporary Islamic Studies while remaining within the accepted and transmitted understandings of Sunni dogmas[65] and frames (*al-naql*). It consists of two aspects: first, the identification and recovery of the totality of the Islamic heritage (*al-turāth*) with a focus on the Islamic scholars' 'lost' engagement with metaphysics; and second, the attempt to make 'Traditional Islam'[66] relevant to contemporary western society through social engagement. In the words of Aftab Malik, one of Hamza Yusuf's students:

> I understood the mission of Shaykh Hamza … was to revive a classical understanding that would elevate Muslims: spiritually, intellectually, and philosophically. It would provide us with an intellectual rigour and a spiritual humility that would reignite religious creativity.[67]

For Hamza Yusuf, the way to dispel the perceived 'mis-match' or cultural dissonance of being Muslim while living in the West has been to link Islam's scholarship on metaphysics to and indigenise it with the West's (and specifically America's) study of the 'Liberal Arts'. He comments:[68]

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[63] This includes the Ma'din Academy in Kerala, India, established by Sayyid Ibrahim Khaleel al-Bukhari. According to Feraidoon Mojadedi, Ma'din is explicitly based on the Zaytuna model. See Salim Farrar, 'Interview with Feraidoon Mojadedi', Zoom, 5 June, 2023 ('Interview with Feraidoon Mojadedi'). The Ma'idin Academy website proudly proclaims it is both traditional and modern, and founded 'to accelerate universal endeavors in pursuit of achieving world peace, sustainable development and educational excellence by translating knowledge into social-minded action' <https://madin.edu.in/>. Zaytuna has also influenced Al-Qadir University in Pakistan: see <https://alqadir.edu.pk/team/#faculty>. Zaytuna shares approaches with Dar al-Hadith al-Hassaniyyah in Rabat, Morocco, and the MBZUH, both of which are guided under the auspices of Shaykh Hamza's Mauritanian shaykh, Shaykh 'Abdullah bin Bayyah.

[64] This explains the title of the Zaytuna College journal, *Renovatio*, which invites diverse philosophical and theological discussion from inside as well as beyond the Islamic communities: see *Renovatio,* Zaytuna College (Web Page, 2025) (<https://renovatio.zaytuna.edu/>.

[65] Interview with Hamza Yusuf (Salim Farrar, Zoom, 5 December 2022) ('Interview with Hamza Yusuf'). Hamza Yusuf affirmed during the interview: 'we restore metaphysics because you need defenders of the religion, and they must be intellectual defenders. Blood is no argument'.

[66] 'Traditional Islam' is a term endorsed by a group of Western Muslim scholars, including Hamza Yusuf, representing a minimum set of beliefs of classical theology, adherence to one of the four schools of Sunni law, transmission-based scholarship, traditional teaching methodologies, Sufism, and social engagement: see further, S Hamed, *Sufis, Salafis and Islamists: The Contested Ground of British Islamic Activism* (Bloomsbury Publishing, 2016) 81.

[67] Interview with Aftab Malik (Salim Farrar, Quakers Hill, Sydney, 20 May 2023) ('Interview with Aftab Malik').

[68] Interview with Hamza Yusuf (n 65).

> You know Van Doren[69] wrote a poem about the seven Liberal Arts[70] — and he called them the 'Seven Sleepers'[71] and likened them to the '*Aṣḥāb al-Kahf*' — they wake up after 300 years and people re-discover them. I feel fortunate that I did have some role in helping people discover these things, but I got them from my father. And when I went to study in the Islamic world, especially with the Mauritanians, I was like, 'this was all the stuff my father told me we should learn'. So, I was kind of struck by that fact and that these are the same traditions. The Liberal Arts tradition is as much Islamic as it is Western. That was a big eye-opener for me to see that.

The reference to Van Doren and 'The Seven Sleepers' is ingenious. Hamza Yusuf not only locates a cultural and educational link to the secular educational curriculum of the Romans and Greeks, a curriculum that the West (since the Renaissance) has generally claimed as its own, exclusive cultural inheritance, but he also draws a subtle *religious* link between Islam and America's Christian and Bible communities. The story of the 'Seven Sleepers of Ephesus' who flee to a cave to avoid persecution (250 CE) and then 're-awaken' some three hundred years later, affirming the resurrection of the dead, though not present in extant texts of the Bible, is well-known in Christian teachings. The Arabic reference to the '*Aṣḥāb al-Kahf*'[72] — the Companions of the Cave — was not made by Van Doren (he was not Muslim nor referencing Qur'anic text), but it is Hamza Yusuf pointing out a common reference point between Muslims and Christians and him indigenizing Islamic tradition within America's predominant religious community.

The drawing of linkages between the ancients and the present, and between the Muslim East with the Christian West, represent Hamza Yusuf's attempt to make Islamic scholarship relevant and *part* of the West as much as it is of the Islamic 'East'. It also underpins the establishment and development of Zaytuna College.

Zaytuna College was established in recognition that the system of learning and education as currently applied in the West was not able to meet the needs and requirements of Muslims.[73] Part of the problem has also been the complexity of re-working Islamic higher education, as I have already discussed with the 'Islamisation of Knowledge', and the shortage of elite Muslim scholars to perform this task.[74] By and large, excellent students have been diverted to the sciences and away from the humanities, depriving the tradition of the potential of its most agile minds.[75] The other difficulty has been the religious/secular divide and the relegation of a religious 'rump' of students to a seminary. 'I think one of the biggest problems with Islamic education', Hamza Yusuf states, 'is that it has become a seminary education, whereas the *ʿulema*[76] studied everything. They studied medicine, music, literature, philosophy, and mathematics. They all studied Euclid … The Muslims never had a solely religious education.'[77]

