

‘Religion or belief’: Identifying issues and priorities

Linda Woodhead
with the assistance of Rebecca Catto

AHRC/ESRC Religion and Society Programme,
Lancaster University

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Research Team
Equality and Human Rights Commission
Arndale House
The Arndale Centre
Manchester
M4 3AQ

Email: research@equalityhumanrights.com

Telephone: 0161 829 8500

Website: www.equalityhumanrights.com

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Executive summary

The aim of this project was to assist the Equality and Human Rights Commission (the Commission) in thinking about its mandate for 'religion or belief' and in setting priorities for research. This is a relatively new area of reflection, which has come to prominence following the extension of discrimination law to religion and belief in the Employment Equality (Religion or Belief) Regulations 2003 and Equality Act 2006.

The method involved holding three expert seminars in spring 2009, bringing together academics, practitioners, policymakers and members of the Commission. The seminars were held in London, Lancaster and Glasgow. They were followed by an internal seminar at the Commission's offices in Manchester. The author was responsible for producing a final report based on the seminars and existing research.

Main findings

Defining religion and belief

Religion is a word analogous to 'politics' or 'society'. It is not a 'thing' with uniform characteristics, but a collective term for a diverse range of beliefs, practices and institutions. By means of a range of different dimensions (including symbols, rituals, practices and forms of community), religions promise to bring people into relation with a dimension of life which is portrayed and perceived as more real, more powerful and more meaningful than everyday experience, and which provides a template for interpreting that experience and providing orientation within it. Although it is common to define religion in terms of belief in a supernatural being, such a definition is narrow, and excludes many forms of religious commitment worldwide.

There is no hard and fast boundary between 'religion' and 'belief'. Both refer to orientating commitments which help give meaning and direction to life. Both have a social aspect, but can take more individual forms. 'Belief' is broader in so far as it encompasses commitments which deny a dimension of existence beyond this world, and which may be actively opposed to religion.

Religious identity often overlaps with other forms of identity, including ethnicity, and other commitments, including political ones. This does not mean that it is impossible to define religion for particular purposes, but that all definitions are limited and context-dependent. 'Religion' is a contested term, in the sense that individuals and groups disagree over how and to whom it can be applied. There are often gains and losses associated with being defined as religious, depending on context.

A period of rapid religious change

Religion in the UK has changed dramatically in the last 50 years. The historic churches, both Protestant and Catholic, have declined and lost their cultural monopoly. Newer post-19th century forms of Christianity (charismatic-evangelicalism, independent churches, black majority churches) have grown, new forms of spirituality like New Age and Neo-Paganism have flourished (more people now describe themselves as 'spiritual' than 'religious'), and religions carried by immigration since the Second World War have become increasingly significant.

Evidence of religious discrimination

There is currently insufficient evidence to draw reliable conclusions about the nature and extent of religious discrimination in the UK. There is a similar lack of evidence concerning non-religious belief, and discrimination **by** religious groups and individuals.

It is unclear what is meant by religious discrimination. As a starting point, it is useful to distinguish between:

- (a) socio-economic or 'material' discrimination (for example, in employment)
- (b) cultural or attitudinal discrimination (for example, ignorance, ridicule, distortion, trivialisation of religious commitment), and
- (c) religious 'hatred', which is covered by other legislation.

A recent analysis of the 2001 UK Census finds substantial evidence of socio-economic discrimination, particularly against groups whose culture and religion is different from the majority, most notably Muslims. A Home Office report on religious discrimination finds that cultural discrimination is reported by many religious groups and organisations, particularly minority ones.

Legislation

The use of human rights law to deal with disputes concerning religion is now being supplemented by the use of the new equalities legislation relating to religion. The working of case law to date was considered within the seminars, and it was noted that (a) there is apparent inconsistency of application and (b) cases brought under religious equality law have, to date, a lower success rate than cases brought under the other equality 'strands'. Some legal experts expressed concern that religious equality was being treated differently in law than other equalities, without there being clear justification for this. It was agreed that there was also a need to monitor the working of the 'exemptions' granted to religion, to see what their effect is in practice.

Non-legal solutions

Although the significance of the recent equalities legislation relating to religion was recognised by participants, non-legal solutions to the resolution of disputes concerning religion were also commended. Examples were given of effective negotiation taking place between equalities professionals and religious officials, lawyers and experts. Intractable conflicts are often the outcome rather than the starting point of disputes.

‘Religious literacy’

There was concern about the low level of knowledge about religion at all levels of society, and recognition that this can foster discrimination, as well as hinder attempts to understand and counter it. A comprehensive response would require changes in many sectors of society, including education, which is beyond the remit of the Commission. An improved knowledge of the place of religion and belief in British society is, however, relevant to the work of the Commission.

Representation of religion

State-religion relations in the UK reflect the legacy of a situation in which there were – and still are – established churches with formal and informal links to government. This legacy has strengths (for example, better channels of communication with religion, particularly churches, than some other European countries) and weaknesses (including representation and consultation which is skewed towards certain types of religion, especially those which resemble churches). Growing religious diversity in the UK makes it important to consider whether different forms of religion are being fairly consulted, represented and treated in an even-handed way.

Good relations

The Commission’s objectives include the promotion of good relations. Religion is already widely recognised in research and policy to be relevant to this aim in four main ways:

- Resource provision (for example, buildings, staff and networks).
- Delivery of welfare, education and other social services.
- Contributions to ‘community cohesion’.
- Potential partner in extended forms of participative governance.

Several participants spoke of the dangers of ‘using’ religion as a tool to achieve policy objectives, and of distinguishing between ‘good’ and ‘bad’ forms of religion in terms of whether they promote the interests of the state or government policy. It was concluded that, in addition to the points above, it is important to recognise and

preserve religion's ability to contribute to society as an agent of value commitment, moral and political critique, and social change.

Risks

Concerns about possible consequences of the new mandate for religion or belief were raised. Risks include:

- Clashes between equality strands (for example, religion and sexual orientation).
- Discrimination by and within religious communities.
- Unfair treatment of secular and non-belief.
- Causing intra-religious resentment by favouring some minority religious groups over others.
- Alienating a majority Christian culture.
- Curtailing religious freedom in the quest for equality and good relations.

It was also recognised that there is a risk that the new equalities legislation, or at least the way it appears to be working in practice, will alienate religious groups from the Commission. Whether true or false, there is a perception among some that the equality project is antipathetic to religion.

Opportunities

- The current work to counter religious discrimination is timely and important in the context of historic discrimination (for example, anti-Semitism, sectarianism), and the current vulnerability of religious minorities in Europe.
- There is an opportunity both to counter unequal treatment **of** religion, and to prevent unequal treatment **by** religious groups and individuals.
- The mandate for religion or belief has a part to play in moving towards a more equal, diverse and tolerant society in which religious and secular groups and commitments are treated in an even-handed way.

Emerging priorities for the Commission:

1. Equality and discrimination

- Introduce clearer definitions and measurements of equality of religion or belief.
- Develop the evidence base on religion and belief discrimination, including by:
 - further analysis of existing datasets and studies, and
 - commissioning mixed-method research designed to gather new data on discrimination towards, and by, religious communities.
- Monitor the working of religious discrimination case law.
- Monitor and evaluate the impact of recent legislation relating to religion.

- Monitor ‘claims’ – who is bringing cases? Are there patterns and regularities?
- Monitor the working of the religious ‘exemptions’.

2. Understanding and representation of religion or belief in British society

- Clarify definitions of ‘religion’ and ‘belief’, appropriate for different purposes.
- Commission research (for example, a panel survey) which would be representative of the current forms of religious and possibly non-religious belief, and which could be utilised regularly to sample opinion on important issues.
- Establish a ‘bank’ of scholars and authorities who have legitimacy in their own communities and organisations and can be called upon in dealing with questions and disputes.
- Reflect on how to achieve better representation of religion or belief at state, regional and local levels.

3. Good relations

- Clarify how the Commission’s role on religion or belief and good relations relates to that of existing governmental and non-governmental actors.
- Review or undertake research which deepens understanding of the experiences of different religious minorities, their ‘settlement’ and ‘claim-making’ in Britain.
- Review research which assesses ‘what works’ in terms of enhancing good relations between religious and secular constituencies.

1. Introduction

In April and May 2009 three expert seminars were held in London, Lancaster and Glasgow on the theme of 'Religion or Belief: Equality and good relations'. The seminars were commissioned by the Equality and Human Rights Commission (the Commission), and organised on the Commission's behalf by Linda Woodhead, Professor of Sociology and Religion at Lancaster University (hereafter referred to as the author). Each seminar had around thirty participants, all experts in the field, including academics, policymakers and practitioners. The London seminar focused particularly on the situation in England; the Lancaster seminar on England and Wales, and the Glasgow seminar on Scotland. After the three expert seminars, a final seminar was held at the Commission's offices in Manchester, at which preliminary findings were discussed with Commission staff.

The purpose of the seminars was to assist the Commission in the early stages of thinking about its responsibility for 'religion or belief', and associated issues of religious equality and discrimination, fairness and good relations, with a particular focus on developing the evidence base for this mandate. This report completes this seminar-based research project. It summarises the aims, methodology and context of the research, offers an overview of the papers presented at the seminars, analyses the main themes arising from the seminars, and draws out research and policy implications. The report tries to give an accurate account of the range of views expressed in the seminars. The task of weaving them into a coherent whole inevitably involves a great deal of editorial input. For this reason it is the author, rather than seminar participants, who is ultimately responsible for the conclusions.

1.1 Aims

The seminars had four main aims:

To 'scope the field'

In relation to the topic of 'Religion or Belief: Equality and good relations', the seminars were designed to:

- Identify experts.
- Identify existing areas of expertise.
- Identify key themes and issues – the current research landscape.

To make connections and exchange ideas and information

This embraced:

- Knowledge exchange between the Commission's staff and the invited experts.
- Knowledge exchange between academics from a range of different disciplines.
- Knowledge exchange between academics, religion or belief practitioners, legal professionals, and policymakers.

To identify knowledge gaps and research priorities

As well as establishing areas of current research strength, the seminars would help identify priorities for future research, both for academics and for the Commission.

To highlight risks and opportunities

By inviting participants with a wide range of views, and encouraging them to be frank about their fears and hopes for the equality mandate on religion or belief, the seminars were designed to highlight attendant risks and opportunities.

1.2 Methodology

In order to achieve these aims, three one-day seminars were organised to bring together as wide a range of relevant expertise and opinion as possible. A list of participants was drawn up by the author and the Commission (including staff from Scotland and Wales). In addition, the author contacted a number of academic experts in the field based in England, Wales and Scotland, and asked them to suggest participants and speakers. After this, speakers (six per seminar) and participants were selected and invited. The criteria for the selection were: expertise relevant to the religion or belief mandate; representation from across academic, practitioner and policy backgrounds from England, Wales and Scotland; expertise from across a range of relevant topics and disciplinary backgrounds; and representation of a range of opinions on the new mandate, including critical voices. In so far as it was compatible with these criteria and the relatively small size of the gatherings, an attempt was also made to ensure a balance of gender and ethnicity. For a full list of participants, see Appendix 1.