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[69] Mark Van Doren (1894-1972) was an American poet, writer, and teacher.
[70] This refers to the trivium (Grammar, Logic and Rhetoric) and quadrivium (Geometry, Arithmetic, Astronomy and Music).
[71] See Mark Van Doren, *The Seven Sleepers and Other Poems* (Henry Holt, 1944).
[72] The story of the Companions of the Cave is encapsulated in *Surah al-Kahf*, ch 18 of the *Qur'an*.
[73] See above Interview with Hamza Yusuf (n 65).
[74] Interview with Hamza Yusuf (n 65).
[75] Ibid.
[76] This is the Arabic plural of 'alim', meaning religious scholar.
[77] Interview with Hamza Yusuf (n 65). This is historically accurate. In the Ottoman Empire, Mehmet II, for example, helped plan the curriculum of Ottoman schools which comprised: *fiqh*, geometry, geography, astronomy,

For Hamza Yusuf, the task has been to combine and integrate the study of disciplines within a holistic, American, and Islamic understanding. That has meant restoring the 'Great Books' and Liberal Arts tradition through an Islamic frame. As this could not be achieved through the current educational system and colleges available, he has argued the solution is to 'build our own educational institutions because we have to educate our own community';[78] a crucial element of the need for greater Muslim 'self-governance' and their 'mobilisation of social capital'.[79]

The foundations of Zaytuna College were laid in early 1995 through an Islamic Studies School set up in Hayward, California, run by the Afghan American community.[80] Hamza Yusuf was invited to give classes at their weekend school, teaching classes on Arabic, the Qur'ān, Qur'anic interpretation (*tafsīr*), Prophetic Biography (*sīrah*), Creed (*ʿaqīdah*), and Islamic Law (*fiqh*) — subject matter common to all *madrasahs* — but structured according to his understanding of 'Traditional Islam' and the central concepts: '*Islām*, *Īmān* (Faith) and *Iḥsān* (Goodness)'.[81] It was here that the 'Zaytuna Institute'[82] was formed in 1996, and where Shaykh Hamza recorded the 24 cassettes on 'The Life of the Prophet Muḥammad'[83] as well as translating and commenting on 'The Purification of the Hearts' (*Maṭharat al-Qulūb*),[84] a poem by the Mauritanian scholar Imām al-Mawlūd al-Yaʿqūbī al-Musāwī, which is a practical text on Sufism based on Imām al-Ghazālī's *Iḥyā ʿUlūm al-Dīn*'. Even at this early stage, however, the Hamza Yusuf canon was broader than the usual *madrasah* and prefaced the 'Great Books' approach he would adopt with Zaytuna College. This included, arguably, the first great work in anthropology and sociology, Ibn Khaldun's *Al-Muqaddimah*, as well as texts not written by Muslims, such as Sun Tzu's 'The Art of War'.[85]

Between 2003 and 2008, the Zaytuna Institute operated a pilot seminary program (with four students) which retained Hamza Yusuf's philosophy but was taught predominantly by Imam Zaid Shakir (Zaytuna's second co-founder). But for Shaykh Hamza, an 'ad hoc' seminary was never the objective. He wanted their students to have a broad-based, holistic education so that they could form a 'spiritual and intellectual leadership'.[86] So In 2007, with the collaboration of Dr Hatem Bazian (Zaytuna College's third co-founder), a Professor of Islamic Studies at Berkeley and long-time contributor to Zaytuna Institute's Arabic language program, a decision was made to convert the Zaytuna Institute from a seminary into a College, and to make a move from the Bay Area to Berkeley.

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medicine, and 'the art of speaking well and kindly': see Diana Darke, *The Ottomans: A Cultural Legacy* (Thames & Hudson, 2022) 30.

[78] Interview with Hamza Yusuf (n 65).

[79] Ibid. See Hamza Yusuf and Zayd Shakir, *Agenda to Change Our Condition* (Zaytuna Institute, 2nd ed, 2007). See also Hamza Yusuf and Zayd Shakir, 'Civic Involvement: An Islamic Imperative' (2007) 20 *Islamica Magazine* 84, 86.

[80] Interview with Feraidoon Mojadedi (Salim Farrar, Zoom, 5 June 2022) ('Interview with Feraidoon Mojadedi').

[81] This is taken from the Hadith Jibril (Gabriel), narrated by Imam Muslim, in which the Prophet was asked about the '*arkān al-Islām*' (Islamic fundamentals). It is common for the 'Traditional Islam' scholars to commence their classes and teaching with this hadith.

[82] Interview with Feraidoon Mojadedi (n 63). The name 'Zaytuna' was chosen in emulation of the Islamic Zaytuna University in Tunisia. Originally, Shaykh Hamza had wanted to call the Institute, the Qarawiyyin, after the famous institution in Fes, Morocco, but it was felt westerners would not be able to pronounce it.

[83] Hamza Yusuf, *The Life of the Prophet Muḥammad* (Sandala, 1998).

[84] Hamza Yusuf, *Purification of the Heart: Signs, Symptoms, and Cures of the Spiritual Diseases of the Heart* (Sandala, 2012).

[85] Interview with Hamza Yusuf (n 65).

[86] Ibid.

Zaytuna College was officially launched in 2009, and initially rented classrooms from the American Baptist Seminary of the West, close to the University of California, Berkeley, opposite the large homeless population in Berkeley's People's Park.[87] It stayed there until 2014 when the College moved to Berkeley's northside. The College's 'Lower Campus' is now found at 2401 Le Conte Avenue and 1712 Euclid Avenue, in the area nicknamed 'Holy Hill' as it houses a high concentration of religious seminaries. In 2017, Zaytuna College purchased an additional two mansions in a nine-acre site, 2770 Marin Avenue, forming a new 'Upper Campus' that sits above Grizzly Peak, two miles from 'Holy Hill'. Since 2018, this has provided its main undergraduate teaching facilities, a residential block for female students, and administrative facilities. In recognition of Shaykh 'Abdullah Bin Bayyah's contribution and illustrating the continuing influence on Hamza Yusuf, the main teaching block, 'Bin Bayyah Hall', is named after him.

The new locations of Zaytuna College are important for symbolic and practical reasons. First, they are no longer in the city. The Upper Campus sits atop a steep hill overlooking the entire San Francisco Bay Area. Nestling in rolling green hills, it has an air of spirituality. In keeping with Shaykh Hamza's vision of an Islamised Liberal Arts, the location encourages contemplation of 'beauty': promoting both the classical Greek notion of the truly 'free' person as well as concepts of Islamic spirituality (the steep climb to get there and the location is reminiscent of a remote, North African Sufi mountain-lodge). Secondly, the location is strategic. As stated in the 'College Catalog', Holy Hill is also home to the Graduate Theological Union ('GTU'), the largest consortium of academic centres for the study of religion in the country, allowing students and staff 'an unparalleled opportunity to engage inside and outside the classroom with educational communities from different faith traditions'.[88] It provides what Dr Hatem Bazian refers to as a 'critical, intellectual mass'.[89] Practically, it has enabled Zaytuna and the GTU to share resources and contribute towards each other's courses,[90] demonstrate the integrated and inter-religious nature of its programs, as well as facilitate its official accommodation and accreditation under American state and federal laws.

(b) Accommodation and Accreditation under U.S. Education Law

State accommodation of 'Institutions of Higher Education', including private religious colleges, such as Zaytuna, is governed by US federal law, the *Higher Education Act 1965*. This delegates legal authorisation and the accreditation process to the local state educational authorities, here the Western Association of Schools and Colleges ('WASC'), to determine in accordance with their own guidelines and standards. Under section 101, the WASC can accredit a non-profit educational institution so long as the latter offers an approved bachelor's degree program to official school leavers 'or the recognized equivalent of such a certificate'. The recognition of 'equivalents' is important for institutions, such as Zaytuna, as many of their students are 'home-schooled' or otherwise have had an education in the private religious sector.[91]

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[87] Korb (n 22). See also 'Muslim College Embraces Religion Over Controversy', *The Augusta Chronicle* (online, 11 September 2010) <https://eu.augustachronicle.com/story/lifestyle/faith/2010/09/11/muslim-college-embraces-religion-over-controversy/14583271007/>.

[88] 'College Catalog: Academic Year 2022–2023' *Zaytuna College* (printed version), 6.

[89] Hatem Bazian, cited in Korb (n 22) 14.

[90] The Graduate Theological Union ('GTU') for example, runs courses on Islam in collaboration with Zaytuna College: see 'Home Page', *GTU* (Web Page, 2025) <https://www.gtu.edu/tags/zaytuna-college>.

[91] Hamza Yusuf actively dissuades American Muslims from sending their children to state schools. He states: 'You cannot send your kids to school — you will lose your children, generally. There are exceptions, but they

Accreditation is the locus for accommodation and provides the legal context in which the state both facilitates the free exercise of religion and avoids establishment. It facilitates free exercise by officially endorsing education programs drawn from and inspired by religious teachings, enabling graduates of that institution to use its degrees for further education elsewhere, as a basis for professional qualifications, and to assist in career development. It avoids establishment if the state body complies with the *Lemon* test.[92] Namely, if the functions and actions of the state body have a 'secular purpose', do not have the 'primary effect' of advancing or inhibiting religion, and do not result in 'excessive entanglement' between church and state.

The three criteria are clearly inter-related. If the function of the state body is deemed to be for a secular purpose, then it is highly likely the 'primary effect' of its activities will not be to 'advance religion'[93] even though that may be the primary motivation of the educational institution itself.[94] In this instance, the accrediting body, the WASC, has 'a secular purpose': to scrutinise Zaytuna College's programs and processes in accordance with the educational criteria set out by the 'Handbook of Accreditation'[95] which applies to all 'Institutions of Higher Education', whether religious or secular. Further, their scrutiny relates to secular educational standards and quality assurance processes, not to approval or disapproval of substantive religious doctrines. Although its standards on academic freedom,[96] as well as on equity and inclusion,[97] may indirectly conflict with religious normative values and teachings, that is for the educational institution to navigate,[98] and in so doing, the WASC may avoid 'excessive entanglement'. Some 'entanglement' and interference are unavoidable as accreditation requires a site visit and regular reviews, but this is minimised because accreditation applications must

prove the rule': see Interview with Hamza Yusef (n 66). On Hamza Yusuf's role in popularizing home-schooling for Muslims, see Grewal and Coolidge (n 4) 254–255.

[92] *Lemon v Kurtzman*, 403 US 602 (1971).

[93] See *Attorney-General (Vic) (Ex rel Black) v Commonwealth* (1981) 146 CLR 559 ('*DOGS case*'). In Australia, the High Court has upheld state funding of religiously affiliated schools, stating that this does not violate Australia's Establishment clause (s 116 of the *Constitution*) where the funding is for 'ordinary educational activities' and not for any religious activities. The funding scheme in that case had the 'secular legislative purpose' of upgrading the quality and range of education in primary and secondary schools throughout Australia. According to Wilson J, 'one effect was to advance religion appreciably but … such a result [was] not central to the operation of the legislative scheme': at 656.

[94] In any event, according to the US Supreme Court, it may not always be necessary to look for a 'purely secular purpose': see O'Connor J, in *Wallace v Jaffree*, 105 S Ct 2497 (1985) at 2504. See also McConnell's discussion on whether this is a strict requirement: see McConnell (n 11) at 44.

[95] There are four standards set by the Western Association of Schools and Colleges ('WASC') as stated in their '2013 Handbook of Accreditation' (rev November 2021) [a new Handbook was adopted in June 2023]. These are: Defining Institutional Purposes and Ensuring Educational Objectives (Standard 1); Achieving Educational Objectives through Core Functions (Standard 2); Developing and Applying Resources and Organizational Structures to Ensure Quality and Sustainability (Standard 3); and Creating an Organization Committed to Quality Assurance, Institutional Learning, and Improvement (Standard 4). See further, 'The Core Commitments and Standards of Accreditation Overview', *WASC 2013 Handbook of Accreditation* Pt II (Web Page, rev November 2021) <https://www.wscuc.org/handbook2013/#understanding-the-wsuc-standards>.