The seminar format was designed to allow the voices of all participants to be heard, and to encourage open discussion and interchange. All three followed a common format which was worked out in detail by the author and the Commission:

Morning session

- Introduction by Dr Karen Jochelson, Director of Research at the Equality and Human Rights Commission, and Professor Linda Woodhead, Director of the AHRC/ESRC Religion and Society Programme at Lancaster University.
- Two paper presentations with a discussant response.
- Plenary discussion followed by small group discussion and plenary feedback.

Afternoon session

- Two paper presentations with a discussant response.
- Plenary discussion followed by small group discussion and plenary feedback.
- Closing remarks.
- Abstracts of the papers and discussant responses (see Appendix 2), with an introduction outlining the seminar agenda, were circulated to participants in advance.

Participants were asked to prepare by reading this briefing and reflecting on the questions raised (see Chapter 2 for more details). Notes were taken throughout the day to preserve a record of the main points of discussion. The author was present at all the seminars as a participant observer, as were several members of the Commission.

After each seminar, the author analysed the main themes arising, and reported briefly on these at the start of the next seminar. These analyses formed the basis of the hour-long seminar presentation which was given in Manchester for members of the Commission after the expert seminars had been completed. In this presentation the author summarised the main themes of the seminars, and highlighted some research and policy implications. Feedback and discussion at this seminar provided an important final source of information for the project as a whole.

1.3 Context

Two pieces of legislation, both following a European Directive, set the wider context of this work. The Employment Equality (Religion or Belief) Regulations 2003 prohibited direct and indirect discrimination in employment on the grounds of religion or belief.

The Equality Act 2006 introduced protection on the grounds of religion or belief in the provision of goods, facilities and services, the management of premises, education and the exercise of public functions (for more information see Section 3.3). It also established the Equality and Human Rights Commission (the Commission), bringing

together the three existing equalities areas (gender, race and disability) and adding responsibilities for religion or belief, sexual orientation and age. The new Commission is also tasked with responsibility for 'good relations'.

The Commission's responsibilities for religion or belief raise a number of issues and concerns. First, and most importantly for this report, research, reflection and legislation in relation to the mandates for religion or belief are nowhere near as well developed as for gender, race and disability. (To some extent, religious equality was previously subsumed under racial equality, especially in relation to Jews and Sikhs, but not clearly distinguished.) Second, religion or belief can be seen as different from the other grounds of discrimination, in so far that some consider that religious identity is, in part, a matter of choice. Third, religion and belief are notoriously hard to define. Fourth, some people regard religion as a major cause of discriminatory attitudes and behaviour, and worry about the way that protecting religious equality may mean undermining gains in gender equality and equality for gay, lesbian and bisexual people and disabled people. There is potential for the religion or belief 'strand' of equality legislation to clash with other strands. (All of these issues arose in the seminars and are discussed in more detail in this report.)

In the wider political and policy context, religion has achieved a new visibility in the West, particularly in Europe, in the 21st century. Talk of a 'return of religion' and of 'post-secularism' allude to the fact that many European politicians and academics imagined that religion had ceased to have public and political relevance in the modern world. In fact religion had never ceased to be important, particularly on a global scale, but a series of recent events made this fact more obvious. In the UK, the year 2001 marked something of a turning point. This was not so much because of the attack on the World Trade Center in New York, but because of the riots in Burnley, Oldham and Bradford, and because this was the year in which the prime minister, Tony Blair, put 'faith' back on the political agenda by promoting faith schools and co-operation with faith-based organisations in certain areas. Current UK domestic policy is concerned with religion in a number of different ways:

- In relation to community cohesion, 'faith' is seen as an important agent for generating 'social capital' (that is, productive connections which both 'bridge' between communities and 'bond' individuals within them), especially at the local level.
- In relation to 'violent extremism', radical forms of Islam are seen as dangerous forces which must be monitored and eliminated, and other aspects of Islam are also generating public controversy, for example, the right of Muslim women to wear face and full body coverings.

- In relation to education, the place of faith schools (currently 36 per cent of primary and 17 per cent of secondary schools) in the national education system is an ongoing matter of debate and controversy.

In relation to the social policy of the European Union, a new raft of European equalities legislation has brought religion to the table, with significant impact in Britain. The historical context of religion in Britain is also important. State-religion relations in the UK are shaped, above all, by historic alliances between church, state and culture in the different nations. England still has an established or 'state' church (the Church of England, part of the Anglican Communion). In addition, the Church of Scotland (Presbyterian) retains very close links to the state. The Church in Wales (Anglican) was disestablished in 1920. This legacy of establishment has continuing significance for issues of religious equality, treatment of religious minorities, treatment of secular belief, and the 'secular' state. For example, comparative research suggests that close church-state relations have led to more accommodating outcomes for minority, immigrant religious communities in Britain than is the case in secular political regimes like France (Fetzer and Soper, 2005).

Secularist sentiment is present in the UK, but must be distinguished from a much more widespread 'secularity' which is not necessarily hostile to religion. It is misleading to classify Britain (excluding Northern Ireland) as straightforwardly religious or secular. On some measures it continues to be religious, for example 76.8 per cent of the population identified as religious in the 2001 Census; the largest response was Christian (71.6 per cent) followed by Muslim (2.7 per cent), with 15.5 per cent ticking 'no religion'. However, church attendance has more than halved since the 1970s to 6.3 per cent on a typical Sunday in 2005, and only a minority of people claim that religion is 'very important' in their lives. Similarly, the British state is secular in many ways, but not in others – such as its continuing links to the Anglican Church, and its support for faith schools and religious education. (For a survey and interpretation of this and additional evidence relevant to the question whether Britain is religious or secular, see Woodhead, 2009.)

Also relevant is the legacy of 'Christendom', the project whereby European churches sought for more than a thousand years, with a good deal of success, to achieve a cultural monopoly, such that every 'soul' would be born and raised, think and feel, live and die, within the framework which his or her church approved – a project which involved the co-operation of political power. Britain was once part of this project, a project which was only wholly abandoned, at least by the Roman Catholic Church, in the 1960s. Its legacy lives on, not least in the fact that the traces of Christendom are still very evident: in the calendar, festivals and public holidays, street names, the

Sunday rest day, the presence of churches and cathedrals, the parish system, 'Christian names', widespread cultural values, and so on. However, the project of Christendom no longer has support, and there is hostility to the idea that religion should be anything other than a matter of choice. Lingering resentment of the churches' power can still be detected in anti-Christian sentiment, which is sometimes transferred to all forms of religion.

Turning to the research context, academic research on religion has not been directly concerned with issues of religious discrimination and equality until recently. As Appendix 4 (Resources) documents in more detail, books and articles on the subject are now starting to be produced (for example, Weller, 2008), and research on the nature and extent of discrimination on the grounds of religion and belief is being commissioned (see Weller et al., 2001, for the Home Office; Weller was funded by the AHRC/ESRC Religion and Society Programme in 2009 to revisit this research).

There is more work on the experience of Muslims in the UK, and on 'Islamophobia' (for example, Runnymede Trust, 1997; Muir, Smith and Richardson, 2004). Legal specialists are also starting to study the new legislation and the development of case law (for example, Addison, 2007). There is, in addition, a growing body of academic and policy-related research which is directly concerned with religion and good relations. This ranges from more theoretically focused work which deals with broad issues of identity, integration and multiculturalism (for example, Modood et al., 1997), through medium-range work such as studies of faith-related policy under 'New Labour' (for example, Chapman, 2008), to small-scale empirical studies of particular faith-based initiatives and inter-faith projects (for example, Dinham et al., 2009).

There is a larger body of academic research on religion in the UK which is not directly concerned with issues of discrimination and good relations, but has relevance for these topics. A number of historical and sociological studies chart the changing religious landscape of the UK (for example, Davie, 1994, McLeod, 2007). There are also empirically based studies of particular religious communities in Britain, including religious minority communities – such as Werbner's (2002) study of Muslim communities in Manchester, Lewis's (1994) account of Muslim communities in Bradford, Knott's (1986) work on Hindu communities, and Singh and Singh Tatla's (2006) study of Sikhs in Britain. There are also studies of state-religion relations in the UK and more widely, and of the place of religion in relation to secular states and within 'secular' societies (for example, Casanova, 1994, Bader, 2007). For more resources, see Appendix 4.

2. Agenda for the seminars

The following list of questions and issues (adjusted slightly for each seminar) was sent to all the seminar participants in advance. Participants were asked to reflect on them prior to attending and to address these topics at the seminars, plus any others which they considered relevant to the religion or belief agenda.

What do we mean by ‘religion’ and ‘belief’? We may agree that ‘religion’ is a word like ‘economy’ or ‘society’ which does not capture the essence of some ‘thing’, and cannot be captured in a single definition. We may also agree that some definitions (for example, those which identify religion with a set of beliefs) are inadequate. But we also know that definitions of religion **are** regularly used in practice, for good and ill – for example, in legal contexts and by those who design survey instruments. Are research interventions needed, and, if so, what kind? Can we and should we draw sharp lines between religion and culture, and religion and ethnicity? Can we and should we look at religious identity separate from ethnicity, gender and sexual orientation? Is it right to assume that most people have a singular religious identity (for example, a recent well-designed survey in Sweden turned up a lot of ‘Christian-Buddhists’!)? What does ‘belief’ cover? A religion-like philosophy or a philosophy of life? What, then, is the difference between protecting religion and protecting conscience? Does a ‘religion or belief’ mandate also include anti-religious ‘belief’, and how can the two be held together? Is there as much need to research secular and secularist commitments as religious ones?

Do we have an adequate understanding of the religious profile of the UK? The responses to the 2001 England and Wales Census item on religion surprised many people because of the high percentage who identified with a religion, but there has been criticism of the form of the question. Do we need better designed surveys to improve understanding? That begs the question: what are the most serious gaps in our knowledge? If we can identify them, we have a better chance of being able to select and design the right methods for addressing them.

When it comes to religion and belief, what counts as ‘equality’ and ‘discrimination’? It is relatively easy to identify what counts as equality between the sexes, and the Equal Opportunities Commission made great progress over the years in identifying quantifiable leading indicators of gender equality like the gender pay gap, the number of women MPs, level of childcare provision etc. Is religion amenable to anything like the same treatment? Can we create sensible measures of equality and discrimination? What is the standard (that is, what should religions, including minority religions, be equal **to**)? In any case, do all religions and beliefs merit equal

treatment? If not, how do we draw the line: what is the difference between just and unjust discrimination, and how do we distinguish 'good' differences, which we should respect, from 'bad' differences, which we should eliminate? Does the new legislation cover only the rights of religious individuals, or groups as well?