[96] 'Standard 1: Defining Institutional Purposes and Ensuring Educational Objectives', WASC *2013 Handbook of Accreditation* (Web Page, rev November 2021) criterion 1.3 ('Standard 1') <https://www.wscuc.org/handbook2013/#standard-1--defining-instituional-purposes-and-enduring-educational-objectives>.

[97] 'Standard 1: Defining Institutional Purposes and Ensuring Educational Objectives', *WASC 2013 Handbook of Accreditation* (Web Page, rev November 2021) criterion 1.4 <https://www.wscuc.org/handbook2013/#standard-1--defining-instituional-purposes-and-enduring-educational-objectives>.

[98] Accreditation refusals on the grounds of discriminatory hiring and firing policies, especially where they conflict with established civil rights laws, would likely be upheld by the US courts. See also *Bob Jones University v United States*, 461 US 574 (1983).

be supported by a self-study containing evidence collected by the institution itself that shows how the accreditation agency's standards have been met.

Zaytuna College obtained accreditation for its undergraduate programs in 2015 and for its master's program in 2018.[99] Space does not allow for a detailed explanation how it met each of the four standards, but instead I will focus on Zaytuna's educational objectives and demonstrate how it has sought to achieve those objectives through its curricula, considering the civic values and secular purposes the accreditation standards express. I will argue there has been no surreptitious subversion of higher education standards, but rather a very skilful and subtle interweaving and integration of Islamic norms with Western educational traditions and practices.

Standard 1 defines institutional purposes and educational objectives and requires Zaytuna to demonstrate it has 'a clear and explicit sense of its essential values and character, its distinctive elements, its place in both the higher education community and society, and its contribution to the public good'.[100] Zaytuna illustrates this, first and foremost, through its stated 'Mission': 'to educate and prepare morally committed professional, intellectual, and spiritual leaders who are grounded in the Islamic scholarly tradition and conversant with the cultural currents and critical ideas shaping modern society.'[101] The college clearly identifies as Islamic but also locates itself within rather than external to contemporary civil society, and envisions its role is to produce leaders of that society. Blending and building upon the Syed Muhammad Naquib al-Attas notion of the 'good man'[102] with the role of the modern university in the West I set out earlier, Zaytuna seeks to provide modern (specifically American) society with holistically educated Muslims who have the intellectual and personality tools to contribute to the 'public good' and not operate solely within enclosed Muslim communities. As Hamza Yusuf states: 'I'm trying to create, produce, spiritual, intellectual leadership for the Muslim community of the US.'[103]

Holistic education in this context entails the integration of a broad-based and interdisciplinary 'Liberal Arts' education with the 'comprehensive studies' (*dirāsāt jāmiʿah*) found in Muslim civilisation.[104] *Dirāsāt jāmiʿah*, as Zaytuna College and Shaykh Hamza Yusuf define it, is academic ecumenicism that is both inter-faith and intra-faith but based on a Sunni understanding. Dr Jawad Qureshi, Zaytuna's then Director of Graduate Studies, comments:

> I think Zaytuna has its own form of ecumenicism. It's rooted in a kind of conception of the 'Islamic tradition' *writ-large* with an interest in the intellectual tradition and with its grounding in Sunnism … Our ecumenicism is also reflected in that we see Islam is part of this bigger Abrahamic religions' meeting (with)

[99] See 'Accreditation', *Zaytuna College* (Web Page, 2025) <https://zaytuna.edu/accreditation>.
[100] 'Standard 1' (n 99).
[101] See 'About', *Zaytuna College* (Web Page, 2025) <https://zaytuna.edu/about/our_mission>.
[102] Syed Muhammad Naquib al-Attas is specifically referenced as an inspiration on the website and mentioned explicitly in interviews. The former Provost of Zaytuna College, Dr Omar Qureshi, states: 'the College, the President, myself, and others, we take and are very influenced by Professor Attas's works': see Interview with Omar Qureshi (Salim Farrar, Zaytuna College, 24 January 2023) ('Interview with Omar Qureshi').
[103] Interview with Hamza Yusuf (n 65).
[104] 'College Catalog 2022–2023' (n 88) 1. See also the extrapolation of Zaytuna College's Mission Statement: 'About', *Zaytuna College* (Web Page, 2025) <https://zaytuna.edu/about/our_mission>.

> Hellenic thought, or Greek thought.[105] So, we are happy to look back at the 'Ancients' and benefit from them as well.[106]

The curriculum thus emphasises 'commonality' and 'universal principles.' The combining of traditions even includes the teaching of Christian philosophy and theology.[107] This is for comparative and civilization purposes, comprising a search for common ground, common articulations of the human condition, and a common language — not a common theology or theosophy.

Indeed, the 'Catalog' affirms Zaytuna's Islamic theology but acknowledges the complexity of developing and clearly communicating such an ecumenical approach while also remaining true to Sunni orthodoxy. This is a matter also relevant to integrity and transparency, one of the clauses attached to Standard 1 of the WASC Accreditation Standards.[108] The curriculum is taxed with the burden of reconciling what might appear to be irreconcilable. Ambiguously, the 'Catalog' asks:

> Having a confessional imperative, how do we teach Euro-American texts — even the one such as *Summa Theologica* of Thomas Aquinas — which at times seems to contradict the fundamental teachings of Islamic scholastic theology (*kalām*)?[109]

It offers no answers other than to imply that they lie in the hands of the teachers, who give live commentary to the texts through their didactic style lectures and through the dialectics of in-class discussions.[110] Where the line is drawn is left to the instructor and student.