What are the limits of religious freedom? In some countries this issue is framed in terms of 'reasonable accommodation'. One implication is that the secular state – and the law – is in a position to decide what kind of presence and agency religion or belief may have in society/public space. Is that right? If so, how should the state decide, and through what agencies/processes – what is the place of the Commission, for example? Where should the line be drawn between various protectors of freedom? What happens where there is a clash between different equality 'strands', for example theologically inspired hostility to homosexuality, or a religion discriminating against its own female members or old people? How are intractable disputes (for example, the Rushdie affair, wearing *niqab*) best handled and arbitrated? Do the media exacerbate conflict? Is it necessary or possible to distinguish between 'good' and 'bad' religion?

Do we have a secular state and are we a secular society, and if so, what are the implications for equality and discrimination? State-church separation in Britain and much of Europe is primarily designed to protect the state from religion. In the US, by contrast, church-state separation is primarily designed to protect religion from the interference of the state. What are the consequences of this historical difference? Does the state have the right to control and police religion, and arbitrate on what are acceptable and non-acceptable forms of religion and even theology (as it is currently doing with Islam)? If it does, what protection should religion have, and does it have enough protection in the UK?

How is religion represented, especially at state level, and is such representation working? The current government has been criticised for its conditional and rapidly shifting alliances with individuals and agencies which claim to represent different forms of religion (especially Islam), and for being out of touch with religion on the ground and 'ordinary' religious people. Are the true 'representatives' of religious communities being consulted? And is the religious profile of Britain being properly represented, or only small portions of it? Are other models (such as registration of religion, national religious councils, devolution to regional and local levels) better? How does an established church help or hinder religious equality?

The Commission's mandate for religion or belief includes 'good relations'. This raises many questions: what does it mean, and is it meaningful? Good relations

between what? Just intra-religious groups, or religion and non-religion? Is it the same or different from 'social cohesion', and is it a sensible strategy to try to eliminate social conflict, and enlist religion in the task? Is the increasing use of religion for welfare activities a long-overdue recognition of the realities of care-giving in society, or an opportunistic way of co-opting voluntary bodies to carry out state functions on the cheap? Are there useful, workable, academic concepts and theories – for example, bridging and bonding capital – to help us navigate this difficult area?

What good can come from the Commission's mandate on religion or belief, and what dangers are there? How can research help maximise the former and minimise the latter?

For all the questions above: **are there salient differences between England, Wales and Scotland?**

3. Main themes arising

The main themes arising from the seminars were:

- Underlying issues of definition and principle.
- Religious equality and discrimination.
- Religion and law.
- Religion and good relations.
- National variations.

3.1 Underlying issues of definition and principle

Defining religion and belief

The academic study of religion is littered with attempts to define its subject matter. The one point of agreement among seminar participants was that there will never be a single satisfactory definition. The reason is that religion – like 'society', or 'politics' or 'economics' – is an abstraction, a label which directs attention to a range of different phenomena including:

- Beliefs and symbols.
- Powerful experiences and emotions.
- Social identity and community.
- Texts and traditions.
- Orientating beliefs, values and commitments.
- Practices, including ritual practices.
- 'Supernatural' or 'super-social' relationships, in other words relationships with, for example, a God, gods, ancestors, spirits, evil spirits.

Some of these are more important in some religions than others. Attempts to single out which aspects 'really' count are always normative and often ethnocentric. The term 'religion' is generally used to identify combinations of these different phenomena. These are utilised to bring people into a relationship with a level, realm or dimension of life which is considered more real, more powerful, more beautiful and more meaningful than everyday experience, and which provides a template for interpreting life and death.

Participants were not unduly pessimistic about the possibility of using the category of religion in a meaningful and responsible way. (Though there was considerable concern about the level of religious knowledge in Britain, see Section 4.5.) It was stressed that what matters is that the meaning of this blanket term is used sensitively

and appropriately to the contexts in which it is being applied. Certainly it can be used in unduly narrow ways, for example when religion is defined as ‘belief in God’ (thus excluding religions which recognise no God, which acknowledge a plurality of deities, and which are practice based and non-theological). There was some agreement that the way the term is most often used privileges monotheism, and does less justice to many religions of Asia, Africa, contemporary Western forms of spirituality, etc.

The discussion recognised that phenomena classified as ‘religion’ can often be classified differently – for example, as ‘culture’ or ‘ethnicity’ – and that there are gains as well as losses in so-doing. Gurharpal Singh made this point powerfully in relation to Sikhism.¹ He pointed out that Sikhs have sought protection for their religious practices under both the Race Relations Act 1976 and the 2003 and 2006 legislation on religious equality. Rather than being a form of opportunism, he suggested that this strategy illustrates how Sikhism, like Judaism, cannot be contained by the category of religion or ethnicity alone, since it has features of both. It was also acknowledged that identities are often intersectional: for example, the identity of an older Hindu woman is a matter of religion, age, gender and ethnicity, but how these identities shape one another cannot be neatly separated into discrete components. Some participants welcomed the integration of equality law under the forthcoming Equality Act as potentially better able to take such intersectionality seriously.

There was discussion of the meaning of ‘belief’. Article 9 of the European Convention on Human Rights provides a right to ‘freedom of thought, conscience and religion’. This seems to rule out protection for any form of culture or personal philosophy, but to include those which are important to identity and have a role in guiding life and informing choices. The Equality Act 2006 refers to the right to hold religious beliefs or other philosophical beliefs (such as humanism), as well as the right to have no religion or belief. Section 44 of the Act defines religion or belief as follows:

- (a) ‘religion’ means any religion
- (b) ‘belief’ means any religious or philosophical belief
- (c) a reference to religion includes a reference to lack of religion, and
- (d) a reference to belief includes a reference to lack of belief.

Thus those who hold a ‘philosophical’ belief which is not a religious belief (and may even be hostile to religion) are protected by the law as much as those who are religious. It was noted that to date there have been few cases of recent equalities legislation being invoked for the protection of non-religious ‘belief’, and it will be

interesting to see how this develops. It is also important to note that if religion is defined in terms of belief in God (as it has been in much human rights law), a sharper distinction between religion and 'belief' or 'philosophy' is entailed than if a broader definition of religion is used.

The fact that the religious profile of Britain has changed dramatically since the 1960s was highlighted as significant for the discussion of the meaning and definition of religion. Such change includes:

- The decline of the historic churches (Anglican, Catholic, Presbyterian etc) and of their influence in society.
- Internal change in Christianity, including the growth of evangelical, independent and black majority churches (BMC).
- The rapid growth of new forms of 'spirituality' (Mind, Body, Spirit; New Age; Neo-Pagan), along with a shift whereby more people prefer to call themselves 'spiritual' or 'spiritual and religious' than simply 'religious'.
- The growth in numbers and visibility of non-Christian religions, including Islam, Hinduism, Sikhism, Judaism and Chinese religions.

Overall, this means increased religious diversification. Such diversification is bound up with processes of globalisation, including migration and ethnic diversification. Religion has ceased to be centred chiefly upon locality and nationality, and is now more often focused upon personal life and transnational communities and connections. New media such as the internet are increasingly important for religion, and allow then to exist in a 'global public space'. It is outdated to view 'public religion' or 'religion in civil society' solely in terms of co-ordinated actions and statements by churches or church-like organisations working at local and national level.

Another point which was made by some participants was that religion is a constructed and politically laden category, and that what counts as religion is always changing in response to changed constraints and opportunities. One example given was that of religion in British prisons. There are many claims for official recognition as a religion – which carries significant privileges – and not all succeed (for example, Rastafarianism, Satanism and Scientology are not recognised as religions). Significant legal and political changes, like the introduction of new equalities legislation, can be expected to have an impact on claims to be religious, and thus on religion itself.

The question of whether religious identity is ascribed or voluntary was discussed but not resolved. Different participants had different views. Some thought that religion

was part of a person's cultural inheritance, which came to form an essential part of embodied identity, and could not be changed at will. Others believed that while this might have once been true, religion had become more a matter of choice in recent times. A middle position held that it is possible to change one's religious identity, but only within a narrow band of possibilities bound up with one's cultural and national identity, gender, class and social networks. It was also pointed out that religion has a social dimension, and religious beliefs are often passed down over generations. Being religious is a matter of being incorporated in a larger community (past and present) as well as making a personal choice.

Principles of equality and fairness, rights and justice, freedom and toleration

There was discussion, and some disagreement, about the basic principles which underlie equalities and human rights legislation: about their reach, their significance and their adequacy. It was noted that a concentration on 'equality' as a guiding principle has been supplemented by the principle of fairness in the Commission's public statements. There were different evaluations of this. Some people welcomed the new emphasis on fairness, whereas others considered it a concept which could not be implemented and measured in the same way as equality, and which could therefore undermine the aim of moving towards a more equal society. Some participants distinguished between a 'rights and equality project', which had to do with individuals claiming rights and equal treatment, and a 'justice project' which started with society as a whole rather than the individual within it, and aimed to produce a fair society in which all could participate. Many saw these as inseparable projects, which were tied up with a characteristically, but not exclusively, modern emphasis upon the equal dignity and worth of each and every human being. It was noted that the religion or belief 'strand' differs from other strands in being about the equality of groups as well as individuals.

There was disagreement between some who believed that the maximisation of equality is a first principle, and others who considered equality to be one principle alongside others (such as freedom), all of which should be respected, but none of which could be maximised without undermining others. Some people expressed a concern that equalities legislation, if pushed too far, would undermine toleration and freedom, including religious freedom. Some believed that this had already happened. The example was given of how, under the Equality Act 2006 it is now illegal to run hotels or bed and breakfasts for particular groups, including gays, lesbians and Christians. Some people criticised human rights and equality legislation for moving us towards a less tolerant society (for example, by making it illegal to run a hotel catering only for Christians, or only for gays and lesbians); others felt that this was a price worth paying for a more equal society. Some delegates were concerned that

new legislation may preclude the traditional religious option of 'sitting quietly and doing nothing' when people do not wish to disrupt a situation, but also do not wish to participate for reasons of conscience (for example, the Christian registrar who objected to officiating at civil partnerships and asked colleagues to cover for her; see Section 3.3, *Ladele v London Borough of Islington* 2008). This led to discussion of how to deal with clashes between different equality strands, a topic which is covered in Section 3.2.

3.2 Religious equality and discrimination

Discrimination on the grounds of religion or belief

Religious discrimination in the UK is nothing new. Leaving aside the situation in Northern Ireland (which had legal provisions against religious discrimination before the rest of the UK, and has anti-discrimination duties pertaining to religion in the workplace), there were major legal, political and social disadvantages for non-Anglican Christians in England and Wales which were formally removed by reforms in the 19th century, but had an enduring impact into the 20th century. Historically, discrimination affected not only Catholics and Protestant 'dissenters' but also atheists and non-believers. In the Glasgow seminar which focused on the situation in Scotland, there was extensive discussion on the extent to which discrimination against Catholics continues to this day. Two of the speakers spoke about their own experience of such prejudice (see Section 3.6).

While these historic forms of discrimination may have faded, a new form of religious discrimination has come to the fore, namely that suffered by non-Christian religious groups in British society. For Sikhs and Jews, aspects of the problem could be dealt with under the Race Relations Act 1976, but other non-Christian religious communities had no legal protection against discrimination, including discrimination in employment, until the recent legislation on religious equality was enacted. A number of reports at the end of the millennium and in the wake of the Rushdie affair (1988/89) drew attention to this issue, including the Runnymede Trust report on Islamophobia (1997), which suggested that there was a particular form of religious discrimination affecting Muslims (see also more recent research, for example Muir, Smith and Richardson 2004).

A Home Office-commissioned research report by Weller et al., *Religious Discrimination in England and Wales* (2001), found that religious discrimination existed, and was manifest in different forms, including: (a) religion-specific forms, often directed at a whole community, such as anti-semitism, or Islamophobia; (b) forms of direct discrimination (deliberately unfair treatment of individuals or groups

because of their religion); and (c) indirect discrimination (treatment which may not be directly or deliberately hostile to religion, but which nonetheless has discriminatory effects for religious individuals).² Religious organisations, which were the main participants in the research, offered evidence of discrimination in employment and other 'material' matters. Muslim organisations reported a consistently higher level of unfair treatment than most other groups, though Sikh and Hindu organisations also reported such treatment.

Some groups reported open hostility, including Pagans and people from New Religious Movements. There were also reports by almost all religious organisations of a high level of 'cultural' discrimination, including prejudice, misunderstanding, indifference or ignorance about religion.

Following on from this research, and the seminar discussion, a useful distinction can be drawn between (a) socio-economic discrimination and (b) cultural and attitudinal discrimination. The former involves material disadvantage, including reduced levels of educational, occupational, and/or economic attainment. The latter has more to do with religion being misunderstood, denigrated, ignored, trivialised, distorted or ridiculed, including by the media, in education, and in public discourse. It can also include the expression of personal prejudice and hostility against religion and religious individuals. Cultural discrimination and legitimate critique or satire may be hard to distinguish. Such critique may be hurtful to religious people, but need not be discriminatory. Indeed, to proscribe criticism of religion would threaten the right to freedom of expression and free debate. This leads to a wider debate about religious freedom and religious hatred, which extends beyond the brief of the seminars (for discussion of this topic and relevant legislation, see Weller, 2008: 155-77).

A clear conclusion arising from the seminars was that there is still an inadequate evidence base concerning religious discrimination (as well as no evidence whether there is discrimination against secular belief, or at least against secularism). This means that it is impossible to gauge the level and types of discrimination currently experienced by religious individuals and groups in the UK, and to discern which religious communities, and sections within them, are worst affected. The problem is exacerbated by the fact that many of the surveys and datasets used to measure inequality in relation to other equality strands do not have items relating to religion. An overview of the available statistics on religious equality is provided by Purdam et al. (2007) and Walby et al. (2008). The main resources identified are the 2001 Census, the Home Office Citizenship Survey, the British Crime Survey, and the Labour Force Survey (for other resources, see Appendix 4). A major problem in assessing discrimination in relation to minority religions is that representative

sampling of the population requires large booster samples for these groups. Even the Census is likely to under-represent minority groups and the most disadvantaged in society (for example, those who do not have English language skills, those who do not have a fixed address and so on). It was felt that dedicated, carefully designed research on religious discrimination is needed to address this problem (see Section 4.1).

Another factor which makes it more difficult to gain an accurate picture of the nature and extent of discrimination against religion or belief in the UK is the fact of intersecting disadvantage. However, recent analysis of the UK Census data by Khattab (2009) demonstrates that it is possible to make progress in disentangling the causes of disadvantage, and that when this is done, religion emerges as an important factor. Khattab finds that the degree of 'ethnic penalty' that various minorities are likely to face in education and the labour market has to do with two interrelated factors: the visibility of the group measured by skin colour, and the cultural distance from the dominant culture measured by religious background. Moreover, the impact of skin colour is reinforced when attached to a group which is perceived as culturally and religiously 'alien' by the dominant cultural group. Skin colour alone is not enough to explain disadvantage, since white Muslims are disadvantaged in employment and education, with the impact of religion here seeming to override that of skin colour (Khattab, 2009).

Khattab's findings support Tariq Modood's argument that the hostility towards a non-white minority is likely to be particularly sharp if the minority is large enough to produce and represent itself as a community, 'and has a distinctive and cohesive value system that can be perceived as an alternative, and a possible challenge, to the norm' (Modood, 2005: 38). It also helps to explain why Muslims are the most disadvantaged of all religious groups in Britain (Brown, 2000, and Lindley, 2002). There appears to be an additional penalty for non-white Muslim women who suffer a penalty for gender in addition to those for skin colour and religion (Khattab and Ibrahim, 2006). Factors relating to culture, household structure and household composition may also contribute to poor labour market outcomes for this group of women (Abbas, 2003).

The nature and extent of discrimination against the majority religion (Christianity) has not yet been studied. It is likely to vary with class, skin colour and type of Christianity. It may also vary geographically, and between rural and urban areas. Since Christianity is the majority religion in the UK, and historically intertwined with mainstream culture, followers might be assumed to suffer little or no discrimination. Indeed, some forms of Anglican Christianity are bound up with socially elite

institutions – the royal family, public schools, Oxbridge, and so on. However, since only a minority of the population is now actively Christian, and since secular and sometimes anti-religious opinion is often strong in the media, some Christians believe their religion is often treated with private and public disrespect. A number of publicised cases, such as *Eweida v British Airways* 2008, when a British Airways' employee lost her right to wear a cross with her uniform, and *Playfoot v Millais School* 2007, where a judgement was made (under human rights law) that a Christian schoolgirl could not wear a silver chastity ring, have reinforced this sense of unfair treatment, or even discrimination, among some Christians. For some, this has been exacerbated by judgements which are seen to favour non-Christian religions, for example *Singh v Aberdare School* 2008 which upheld a Sikh girl's right to wear a *kara* bracelet to school. (See Section 3.3 for more information on cases.) Discrimination may also take place against particular forms of Christianity in sectarian situations, and where Christian or quasi-Christian religion clashes with cultural norms (for example, some practices of Jehovah's Witnesses). A recent study of young Christians in Scotland finds evidence of continuing sectarian prejudice, and of a widespread sense among young Christians that they are now a counter-culture rather than part of mainstream culture, and likely to suffer insult or misunderstanding as a result (Olson and Vincett, 2009).

Discrimination by religion and clashes with other equality strands

As well as being the subject of discrimination, religion can also be a cause of it. Religious organisations may discriminate among their own members, promote discriminatory attitudes and legitimatise social inequalities. This issue came to a focus in the seminars in relation to clashes between the religion or belief strand and other equality strands. There do not seem to be serious clashes between religion and the race and age strands, and possibly not on disability (although more research is needed), but seminar participants were aware that concern had been expressed by campaigners for gender equality and for equality for gay, lesbian and bisexual people that extending protection to religion may undermine gains in these areas. Some forms of religion draw clear distinctions between the sexes and reserve positions of power and leadership for men (for example, the Roman Catholic church, which reserves ordination for men, and conservative Protestant churches, which reserve the most authoritative preaching and teaching roles for men). Some forms of religion consider, if not 'homosexuality', then at least 'homosexual practice', to be inferior to heterosexuality. Others go further and declare such practice unnatural, sinful or wicked. Examples of clashes between equality strands were given by several participants, and illustrated by a number of legal cases (see Section 3.3). Further reflection on how they might be handled is given in discussion of these cases, in Section 3.3.

Does religion have special rights?

There was some discussion of the question whether religion has a special status which means it should be afforded greater protection than 'culture', a 'philosophy', 'conscience' or 'belief'. The fact that freedom of religion is a separate article in the UN Declaration of Human Rights and the European Convention on Human Rights, distinct from freedom of opinion and expression, suggests that it does. Yet the fact that these articles run it together with freedom of thought and conscience suggests that it does not. Then again, the fact that religion has exemptions from some laws (see Section 3.3) suggests that it does have special privileges. However, the fact that these are often very narrowly interpreted, and that the law extends an even greater power to discriminate in employment on the grounds of political belief suggests that it does not. In other words, the law does not maintain a clear position on this issue.

Although participants did not come to a clear conclusion on this issue, it can be argued that religion has much in common with other forms of philosophical belief, but often differs by virtue of:

- Being social and binding followers together in a community.
- Involving ritual practices.
- Appealing to a historical tradition.
- Being focused around sacred symbols.
- Claiming to put followers in relationship with realities which transcend everyday experience.

It has already been noted that, in contrast to the other equality strands, religious equality may have to do with groups as well as individuals.

As noted in Section 3.1, however, not all these features are true of all forms of religion, and some of them are also true of some philosophies, beliefs and secular credos.

3.3 Religion and the law

The law relating to religious discrimination was a central topic in the seminars. Here we present what was identified as key legislation, plus a selection of interesting case studies discussed by participants.

Relevant legislation

This is necessarily a simplified and generalised overview of legislation relating to religion or belief.³ Specific pieces of legislation which have particular bearing upon the contemporary situation have been selected.

Sex Discrimination Act 1975 (and religious exemption)

Section 19 of this Act includes an exemption allowing organised religions to impose the requirement for employees to be of a particular sex, because of doctrine, the nature of employment, context and/or avoiding conflict with the convictions of a high number of followers. This is an early example of religions being granted an exemption within equality legislation.

Race Relations Act 1976

This builds upon the earlier acts prohibiting discrimination on the basis of race, colour, nationality, ethnic and/or national origin in employment, the provision of goods and services, education and public functions. The Race Relations Act 1976 enabled Sikhs and Jews to seek protection through definition as ethnic groups. It did not, however, protect other religious groups, such as Muslims, which were more ethnically diverse.

European Convention on Human Rights (Articles 9, 10 and 14 as in the Human Rights Act 1998)

The ratification of the Human Rights Act in 1998 enshrined the European Convention on Human Rights into British law. This includes freedom of thought, conscience and religion in public and private, and freedom of expression, albeit limited by consideration of public safety and order, along with the prohibition of discrimination on grounds including sex, race, colour, language, religion, political or other opinion and/or social origin. This key piece of legislation has precipitated rapid changes in British law over the last decade, including in relation to religion or belief.