The educational objective is that Zaytuna graduates will be 'rigorously trained' in the two classical traditions such that they can 'grasp the actual complexity of inner and outer experiences with the completeness demanded by a love of Truth and to communicate that Truth'.[111] The advocacy of Sunnī orthodoxy in a Liberal Arts college that, by definition and educational requirements,[112] would claim religious neutrality and demand academic freedom, also raises the difficult question of indoctrination. However, according to Dawood Yasin, then Director of Student Life, while Zaytuna teaches 'from a Tradition,' this fact does not negate a student's own search. He states: 'I would have to say that eighty per cent we are going to teach

[105] It should not be thought from this statement that Dr Jawad Qureshi is endorsing a common 'Abrahamic religion.' It is simply referencing the common heritage of Judaism, Christianity, and Islam.
[106] Interview with Jawad Qureshi (Salim Farrar, Zaytuna College, 18 January 2023).
[107] Christian philosophy and theology have been taught by Assistant Professor Fr Francisco Nahoe, a Franciscan friar, and Roman Catholic priest. See Zaytuna College, 'Academic Profiles' <https://zaytuna.edu/academics/faculty> (accessed 2 November 2023).
[108] Guideline for criteria 1.6 demands the institution 'truthfully represents its academic goals, programs, services, and costs to students and to the larger public': *WASC 2013 Handbook of Accreditation* (Web Page, rev November 2021) criterion 1.6 <https://www.wscuc.org/handbook2013/#standard-1--defining-instituional-purposes-and-enduring-educational-objectives>.
[109] 'College Catalog 2022–2023' (n 88) 4.
[110] Ibid 5.
[111] Ibid 6.
[112] 'Standard 1' (n 99) criterion 1.6. Where Standard 1 criterion 1.6 provides: 'The institution publicly states its commitment to academic freedom for faculty, staff, and students, and acts accordingly. This commitment affirms that those in the academy are free to share their convictions and responsible conclusions with their colleagues and students in their teaching and writing.'

something…and twenty per cent you find that Truth'.[113] What 'Truth' ultimately means, therefore, will be personal but 'directed' via Zaytuna's educational method.

Echoing Shaykh Bin Bayyah and Hamza Yusuf's emphasis on traditionality, that method is transmission-based knowledge through authoritative texts and the 'Great Books' Liberal Arts approach. Thus, according to Dr Omar Qureshi,[114] Zaytuna's former Provost, the 'search for truth' occurs *within* the Tradition. Zaytuna has its canon and authoritative discourse comprising authorities, set positions, and a hierarchy of different received texts. 'So', he states, 'we work within that'. This is not 'neutral' any more than any other tradition (including secular tradition) but are 'consistent with its purpose and character' as required by the Accreditation Standards. When looking at heterodox positions on homosexuality or feminism, for example, he observes:

> There are all these interpretations…but are they convincing? Do they meet up to our scholarly standards? We don't just say this is a 'feminist interpretation' and dismiss them.[115]

Similarly, Associate Professor Abdullah Hamid 'Ali, reflecting on the same topic, agrees that students may 'articulate' the heterodox arguments that reinterpret the Qur'anic story of Prophet Lūṭ for endorsing homosexual practice but 'red flags are raised' if they 'advocate' for it.[116]

Moreover, the interpretations offered are not 'free-wheeling' applications of teacher/student reason, detached from the Tradition's hierarchy of sources and commentaries. Shaykh Faraz Khan, who teaches 'Readings on Muslim Spirituality' (Sufism) to undergraduates, states that Zaytuna educators 'use the Tradition to explain the Tradition'.[117] For example, he teaches the text*, Risālah Qushayriyyah* of Abū al-Qāsim al-Qushayrī, but explains it through the established '*sharḥ*' (explanation) of Shaykh Zakariyya al-Anṣārī, and the *ḥāshiyah* (gloss) of the nineteenth century Rector of the Azhar, Muṣṭafā al-ʿArūsī, *Natā'ij al-Afkār al-Qudsiyyah*.

The work of the teachers, therefore, is to inculcate 'intellectual habits … how to read texts, how to do exegesis of law, and different philosophical approaches.'[118] In terms of the accreditation standards, the teaching approach thus ensures the development of core competencies, especially critical thinking, and significant in-depth study of subject matter.[119] The teachers draw upon inter-disciplinarity and engage across religious and legal boundaries, providing students with the opportunity 'to practice, generalise and apply what they have learned.'[120] Through their pedagogical methods, for example, students learn how to apply Islamic reasoning in the context of American constitutional law. Thus, Dr Omar Qureshi, when teaching a class on *uṣūl al-fiqh,*[121] draws parallels with methods of interpreting the Second

[113] Interview with Dawood Yasin (Salim Farrar, Zaytuna College, 19 January 2023) ('Interview with Dawood Yasin').
[114] Interview with Omar Qureshi (n 102).
[115] Ibid. On a critique of contemporary approaches to Islamic Studies and the influence of critical theory and identity politics: see AW Hughes, *Islam and the Tyranny of Authenticity: An Inquiry into Disciplinary Apologetics and Self-Deception* (Equinox, 2016).
[116] Interview with Abdullah Hamid (Salim Farrar, Zaytuna College, 19 January 2023) ('Interview with Abdulllah Hamid').
[117] Interview with Faraz Khan (Salim Farrar, Zoom, 23 January 2023) ('Interview with Faraz Khan').
[118] Interview with Omar Qureshi (n 102).
[119] 'Standard 2: Achieving Educational Objectives Through Core Functions', *WASC 2013 Handbook of Accreditation* (Web Page, rev 2021) criterion 2.2a ('Standard 2') <www.wscuc.or/handbook2013/#standard-2--achieving-educational-objectives-through-core-functions>.
[120] Ibid criterion 2.5.
[121] This is the Islamic science on how Islamic rules are juristically gleaned from the revealed religious sources.