Employment Equality (Religion or Belief) Regulations 2003

This regulation prohibits direct and indirect discrimination in employment on the grounds of religion or belief. However, an exemption exists for employers who have an 'ethos based on religion or belief', who can discriminate on the grounds of religion or belief where being of a particular religion or belief is 'a genuine occupational requirement for the job' and where 'it is proportionate to apply that requirement in the particular case' (Regulation 7(3)). The Sexual Orientation regulations, like the Sex Discrimination Act 1975, include an exemption for those organised religions that are entitled to discriminate on the grounds of sexual orientation because of doctrine or avoiding conflict with strongly held convictions.

Civil Partnership Act 2004

This act has provided increased legal recognition for same sex relationships.

Racial and Religious Hatred Act 2006

This act, which had a long and difficult journey through Parliament, outlaws inciting hatred on the grounds of religion or belief, but does not appear to have been tested in the courts yet.

Equality Act 2006 (and religious exemption)

This major act prohibits discrimination on the grounds of religion or belief in the provision of goods, facilities and services, the management of premises, education and the exercise of public functions. Part 2 of the Equality Act 2006 outlaws discrimination on the grounds of religion or belief in relation to the provision of goods and services. This covers shop-keepers and hoteliers, for example, and also some schools. Part 3 of the Equality Act allowed regulations to be made in 2007 which outlaw discrimination on the grounds of sexual orientation in relation to goods and services, again with an exemption for the 'purpose of an organisation relating to religion or belief'. Significantly, however, this exemption is inapplicable to organisations relating to religion or belief working within education and/or with public authority contracts; for example, adoption agencies.

Case studies

Two controversial examples of how these legislative changes have played out in practice were discussed at some length in the seminars.

Ladele v London Borough of Islington 2008

Lilian Ladele was a registrar who refused to officiate for civil partnerships because of her Christian beliefs. Islington Council insisted that she did officiate for them, took disciplinary action against her, and threatened her with dismissal. She claimed direct and indirect discrimination on the grounds of religion or belief. The initial Employment Tribunal (ET) found that there had been direct and indirect discrimination against her. However, the decision of the Employment Appeal Tribunal (EAT) reversed this ruling finding that she had no exemption, so Ladele's only option was to exercise her right to resign. The EAT found that the actions of Islington Council were proportionate, requiring staff to act in a non-discriminatory manner for a legitimate objective.

Some legal specialists in the seminars considered that this judgement did not really take into account Ladele's right to exercise her religion. One pointed out that there would have been no inconvenience to the clients of the Registrar's Office, as they

could still have had their civil partnerships officiated since Ladele's colleagues were happy to stand in for her. The only 'cost' was thus the minor effort of redistributing duties. In addition, Ladele had chosen to become a registrar before the Civil Partnership Act had been introduced, thus perhaps the Council's means to its legitimate objective were in fact disproportionate. Another participant pointed out that Ladele was acting as a representative of the state in her capacity as a registrar and was thus obliged to uphold the law.

Noah v Desrosiers 2008

Sarah Desrosiers ran a 'funky, spunky and urban' hairdressing salon in London. Busrah Noah attended an interview for the post of assistant hairdresser. Desrosiers terminated the interview when Noah, who is a Muslim, stated that she would not remove her headscarf while working in the salon. This conflicted with Desrosiers' desire to promote her business by way of staff displaying their hair. Noah claimed direct and indirect discrimination on the grounds of religion or belief. The Employment Tribunal found Desrosiers not guilty of direct discrimination but guilty of indirect discrimination. Her aim of promoting the salon was found to be legitimate, but the demand on all staff to display their hair disproportionate. Desrosiers was ordered to pay compensation.

In this case, the decision that the employer's end was legitimate, but the means to achieving that end disproportionate, served to protect the religion or belief of the individual even though there was a cost in so doing (in this case, a cost to be borne by the employer). Several of those who discussed this case considered that whereas the outcome of the Ladele case goes too far in the direction of making the religious person bear the costs of her own belief, this a case which goes too far in the opposite direction of making the employer bear the costs of someone else's religious belief.

Other examples were referred to in order to illustrate apparently inconsistent applications of discrimination law. As mentioned above, in *Eweida v British Airways 2008*, a British Airways' employee lost her right to wear a cross with her uniform, whereas *Singh v Aberdare School 2008* upheld a Sikh girl's right to wear a *kara* bracelet to school. Some participants felt this indicated discrimination towards some religions and not others.

Muslim providers of goods and services and guide dogs

Maleiha Malik gave an engaging example of a conflict of interests which was successfully resolved through negotiation without recourse to the law.⁴ Under the Disability Discrimination Act 1995 it is illegal to refuse access to goods and services

on the grounds of disability. Thus taxis now have a duty to accept guide dogs, as do restaurants. These are sectors of the service industry where Muslims are disproportionately represented in delivery, and dogs are designated as unclean in Islam. This situation led to incidences of people with guide dogs being refused entry to taxis and restaurants. Consequently, the Disability Rights Commission liaised with the Muslim Council of Britain to bring together Muslim clergy and scholars for a seminar. The result, an outcome of discussion between specialists in Islamic law, was the issuing of a religious decision that, in the case of guide dogs the edict against dogs as unclean does not apply. Malik presented this as a good example of how non-legal solutions to 'religious' disputes can be more fruitful (and less costly – to individuals groups and state) than recourse to the law. The coda to this tale was that the first guide dog that will be allowed into a British mosque is being trained.

Legal issues

Discussion of the development of case law on religious discrimination highlighted various issues. One observation was that, to date, the success rate of religious discrimination cases is very low – lower than for cases brought on other grounds of discrimination. Another observation was that in judgements where different equality strands conflict with one another (for example, religious discrimination, and discrimination on the basis of sexual orientation, as in *Ladele v London Borough of Islington*), one strand sometimes seems to 'trump' another, rather than there being an attempt to effect some balance between them. Interestingly, the employment tribunal in the initial judgement in favour of *Ladele* stated that:

'This is a case where there is a direct conflict between the legislative protection afforded to religion and belief and the legislative protection afforded to sexual orientation... One set of rights cannot overrule the other set of rights.'

However, the decision of the tribunal was subsequently overruled by the Employment Appeal Tribunal, and is likely to be appealed to the Court of Appeal.

As it stands, an important legal test for indirect discrimination in employment tribunals is whether an employment practice or requirement is a 'proportionate means of achieving a legitimate aim'. This raises the question of how this is to be determined, and whether this test is always appropriate, and sufficient. Some legal specialists considered that more explicit attention should be given, as in many North American cases, to attempting to secure a 'reasonable accommodation' on matters of religion, belief and conscience when there is a clash of rights. As noted above, the question 'who should bear the cost of religious belief?' was considered by some of the legal practitioners at the seminars to be a helpful way of guiding decisions. From

this perspective, it appears that human rights law has tended to rule that religious individuals should bear the entire cost of their belief, even if that means changing job or school (for example, the case of *Begum v Denbigh School* 2005, 2006). Can religious discrimination law achieve a more balanced outcome, or even one favourable to the religious person, if appropriate? Sometimes, for example, it might be appropriate for the cost of religious belief to be borne by an employer or school, or at least shared with the religious person (a reasonable accommodation). Taking two of the cases mentioned above, *Desrosiers* as employer had to bear the full cost of Noah's belief, whereas *Ladele* had to bear the full cost of her own belief. Would an attempt to balance the costs have led to a better outcome?

The discussion noted that the granting of exemptions from equality laws, though limited and circumscribed, could be considered an unfair privilege for religion. Moreover, although very few people are likely to be affected by these exemptions (which only apply to religious organisations, not individuals), the impact on those who are affected may be considerable. The working of the exemptions will therefore need to be monitored. Some participants felt that the distinction drawn between the duties incumbent upon faith-based organisations which receive state funding (for example, adoption agencies) and religious groups which do not (for example, mosques and churches) is helpful and should be more widely recognised.

There was general agreement that the law should not be relied upon to solve social problems and that there is a lack of clarity and consistency over how decisions in discrimination cases related to religion or belief are arrived at. The benefits of non-legal arbitration and mediation were emphasised, as was the importance of reviewing and assessing the impact of pre-existing legislation before generating further legislation.

The ratification and implications of the proposed Equality Bill were anticipated. There will be a further (possibly negative) impact upon religious and non-religious individuals and groups which will need to be monitored.

3.4 Religion and good relations

State-religion relations: representation of religion

No modern state allows religion complete autonomy, and in that sense there is no such thing as religious freedom, only various kinds and degrees of regulation and control. Some states in Europe are more restrictive than the UK in the way they regulate religion. In France, for example, the display of 'conspicuous religious symbols' including the Muslim headscarf has been banned in public since 2006, with

the result that many Muslims have to choose between an education and their religion. The European Court of Human Rights upheld this decision, as it did the ban on the headscarf in public places in Turkey. To date, the UK has been one of the most liberal countries in Europe in dealing with these issues. Even Jack Straw's much-publicised criticism in 2004 of the practice of Muslim women wearing *niqab* (face veil) acknowledged that they had a right to do so.

There is considerable variation across Europe not only in the way states regulate and control religion, but in the ways in which religion relates to the state, and is represented at state level. In many countries, religious groups have to be registered with the state and licensed by it, and certain religions may be denied registration, and/or denied the status of a religion. This is not the case in the UK, although religions do have to be registered to benefit from charitable status, and the Charity Commission is therefore, in effect, a key agent of the state in relation to religion. It is at the level of the Charity Commission that decisions about what counts as religion, and even how religions should be internally organised and managed (under new, controversial charity laws), are often negotiated. The UK also differs from several other European countries in not levying a (voluntary) tax which is used to fund religious groups and services, including social services.

In some countries, like Norway, which register religion, the representation of religion at state level is sometimes by way of a body made up of representatives of the officially recognised religions, in other words a formal council of religions (though it is questionable whether these are truly representative). Where religion is not registered, as in the UK, the situation is more open and flexible, or more arbitrary with regard to fair representation, depending on the point of view. In Westminster, the Church of England has historic forms of privileged representation, including 26 bishops sitting in the House of Lords, and close informal ties via Church House located next door to Parliament. In Scotland, the Church of Scotland also has close ties with the Scottish Parliament. Generally speaking, religions which can organise themselves on the model of a church, with an authorised (usually male) leader like an archbishop – or chief rabbi – are most likely to be consulted by government. By contrast, more non-hierarchical and non-clerical forms of religion and spirituality, including many forms of Islam, many Asian religions, and new forms of spirituality, suffer by virtue of not having centralised structures and leaders.

One way of dealing with this problem is by way of inter-faith and multi-faith groups, councils and forums which seek to represent the views of a range of religions. These may operate at local, regional and national level. In the UK the Inner Cities' Religious Council and the Inter Faith Forum are sometimes consulted by the government. The

Faith Communities Consultative Council, founded in 2006, is intended to act as an interface between religions, government ministers and civil servants in relation to a range of issues. There is also a Scottish Inter Faith Council and an Inter-faith Council for Wales/Cygnor Rhyng-grefyddol Cymru (Weller, 2009).

In relation to the representation of the Muslim community, the government has been criticised by commentators on religious affairs for favouring certain bodies, like the Muslim Council of Britain, for a period of time before moving on to new ones if government policy is not supported by them. Although there may be some truth in this charge, it also reflects the government's difficulty in dealing with religious groups which do not have a single representative body. Representation of religion at the regional and local level tends to be contingent on particular circumstances and personnel, and there is no consistent channel of communication which feeds through to national government.

To date, the established churches have had a privileged role in representing the faith of 'the nation', including minority religions. While this has had surprisingly good outcomes for minority religions to date – at least compared with the situation in some other European countries – it is not clear that this mode of religious representation will continue to be appropriate as church numbers decline and numbers of minority religions increase.

Although these issues were discussed in the seminars, there was no consensus on how to improve state-religion relations and to work towards better representation of religion. There was recognition, however, that better ways of sampling and communicating religious opinion and feeding it into the political process would help.

State-religion relations: policy on religion

There was discussion of current government policy relating to religion, which forms an important backdrop for the Commission's work on religion and belief. It was noted that many policy initiatives are concentrated on the issue of social cohesion – both how religion (or 'faith' as it is usually called in this context) can contribute positively to fostering social cohesion, and how it may undermine cohesion and be a factor in violent extremism (see Section 1.3). Although the main responsibility for faith and social cohesion lies with the Department of Communities and Local Government, the Commission also has a responsibility for 'good relations'. The nature and limits of the latter in relation to religion or belief are not clear.

Some seminar participants felt that the government's concentration on social cohesion led to an opportunistic approach to religion, which was supported when it

could help deliver government agendas, and opposed when it did not. As such, it became a mere instrument of the state. This case was made by Luke Bretherton, who used the example of community organising in London to show how religious and secular non-governmental organisations could work together effectively at the grassroots level to bring about change, potentially challenging the state and the market.⁵ Others preferred a model of partnership between religious and secular organisations and the state, but argued that partnership entailed power and responsibility on both sides, rather than power on the government side and responsibility on the part of the 'service-deliverer'.

Some participants suggested that the legitimacy of the Commission among religious and other constituencies will depend upon whether it is seen as an instrument of the state, or capable of independence and critique. In cases where religion and the state come into conflict (for example, if religion opposes some aspect of government policy), the Commission might be able to act as an 'honest broker' between them.

Religion-religion relations

A number of participants had expertise, both academic and practice-based, in inter-religious and inter-cultural relations. The growth and significance of inter-faith councils and networks was noted (see Section 3.4: state-religion relations). Building on Margaret Harris's research and seminar presentation,⁶ some areas of consensus on 'what works' in terms of improving relations and mutual understanding between different religious and cultural communities emerged from the seminars and wider research:

- Grassroots rather than top-down initiatives, with local leadership.
- Initiatives led by committed and highly motivated individuals who have inter-cultural and inter-religious experience.
- Initiatives which are focused around some practical end and shared task, rather than on explicitly religious or theological matters.

It was noted that such inter-religious initiatives tend to be small scale, and 'below the radar' of even local councils. They are also very dependent upon existing religious organisations, particularly the established churches, for providing resources, including support and space in which to meet. They tend to be too small to be recipients of government funding, and do not have the resources to meet the often onerous demands of applying for, administering and auditing such funding. Their effects in terms of building connections within communities appear, however, to be significant.

Religion-secular relations

There was a sense among some participants, who were members of a variety of different religious communities, that contemporary Britain is not socially, culturally or politically supportive of religion (compared, say, with the US). To be actively religious is to be in a minority position, and may require that one justifies one's practice in the face of non-recognition, disapproval, misunderstanding or prejudice. It was noted that some religious people view the Commission and the 'equality and human rights industry' in general with suspicion, and believe that far from protecting religion, it has a bias against it. It was noted that a number of new faith-based organisations have sprung up to monitor the working of new legislation and try to defend the interests of religion.

At the same time, secularist organisations like the British Humanist Association argue forcefully against aspects of the new legislation, particularly the exemptions for religion, and there is currently lobbying activity against the religion strand in the proposed Equality Bill being fully harmonised with the other strands.

In other words, there is some evidence of growing tension between religious and secular interests in society. This forms an important backdrop to the Commission's work on religion or belief, and it will be important for the Commission to establish a position which is perceived to be neutral and fair by all constituencies.

3.5 Religious understanding and 'literacy'

A concern which was raised in all the seminars was that the level of knowledge about religion in society is extremely low. As Grace Davie put it:

'British society (just like its European neighbours) finds itself in an embarrassing situation. On the one hand, religion – for a whole variety of reasons – has re-entered the public square and demands a response. On the other, a largely unchurched population has difficulty dealing with these issues: British people have lost the concepts, knowledge and vocabulary that are necessary to talk about religion. This is one reason for the lamentable standard of public debate in this field. Can anything be done?'⁷

This subject was considered pertinent to the issue of discrimination on the grounds of religion and belief, since ignorance often relates to prejudice. Some participants also pointed out that secular 'belief' is also misunderstood and misrepresented, and that certain educational policies (like funding faith schools and supporting religious

assemblies and religious education) can be prejudicial to non-religious people (even though there is a right to opt out).

In addressing the question 'what can be done?', several participants proposed changes to the Religious Education syllabus in schools (primary and secondary). It was noted that the quality of such teaching depends to a large extent on the particular personnel in each school, and that there is no consistency between schools (a finding which has been reinforced by recent research, including that of James Conroy, see Appendix 4). Conroy, a specialist in religion and education, made a radical proposal at the Glasgow seminar about how religious education needs to change.⁸ His suggestion was that, rather than 'othering' religion (and secular belief) by approaching it as something which 'other people' do which 'we' need to learn about, this approach should be turned on its head. Education in religion and belief would then become the place in the curriculum where pupils speak about what they themselves believe – whether religious or non-religious – and learn to think about their beliefs in a critical and articulate fashion. In the process, they would learn from one another about a range of beliefs, which would cease to appear alien.

It was noted that there is also a shortfall of knowledge and teaching and research capacity on religion and secularity in universities, not only in the UK but in Europe more generally. Several national and cross-national research initiatives have recently been initiated to deal with this shortfall, including the Norface programme on 'Religion as a Social Force', and the Arts and Humanities Research Council and Economic and Social Sciences Research Council's jointly funded 'Religion and Society Programme', which is running from 2007-12 and has commissioned 75 separate research projects (see Appendix 4 for more information). There are also some recent Higher Education Funding Council for England initiatives, which address the teaching of Islam in universities, and religious literacy.

The issue of how religious-religious and religious-secular learning takes place was recognised to be key, but multi-faceted. It involves not only schooling but further and higher education, the media, cultural representation, local initiatives, research on religion and religious representation. In other words, the issue is bound up with many of those raised in this report. It is clearly an issue which goes well beyond the remit of the Commission, but which impacts significantly upon it, and upon which it may be able to have some influence.

3.6 National differences

Differences between England, Wales and Scotland in relation to discrimination, religion and belief were discussed in the seminars. Differences between England and Wales did not emerge as clearly as similarities, but examples of good practice were noted, including the existence of an Inter-faith Council for Wales which is regularly consulted by the Welsh Assembly (see in Section 3.4, p.20).

With regards to Scotland, a number of differences emerged. One of the most important was the greater prominence of sectarianism – that is to say, Protestant-Catholic hostility and discrimination against Catholics – as an historic and ongoing issue. At the Glasgow seminar, a number of participants recalled their own experience of sectarianism, and of discrimination against Catholics in employment. Reasons for reduced sectarianism in recent decades were discussed, and included shifts in identity, and the Scottish National Party’s strategy of appealing to both Catholic and Protestant voters, thereby loosening the ties between political and religious identities. There seemed to be agreement that sectarianism was not dead, and an interest in research which could illuminate its current forms and significance.

Another difference in the Scottish (and Welsh) situation involved the smaller size of these nations, and the way this could facilitate closer and more personal contacts between policymakers (including Equality Officers) and representatives of religion. In the case of Scotland, the close proximity of the Scottish Parliament and church headquarters was noted as an important factor in helping ensure good relations between policymakers and some major religious groups.

Representatives of minority religions at the Glasgow seminar were generally more positive about their treatment and prospects in Scotland than were their English counterparts. One reason for this may simply be that religious minorities are still much smaller in Scotland (as a proportion of the population) than in England. Another reason discussed was that Scottish ‘ethnic’ identity may be more accommodating and easier to link with varied religious identities than English identity, for reasons which deserve more research. Some participants also suggested that there was a greater sense of common purpose in Scotland in relation to the construction of a vibrant multi-faith and multi-ethnic society, focused around the idea of ‘one Scotland, many cultures’.

Other differences which were discussed included the different form of the religion questions on the Scottish Census (which gather more information), and a perception

that Scottish university students are more interested and better informed about religion than their English counterparts.

3.7 Summary

Although the seminars covered a wide range of topics, there were some clear points of focus, as reflected in the section headings above. These help to identify areas which may be important for the Commission in its ongoing work on religion or belief.⁹

Underlying issues of definition and principle

It is important that 'religion' and 'belief' are accurately defined, and their limits made clear (for example, not all beliefs merit the same level of protection). The concepts of religion and belief overlap, but also have important differences. Accurate definition can be of great significance in legal cases. Current guidance may be inadequate. It is possible to offer clearer guidance, along the lines suggested above. There is a body of existing academic expertise on this topic. It is not necessary to undertake fresh research in this area, so much as to utilise existing experience effectively.

Religious equality and discrimination

General issues of ethical and legal principle cannot be avoided. For example, it was generally agreed that: the principle of equality is not identical with those of 'fairness' and 'justice', and cannot simply be elided with them; general principles like equality and fairness may clash and may need to be reconciled – should equality be pursued at the expense of freedom? (This is an important issue in the case of religious freedom.) Such issues merit mature debate.

The nature and extent of discrimination on the basis of religion or belief is currently unclear, and clarification was considered a priority for further research. The nature of religious equality also needs clarification: religion is an area where equality is as likely to mean equal respect for difference as being treated in the same way. Moreover, it is important to achieve more clarity on what constitutes a reasonable limit to religious freedom and equality.