Amendment to the *United States Constitution*. They note the importance of grammar, identifying clauses, independent clauses, dependent clauses, and modifying clauses. He states,

> Students are able to understand that there is overlap between constitutional law, interpreting it, and what goes on in our legal system too in our legal tradition. There is no attempt to 'Islamise' — in the sense of 'let's make constitutional law 'Islamic'... We realise that it is an independent legal system, and it has its own first principles that it starts with, its own commitments. We may share a lot of them, but we may also depart on many.[122]

The pedagogical approach is not limited to specific teachers, one of the encountered problems with a traditional *madrasah*, but is systematic and applied across the institution.[123] To better ensure cohesion, integration, and college uniformity, Hamza Yusuf provides readings, topics, and suggested texts. This includes an induction program for all new staff.[124] Even though Hamza Yusuf claims he does not have everything 'his way',[125] clear direction comes from the President. Dr Qureshi notes:

> Shaykh Hamza — he's given a certain set of essays that are really important to understand the Liberal Arts. We read them all and then Shaykh Hamza has us discuss each and every one of them, so we are all on the same page as to what a Liberal Arts education means.[126]

Presidential direction is buttressed by a system of internal monitoring, with scheduled observations to avoid any deviations from these norms and to ensure teaching quality.[127] Teaching of teachers, as with the students, follows a dialectical process: 'You need to be reflecting on your craft at all times. Your life as a teacher. That's our philosophy here.'[128]

Notwithstanding a 'Sunni Liberal Arts' approach is clear, and made clear, in the minds of staff and students, arguably the Liberal Arts Sunni blend has not been communicated sufficiently to the 'Muslim masses.' Feraidoon Mojadedi relates that one section of the community thinks of Zaytuna as a 'mullah school', like the Al-Azhar in Egypt, while another sees it as Muslims running a Western Liberal Arts college. He states: 'They just … don't think there is anything Islamic … It's really hard marketing these words.'[129] Aftab Malik agrees, saying: 'I find when I speak to people, they don't understand what a Liberal Arts education means. Most who I have spoken with often think it means the promotion of liberalism.'[130]

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[122] Interview with Omar Qureshi (n 102).
[123] This also reflects the Accreditation Standards. See 'Standard 3: Developing and Applying Resources and Organizational Structures to Ensure Quality and Sustainability '*WASC 2013 Handbook of Accreditation* (Web Page, rev 2021) criterion 3.2 <www.wscuc.org/handbook2013/#standard-3--developing-and-applying-resources-and-organizational-structures-to-ensure-quality-and-sustainability>.
[124] Interview with Omar Qureshi (n 102).
[125] Interview with Hamza Yusuf (n 65).
[126] Interview with Omar Qureshi (n 102).
[127] See 'Standard 4: Creating an Organization Committed to Quality Assurance, Institutional Learning, and Improvement'. *WASC 2013 Handbook of Accreditation* (Web Page, rev 2021) Pt II <www.wscuc.org/handbook2013/#standard-4--creating-an-organization-committed-to-quality-assurance--institutional-learning--and-improvement>.
[128] Interview with Omar Qureshi (n 102).
[129] Interview with Feraidoon Mojadedi (n 63).
[130] Interview with Aftab Malik (n 67).

Although Hamza Yusuf and many Zaytuna staff have been very outspoken, and take conservative public stances on social issues, such as sexual and family relations, gender, and 'wokeism', there is a tacit admission of confusion surrounding their use of the word 'liberal'. The 2023–2024 'College Catalog' includes a new section entitled, 'The Trivium: the Arts of Freedom.'[131] The etymological origins of the word 'liberal' are explained in depth: from the old English meaning of 'noble' and 'generous' and contemporary meaning of 'free from prejudice and tolerant', to the nineteenth century iteration derived from the French, 'libéral', referring to one who promoted political freedoms. But they emphasise, the word 'liberal' *here* refers to a traditional educational process, taken from the ancient Greeks, but historically applied by other traditions (including the Islamic) to produce a fully educated citizen. A person is only properly educated once they are 'fully conversant with both language and numbers' and 'able to reason in both'.[132] The 2024 amendment and extrapolation to the Mission Statement also makes the claim, referencing the work of George Makdisi, that the 'Liberal Arts' originated in Islamic civilization[133] thereby identifying the integrative educational approach not only as Western but specifically Islamic.

So far, I have looked at Zaytuna's academic curriculum and examined how its holistic, integrative, inclusive, and largely intellectual approach skilfully weaves together an Islamic and Western identity to accommodate accreditation standards and the civic values they represent. According to the former Director of Student Life, Dawood Yasin, however, cultivating student intellectuality is only one half of what happens at the undergraduate level. The College, through its co-curricular programs, also actively supports students' personal and professional development.[134] Dawood Yasin tells students during orientation: 'Make your Zaytuna experience an experience that is transformative and not transitional, so you won't transition as you arrived.'[135] The knowledge gained from being an academic student provides the foundation of the ideal 'Prophetic character'[136] and the 'good men' (and women) indicated by the Syed Muhammad Naquib al-Attas Islamic education model. But 'knowledge in and of itself can be the antithesis of what we would see from Prophetic virtues if unchecked,' says Dawood Yasin. 'Knowledge has to be modelled, irrespective of how many times you read it, how many times you see it or how many times it's been explained to you.'[137]

At the undergraduate level, 'modelling' occurs through Zaytuna's experiential learning program. This comprises two elements: 'Sunna Sports' and community service/civic engagement. 'Sunna Sports' is Zaytuna's attempt to 'revive' the Islamic tradition of swimming, archery, and horseback riding that are mentioned in *ḥadīths* and *athar*[138] and to integrate with the Liberal Arts notion of a fully educated person.[139] The intent is to see sport as more than technical disciplines and as ways of 'thoroughly integrating the spiritual development of the body with the spiritual development of the mind.'[140] Students are required to learn and