Religion and the law

A key issue is the 'equality of religious equality'. If all equality strands are equally important, but are not always compatible, it is necessary to find some reasonable accommodation between them in particular cases where there is a clash, rather than allowing one to override the other (as seems to have happened in some recent cases). There is a need to monitor this issue, and perhaps to offer guidelines and advice. The issue of proportionality is also one which needs to be considered: how

should it be determined who bears the cost of religious belief, when its accommodation by an employer or provider of services has a price?

Religion and good relations

The way in which religion can best be represented and consulted was considered an important ongoing issue. One major issue is how historic arrangements like church establishment (and a Christian majority) can be respected without unfairly disadvantaging other forms of religion and belief. Another issue is how religious and non-religious opinion can be fairly represented, and prejudice and misunderstanding countered. The broader issue is how far religion should simply be left alone by the state, and how much regulation is productive. There are costs as well as benefits to using religion to 'deliver' social goods like cohesion and welfare, including costs for the religious communities themselves.

National variations

Many Scottish delegates felt that, despite a sectarian past, religious relations in Scotland were good, and that integration of religious minorities was more successful than in England and Wales. There are many factors involved, one being different majority-minority relations, and another being the greater ease of claiming hyphenated Scottish than English identity (for example, Scottish Muslim).

4. Research and policy implications and priorities

4.1 Measuring and monitoring discrimination

The evidence base on religious discrimination needs to be improved. Further analysis of existing datasets like the 2001 Census and the Home Office Citizenship Survey is needed. Careful research design will be needed to generate new data. One possibility is a panel survey. The panel could be representative of the main types of contemporary religion present in Britain, and could be a resource for repeated research on various issues, including discrimination. Research could also be carried out to determine whether there is variation between England, Scotland and Wales.

More thought needs to be given to how religious equality is to be measured. This is a complex issue, since it has as much to do with respect for difference as for sameness. In the case of religious equality for minority groups, the question also arises: equal to what or whom (equal, for example, to established or majority forms of religion, or equal to other minorities)?

It would also be helpful to measure the nature and extent of discrimination on the grounds of non-religious belief/philosophy, if that is possible. Secularist and humanist groups may be willing to assist.

Another area in which there is an opportunity to gather more evidence is that of discrimination by religion. Do non-religious people suffer such discrimination? If so, what kinds? Just as importantly, do religions discriminate against their own members? The assumption that there is, for example, more domestic abuse and other forms of gender-based inequality in certain minority religious communities than in the majority society is widespread, but would benefit from being tested empirically.

4.2 The working of new legislation on religion and belief

Monitoring case law

Several legal experts considered that, since the legislation on religious discrimination is recent and case law is evolving, it would be valuable for it to be monitored. It was pointed out that at the moment it is not easy, even for legal specialists, to keep track of all the cases. A single source or site which monitored the case law in this area and analysed its development could be a useful resource (at the moment there is Neil Addison's personal Religion Law UK website and blog and the Law and Religion

Scholars Network case database, see Appendix 4: Resources). The issues which could be helpfully monitored were:

- Whether the law is being applied consistently (to date there has been inconsistency of application).
- Whether the low success rate of cases brought under religious discrimination law relative to cases brought on other grounds of discrimination continues, and what this signifies.
- Whether other equality strands are ‘trumping’ religious equality.
- Whether the assumption that religious people must bear the cost of their own belief is regularly evident, in a way which would not be true of other strands.
- Whether and how case law is developing in relation to non-religious ‘belief’ and ‘lack of belief’, and how this compares with case law for religion.
- How the exemptions for religion are working in practice; whether they are impacting negatively on individuals; how many people are affected; how serious the impact is.
- What the wider social impact of the legislation is, and what impact it is having on religion.

Reasonable accommodation: who bears the cost of religion?

As noted above, some legal practitioners at the seminars believed that the explicit and consistent application of the principle of ‘reasonable accommodation’ of religion or belief, as well as the test of proportionate means to a legitimate aim, could help avoid rulings in which the ‘cost’ of being religious appears to be unfairly distributed between or among the parties in a dispute. There was also a need to ensure consistency between related cases. Further reflection on these suggestions would be useful.

Guidance

It might be useful to issue guidance on the application of the discrimination legislation for religion or belief which would be disseminated among legal professionals, and/or organise some means of sharing information and experience in this area.

4.3 Non-legal means of dealing with disputes

Some delegates stressed the benefit of informal resolutions of disputes over religion, without recourse to law (though it was recognised that there were cases where the law was still necessary). The Disability Rights Commission had already set a good precedent in the case of guide dogs (see Section 3.3). Examples and sharing of

such good practice and an exploration of possible routes and mechanisms for mediation, as well as for dealing with apparently intractable disputes, would be useful. It was pointed out that there are few forms of religion which do not have some flexibility in their doctrinal and legal traditions, and entrenched positions are usually the outcome of a flawed process of negotiation, not a necessary starting point. Involving religious scholars and authorities and seeking informed advice on religion at an early stage may be valuable. Building up a 'bank' of respected experts to be called upon in dealing with disputes could be productive, and help win trust from religious and secular groups.

4.4 Representation of religion

Although it was acknowledged that the way in which religion is represented at local, regional and national levels is often inadequate, there was no consensus about a better model. This is an important area which would benefit from constructive reflection, and from bringing together a range of experts (for example, constitutional experts, members of current liaison bodies like the Inter Faith Forum, sociologists of religion, religious leaders, representatives of the Charity Commission, politicians). There may also be a role here for the sort of panel research mentioned in Section 4.1, to sample and represent religious opinion, and counter media and other misrepresentations.

4.5 Understanding religion

The need for improved 'religious literacy' was a consistent point of agreement between participants in all the seminars. This is an area which can only be tackled by co-ordinated initiatives across a whole range of policy areas. Some are underway.¹⁰ The Commission may be able to play a part in this by commissioning research which will improve understanding in certain important areas:

- Contributing to a fuller and more up-to-date understanding of the religious profile of Britain.
- Clarifying the meaning of 'religion' and 'belief' for specified purposes.
- Defining and measuring equality of religion or belief (see Section 4.1).
- Improving our understanding of religious discrimination (see Section 4.1).
- Clarifying differences between England, Scotland and Wales.
- Comparing the legal claims being made by different religious groups, and considering different experiences of settlement in Britain (see Section 4.6).

- Reviewing practices for dealing with religious equality and discrimination, and accommodation of diversity, in other countries (or reviewing the literature dealing with these topics).

4.6 Religion and good relations

Tackling social injustice and inequality was seen by many as the first and most important step in establishing good social relations, including within and between religious and other communities. The seminars also considered other initiatives aimed at establishing good relations at the local level. Speakers gave examples of good practice in inter-religious and inter-cultural relations as well as in relations between religion and other aspects of society. There are many actors in this area, and the Commission can only make a limited contribution; its distinctive contribution needs to be clarified.

A systematic review of existing research on ‘what works’ in the area of religion and good relations may be helpful. For example, a synthesis of research on where and how government support and funding for religious initiatives produces good results – or does not.

Some participants expressed doubts about the adequacy or sufficiency of many of the main theoretical frames currently being employed in policy towards religion, including ‘social capital’ and ‘social cohesion’. It would be helpful to have informed discussion of the strengths and limitations of such concepts before they are incorporated into the Commission’s work on religion.

5. Conclusion

Roy Jenkins, architect of the Race Relations Act 1968, looked forward to a society characterised by 'equal opportunity, coupled with cultural diversity, in an atmosphere of mutual tolerance' (quoted in Weller, 2008: 179). The addition of religion as one of the 'strands' of equality was welcomed by most participants in the seminar series as a positive step in realising that vision. It was thought appropriate and timely in the context of a Europe in which discrimination against religious minorities and even majorities has occurred not only in the distant past, but in living memory, and which is a real and present danger for some newer religious minorities, most notably Muslims (Khattab 2009). However, there was also an acknowledgement of the danger of clumsy interference, which may prove counter-productive with regard to establishing equality for religion or belief, and endanger freedom of religion or belief. There is also lack of reliable data on the nature and extent of religious discrimination, and need for well-designed research to fill this gap. Research to monitor and assess the working of the new discrimination laws would also be useful.

There was no attempt to downplay the difficulties will accompany the accommodation of this new equality strand. It was acknowledged that religion can be a cause as well as a victim of discrimination, and that religious equality is not as easy to define and measure as some other forms of equality (not least because it involves groups as well as individuals). There was agreement that secular belief, including legitimate anti-religious sentiment, must also be treated fairly. It is clear that equality strands can clash, particularly in the case of religion and sexual orientation, and to some extent with religion and gender, and perhaps disability.

As for 'good relations' between religions, between religions and other parts of society, and between religion and the state, it was acknowledged that there is important work to be done. Such work cannot possibly be carried out by any one body, even the state, but must involve a number of different agents, initiatives and partnerships. There needs to be genuine 'buy-in' from religious communities and individuals. Top-down initiatives are important, but insufficient. In many areas, religion needs to be empowered or left alone rather than over-regulated and controlled. There are many models of good practice and existing research in this area which need to be systematically analysed. Better forms of representation of religion and channels of communication with the state and government agencies and better sources of reliable information about religion are also needed. Although it can be disruptive and divisive, religion is nevertheless an important player in civil society, a source of social change, and an agent of moral critique – including of abuses of power by states and markets.

Finally, the view was expressed in all the seminars that simplistic understandings of religion need to be countered. Religion is not a 'thing' which has independent agency. Rather, it is an abstract label which can be applied to a whole range of phenomena for the purpose of understanding. To identify religion with any particular phenomenon is misleading; to identify it with false and intolerant forms of superstition and delusion is prejudice. In an important sense, there are no 'religious people', only Sikhs, Muslims, Wiccans, Christians and so on (and the many subdivisions of these larger categories). Religious identity is not simple, and is not always separable from other aspects of identity, like ethnicity. Nor is religion fixed and unchanging. The last five decades have seen historic forms of Christianity losing their monopoly, various new forms of spirituality growing rapidly, and religions brought by migration becoming increasingly important. The Commission's work on religion or belief takes place at a time of rapid change. The fact that many old assumptions and established ways of dealing with religion have lost relevance constitutes both a challenge and an opportunity for taking this work forward.