[131] 'College Catalog: Academic Year 2023–2024', *Zaytuna College* (Web Page, 2025) 5 <zaytuna.edu/files/galleries/Zaytuna__College__Catalog_2023-2024.pdf >.
[132] Ibid.
[133] See 'About', *Zaytuna College* (Web Page, 2025) <https://zaytuna.edu/about/our_mission>.
[134] See 'Standard 2' (n 120) criteria 2.11, 2.2a, 2.3.
[135] Interview with Dawood Yasin (n 113).
[136] Ibid.
[137] Ibid.
[138] The emphasis on the three sports together is taken from the *athar* (sayings of companions) and *qawl* (saying) of ʿUmar ibn al-Khaṭṭāb: '*ʿAllimū awlādakum as-sibāḥah wa al-rimāyah wa rukūb al-khayl*' ('Teach your children swimming, archery and horse riding').
[139] 'College Catalog 2022–2023' (n 88) 47.
[140] Ibid.

participate in these sports for each semester of each school year and receive one credit unit for each sport.[141]

Sunnah Sports play an important part in the curriculum and in Zaytuna's holistic approach to education. They are an inculcation of 'virtue ethics' and demonstrate the attributes of the religious person Zaytuna would like them to be.[142] They represent a deliberate[143] alignment with the inculcation of *akhlāq* (morality) and *adab* (etiquette) from the Ṣūfī tradition of *futuwwah* (spiritual chivalry) with the 'cardinal virtues' of classical philosophy[144] and Christian theology. The 'Catalog' explains these moral qualities in relation to each sport:

> Swimming presents an environment in which students learn to overcome fears, such as fear of bodily harm, fear of failure, and fear of pushing one's body beyond its capacity. Therefore, completing the swimming requirement builds courage and develops resilience in students. Archery compels an inner struggle with the self to reach one's target, despite distractions and preoccupations. Therefore, to be successful in archery, students must demonstrate temperance, which leads to inner stillness and sharp focus. Horseback riding presents the challenge of working with another living being that has its own will and intelligence. Therefore, horseback riding teaches students how to regulate relationships with others, to be fair and just in their interactions, and to respect all of God's creatures.[145]

Courage (*shujāʿ*), having trust in Allah (*tawakkul*), resilience (*istiqāmah*), overcoming the ego (*jihād al-nafs/mukhālafat al-nafs*), temperance (*ṣabr*), having respect for God's creatures (*karam*), and justice (*ʿadl*) are all facets of excellence and Prophetic character (*ḥusn al-khuluq/ makārim al-akhlāq*) embedded within Sufism. Archery, for example, says Dawood Yasin, is not just shooting arrows at a target – it is a metaphorical re-enactment of prayer (*ṣolāh*).[146] It has a cycle (*rakʿat*): 'stance, nock, grip, and shot'; and it has purpose (*maqṣid*) - the target – seeking the acceptance of Allāh (*riḍā*). Also, just like the prayer has pre-requisites, such as purification (*ṭahārah*), to facilitate its purpose, so too in archery as archers dispense with all distractions and focus on their target.

Futuwwah, as the 'great books' of Sufism state, is not just the inculcation of virtues obtained through the practice of certain sporting disciplines; it is also acquired through '*khidmah*' — or service to others.[147] The second element of Zaytuna's experiential learning program is thus community service/civic engagement. Students are required to undertake at least fifty hours of community service (at a location approved by the Director of Student Life), to be completed by the end of their junior year, and to write a ten-page reflection paper.[148] Here, students gain 'real work experience'.[149] The idea, according to Dawood Yaseen, is '*tarbiyyah*' (education

[141] Ibid 8.
[142] Interview with Dawood Yasin (n 113).
[143] Ibid.
[144] Prudence, Justice, Fortitude and Temperance. See Plato's *Republic* [trans. Benjamin Jowett, 1892 edition] (The Floating Press, 2009), *Book IV*, 97-119 and the elaboration of virtues in *Aristotle's Nichomachean Ethics* [trans. Terence Irwin) (Hackett, 2019), *Book III* to *Book VI*, 79-151. Both books are taught at Zaytuna.
[145] 'College Catalog 2022–2023' (n 88) 47–48.
[146] Interview with Dawood Yasin (n 113).
[147] Abū al-Qāsim al-Qushayri, *Al-Qushayri's Epistle on Sufism*, tr A Knysh (Garnet Publishing, 2007).
Al-Qushayri said in his *Risālah*, 'The foundation of chivalry is that the servant of God always exerts himself in the service of others': at 237.
[148] 'College Catalog 2022–2023' (n 88) 48.
[149] Ibid.

through interacting with others) and 'of pushing them out of their comfort zones.'[150] They learn humility (*tawāḍū*ʿ), how to interact with others, and to disseminate knowledge of the religion through good practice.

Although students have their own civic engagement project, the College also engages groups of Zaytuna students during the Spring Break in group community projects as part of their 'Alternative Spring Break' program. As with the integrative nature of the curriculum as a whole, attempts are made to align the field trips with the academic curriculum. For example, following their study of *sīrah* (Prophetic Biography), noting its anti-racism message and constitutional law, the students have gone to Selma, Alabama, the birth of the Civil Rights movement in America, to learn more about civil rights in practice through working on projects there.[151] Students have also been engaged in inter-faith work. One project included working with a team helping a flood-devastated community in Princeville, North Carolina, the first emancipated town after the end of slavery. For Dawood Yaseen, this represented an important sharing of values and a constructive form of student activism.[152]

5. CONCLUSION

Zaytuna College is an innovative civilizational experiment for Islamic education in the West (and in Islamic education generally) and a test case for accommodation. In essence, the project is to develop Muslims intellectually, culturally, and spiritually, and to bring them into conversation with the cultures they inhabit, whether they be in the West, the East, America, or Australia, to co-exist and to contribute. The former Provost of Zaytuna College, Dr Omar Qureshi, summarises aspirations well and the role of Zaytuna College:

> Again, we always encourage these conversations, but we have to understand - do you have the tools to carry them out? And that's what we believe the liberal arts is about – to have these conversations, but also to have the tools to carry them out. If someone doesn't know how to fix a car, we want him to fix the car – but we want him to know how to fix the car first. So, get the right tools first, otherwise you will make a mess of things. So, get the tools of learning and then they will order these conversations and these inquiries, and make sure that they are structured. Then ask all the questions you want.[153]

The results of the Zaytuna experiment are promising, though the project is still very much in its infancy. The numbers of students studying at Zaytuna are relatively small, perhaps indicative of the complexity of marketing an integrated vision in a contested polemical field; but also, part of a deliberate policy to keep numbers low to maintain teaching quality.[154] Admitted students represent an elite and eclectic crop. In 2023, after 14 years of operation, the College had enrolled 75 students, 14 graduates and 61 undergraduates, with about 28 per cent of undergraduate students from overseas. Notwithstanding the Syed Muhammad Naquib al-Attas engendered educational model of the 'good man', it is important to note that the majority

[150] Interview with Dawood Yasin (n 113).
[151] 'Standard 2' (n 122) criterion 2.2a: which provides an institution's undergraduate programs should demonstrate an 'appreciation for diversity, ethical and civic responsibility, civic engagement and the ability to work with others'.
[152] Interview with Dawood Yasin (n 113).
[153] Interview with Omar Qureshi (n 102).
[154] Ibid.

of Zaytuna's students are female, not male, and without any affirmative action.[155] Attrition rates are also low, no doubt served by a rigorous admissions process[156] and a generous financial scholarships policy that ensures students can focus on their study without the distractions of having to work.[157] In terms of civic contribution, Zaytuna's students have gone on to study and practice law, medicine, counselling, and other professions. Many have also 'given back' to Muslim communities, teaching at private Islamic schools in the Bay Area and further afield, leading curriculum reform with a Liberal Arts approach.[158]

The question remains, however, to what extent the Zaytuna experiment can be replicated and be exported to countries like Australia? Certainly, a Zaytuna 'educational transplant' or foreign franchise is within the purview of Zaytuna's founder, Hamza Yusuf.[159] The constitutional and legal contexts are also similar. Section 116 of Australia's *Constitution*, as with the US First Amendment, provides for free exercise of religion and non-establishment. The limited case law that exists in Australia has also protected state funding of religious educational institutions,[160] including Islamic ones, although they must be for educational and not religious purposes, such as the building of a mosque.[161]

Nonetheless, obstacles exist, culturally, politically, and financially. Zaytuna is a self-sustaining institution that has relied upon financial donations from a relatively wealthy migrant Muslim population in the United States.[162] Although the education profile of Muslim Australians is improving, economically and socially, they are amongst the most marginalised communities in Australia.[163] It is more likely that a Zaytuna transplant would require assistance from state funding, much like their Islamic schools, or from sources overseas, which is not necessarily objectionable from a state perspective as it would justify increased regulation and more oversight. On the other hand, these options give rise to potential objections, and the possibilities

[155] Ibid. From figures provided by the former Provost, 57 per cent of the 2023 student cohort was female and 43 per cent male.

[156] Interview with Omar Qureshi (n 102). According to Dr Omar Qureshi: 'when we are admitting students, we are very careful… Every student is interviewed, some more than once. A committee deliberates on the candidates. I view all the applications as well, and sometimes Shaykh Hamzah will view the applications as well, and then the admissions committee carries out the interviews. We then have a discussion and make a decision. We look closely at their transcripts and recommendations. We call up their recommenders, contact them, set up conversations with them.' Shaykh Hamza also states: 'Overall, it's a rigorous program and people have to have some level of preparation, or they are going to fail. And it's not healthy for people to come in unprepared and then not succeed. It's going to affect their own esteem and sense of self. So, I would rather keep them out than watch them fail': Interview with Hamza Yusuf (n 65).

[157] Interview with Hamza Yusuf (n 65). Shaykh Hamza states: 'Anybody who qualifies to get into the college, money is not an obstacle'.

[158] Interview with Omar Qureshi (n 102).

[159] Interview with Hamza Yusuf (n 65).

[160] See *Attorney-General (Vic) (Ex rel Black) v Commonwealth* (1981) 146 CLR 559 ('*DOGS case*').

[161] See *Hoxton Park Resident Actions Group Inc v Liverpool City Council* (2010) 246 FLR 207.

[162] In 2017, the Pew Research Center noted US Muslims are about as likely as Americans overall to report household incomes of $100,000 or higher (24% of Muslims and 23% of Americans in general), although they were also more likely to be at the lower end of the income scale and to be without jobs: see, 'Demographic Portrait of Muslim Americans' *Pew Research Center* (Report, 26 July 2017). <https://www.pewresearch.org/religion/2017/07/26/demographic-portrait-of-muslim-americans/>.

[163] The contrast with the United States is stark. Not only do they figure more prominently in the lowest income bracket than Australians in general, but there is also a big gap for individuals earning over $1000 per week; 14% for Muslim Australians and 25% for the whole population: see 'Australian Muslims: the Challenge of Islamophobia and Social Distance', International Centre for Muslim and non-Muslim Understanding, University of South Australia (Report, 2018) 30 <https://www.unisa.edu.au/contentassets/4f85e84d01014997a99bb4f89ba32488/australian-muslims-final-report-web-nov-26.pdf>.

of both government and overseas political interference and a diminution in institutional independence. They also feed into a current national debate about non-discrimination and equality in religious educational institutions. Whether a Zaytuna transplant would be able to exist, survive and flourish in these rough waters and cross winds is an open question, but if Muslims must aim to navigate these seas and fly their kites, they will.