Appendix 1: Seminar participants

Seminar 1: London, 24 March 2009

| | | |
|---------------------|-----------------------------------------------------|-------------------------------------------------------|
| Ainsworth, Peta | Administrator | Lancaster University |
| Bano, Samia | School of Law | University of Reading |
| Barker, Eileen | Inform | London School of Economics |
| Barrow, Simon | | Ekklesia |
| Beckford, Jim | Dept of Sociology (Retired) | University of Warwick |
| Biggar, Nigel | Faculty of Theology | University of Oxford |
| Bretherton, Luke | Dept of Education | King's College London |
| Bunglawala, Shenaz | | Muslim Council of Britain |
| Cameron, Helen | | Oxford Centre for Ecclesiology and Practical Theology |
| Catto, Rebecca | Religion and Society Programme (Research Associate) | Lancaster University |
| Diamond, Paul | Barrister | Paul Diamond Chambers |
| Dustin, Moira | | Equality and Diversity Forum and LSE Gender Institute |
| Harris, Margaret | | Institute for Voluntary Action Research |
| Jenkins, Tim (Revd) | Faculty of Divinity | University of Cambridge |
| Jochelson, Karen | Director of Research | Equality and Human Rights Commission |
| Lynch, Gordon | School of Continuing Education | Birkbeck College |
| Macpherson, Suzi | | Equality and Human Rights Commission |
| Malik, Maleiha | Law | King's College, London |
| Modood, Tariq | Centre for the Study of Ethnicity and Citizenship | University of Bristol |
| Pearce, Brian | | Inter Faith Network for the UK |
| Perfect, Dave | Research Manager | Equality and Human Rights Commission |
| Rutter, Jill | | Institute for Public Policy Research |
| Singh, Gurharpal | Dept of Theology and Religion | University of Birmingham |
| Spencer, Nick | | Theos Think Tank |
| Thetford, Clare | Research Manager | Equality and Human Rights Commission |
| Trigg, Roger | Faculty of Theology | University of Oxford |
| Weller, Paul | Faculty of Education, Health and Sciences | University of Derby |

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|-----------------|------------------------------------------|----------------------------------|
| Woodhead, Linda | Director, Religion and Society Programme | Lancaster University |
| Wright, Kim | | Metropolitan Police Service |
| Yarrow, Stella | | Communities and Local Government |

Seminar 2: Lancaster, 28 April 2009

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|-------------------|-----------------------------------------------------|--------------------------------------|
| Addison, Neil | Barrister | Palmyra Chambers & Hope University |
| Ainsworth, Peta | Religion and Society Programme (Administrator) | Lancaster University |
| Armstrong, Jo | Dept of Sociology | Lancaster University |
| Bretherton, Luke | Dept of Education and Professional Studies | King's College, London |
| Catto, Rebecca | Religion and Society Programme (Research Associate) | Lancaster University |
| Cranmer, Frank | Centre for Law and Religion | Cardiff Law School |
| Davie, Grace | Dept of Sociology and Philosophy | University of Exeter |
| Glen, Fiona | Head of Research | Equality and Human Rights Commission |
| Graham, Elaine | School of Arts, Histories and Cultures | London School of Economics |
| Guest, Mathew | Dept of Theology and Religion | University of Durham |
| Jawad, Rana | Centre for Research in Ethnic Relations | University of Warwick |
| Jochelson, Karen | Director of Research | Equality and Human Rights Commission |
| McGuigan, Helen | Policy Officer | Equality and Human Rights Commission |
| McLoughlin, Sean | Dept of Theology and Religious Studies | University of Leeds |
| Momin, Abul | Research Officer | Equality and Human Rights Commission |
| Partridge, Chris | Dept of Religious Studies | London School of Economics |
| Perfect, Dave | Research Manager | Equality and Human Rights Commission |
| Phillips, Anne | Gender Institute | London School of Economics |
| Rayner, David | | Communities and Local Government |
| Reader, Ian | School of Languages, Linguistics and Cultures | University of Manchester |
| Robbins, Mandy | Religions and Education Research Unit | University of Warwick |
| Sandberg, Russell | Law School | Cardiff University |
| Schmidt, Bettina | School of Theology and Religious Studies | Bangor University |
| Singh, Jasjit | Dept of Theology and Religious Studies | University of Leeds/United Sikhs |
| Tomalin, Emma | Dept of Theology and Religious Studies | University of Leeds |

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|-----------------|-------------------------------------------|--------------------------------------|
| Thetford, Clare | Research Manager | Equality and Human Rights Commission |
| Woodhead, Linda | Religion and Society Programme (Director) | Lancaster University |

Seminar 3: Glasgow, 7 May 2009

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|----------------------|-----------------------------------------------------|-----------------------------------------------|
| Ainsworth, Peta | Religion and Society Programme (Administrator) | Lancaster University |
| Baumeister, Andrea | Dept of Politics | University of Stirling |
| Blount, Graham | Centre for Theology and Public Issues | University of Edinburgh |
| Borowski, Ephraim | | Scottish Council of Jewish Communities |
| Catto, Rebecca | Religion and Society Programme (Research Associate) | Lancaster University |
| Clague, Julie | Theology and Religious Studies | University of Glasgow |
| Clegg, Cecilia | School of Divinity | University of Edinburgh |
| Conroy, James C | Faculty of Education | University of Glasgow |
| Dawson, Andrew | Religious Studies Department | Lancaster University |
| Day, Abby | Dept of Anthropology | University of Sussex |
| Deighan, John | | Catholic Parliamentary Office |
| Goodall, Kay | School of Law | University of Stirling |
| Granat, Leah | | Scottish Council of Jewish Communities |
| Hope, Carole | | Legal Questions Committee, Church of Scotland |
| Jochelson, Karen | Director of Research | Equality and Human Rights Commission |
| MacLean, Dorothy | | Faith in Community Scotland |
| MacLeod, Iain | | Central Scotland Police |
| Marsh, Clare | | Humanist Society Scotland |
| Mathias, Noel | | Church of Scotland Urban Priority Areas |
| McGuigan, Helen | Policy Officer | Equality and Human Rights Commission |
| Nye, Malory | | Al-Maktoum Institute, Dundee |
| Perfect, Dave | Research Manager | Equality and Human Rights Commission |
| Rosie, Michael | Dept of Sociology | University of Edinburgh |
| Saeed, Osama | | Scottish Islamic Foundation |
| Sier, Maureen | | Scottish Government Equality Unit |
| Strachan, Yvonne | | Scottish Government, Equality Unit |
| Trzebiatowska, Marta | Dept of Sociology | University of Aberdeen |
| Vincett, Giselle | School of Geosciences | University of Edinburgh |
| Weller, Paul | Faculty of Education, Health and Sciences | University of Derby |
| Woodhead, Linda | Religion and Society Programme (Director) | Lancaster University |

Appendix 2: Seminar abstracts

Presented here are the speakers' abstracts distributed to all participants prior to each seminar. Due to the constraint of space, they have been edited and cut. Please consult Appendix 1 for speakers' affiliations.

1. London seminar

Morning session

Topic: British Sikhs and religious discrimination: Some issues for discussion

Gurharpal Singh

The aim of this presentation is two-fold. First, it is to highlight how British Sikhs have secured protection for their religious dress code under the Race Relations Act (1976). Unusually, unlike other minority religious communities (for example, British Muslims), the Sikhs were able to ensure some measure of defence against religious discrimination by virtue of the definition of the community as an ethnic one in the *Mandla v Dowell Lee* judgement. This achievement, however, was limited, because the Sikhs were only able to secure **indirect** protection for their religious practices, and this led to regular mobilisation by the community for opt-outs (for turbans, *kirpans*) from general legislation.

Second, it will address how the recent equalities legislation offers new opportunities and challenges for the better protection of the Sikh dress code, beliefs and practices. On the one hand, this legislation appears to provide more firm grounds for the exercise of religious beliefs and practices. On the other, it could potentially erode the exceptional position of the community as established by the *Mandla v Dowell Lee* judgement, and associated forms of mobilisation that frequently draw attention to the struggles of British Sikhs. Some sections of British Sikh political leadership argue that Sikhs, unlike other minority religious communities, face a unique set of difficulties arising from the complex interplay of ethnic, religious and other factors, as well as their own traditions and customs.

Topic: Managing equality conflicts

Maleiha Malik

Some conflicts of grounds and conflict of rights cases could be resolved in a forum other than courts. In some situations, it may be appropriate to have a more wide-ranging debate that allows greater public participation about the appropriate balance between conflicting equality groups or between equality and other human rights. In some limited contexts, it may be possible to give greater powers of investigation and supervision to national and local assemblies such as the UK Parliament and local authorities, as well as the Northern Ireland Assembly, the Scottish Parliament and the National Assembly for Wales. For example, in the context of the exemptions that have been granted to religious organisations to discriminate on the ground of sexual orientation the Joint Committee on Human Rights could hear evidence from a wide range of individuals and groups in civil society (including organisations such as

Stonewall) about their experience of the exemptions granted to religious organisations. The Committee could then evaluate and report on the impact of these exemptions in an annual review that would be an open and transparent procedure.

Local authorities implementing a harmonised equality duty that covers religion or belief, as well as sexual orientation and gender, should be encouraged to devise processes of consultation with local communities and civil society that bring together a wide range of groups and individuals **before** significant conflicts arise.

Response to Singh and Malik

Paul Weller

Malik's abstract connects with the important truism that the direct use of law through judicial process is not always necessary, or the best approach for tackling specific equality and human rights issues and resolving them. As Martin Luther King Jnr used to argue, the law is necessary for the restraint of the heartless, but equally important foundations for a convivially inclusive society lie in the sphere of direct human interrelations characterised by open-heartedness to, and respect for, the 'other' who is profoundly also **not** 'other', but one with whom a common humanity is shared. To avoid one group or one set of equalities rights 'trumping' another is important.

Singh's abstract highlights the specific instance of the Sikhs in relation to equalities and human rights. One of the limitations of the previous Race Relations legislation was that, in the absence of specific provisions relating to religion and belief, there was a temptation for groups seeking the protection of the law to have to contort aspects of their self-understanding in order to 'fit' within the ethnic-based presumptions of that framework. While the present equality and human rights law and machinery might, at face value, be thought to be more 'inclusive', the instance and issues flagged in Singh's paper focus the question of how, in practice, apparently more 'inclusive' approaches might actually become, or at least be perceived to be (and then so become) exclusive of certain understandings of 'particularity'.

Afternoon session

Topic: Religion and good relations

Margaret Harris

My most recent research has looked at small local organisations in England which are trying to build bridges between people from different religious and ethnic backgrounds, and drawing on it here I offer some ideas about how good relationships can be built and supported across religions at the local level.

Successful bridging groups are firmly rooted in their local communities and their specific characteristics, circumstances and sensitivities. There are some exceptional local people who, because of diversity in their personal backgrounds, are able to facilitate, even inspire, bridge building and help develop inter-group trust. Local people often need preparation before they can 'approach the bridge' and get involved in horizontal contacts across identity group boundaries. People who are secure in

their own faith and/or ethnic identity are often those best able to reach out to people who are different from themselves. It is helpful if local politicians are outspoken in support of bridge-building. Established local voluntary organisations and religious congregations can be good organisational facilitators and nurturers of grassroots bridging initiatives. The activities perceived to be most helpful in building bridges at the grassroots are social ones, followed by education, and, finally, funders (governmental or philanthropic) need to tailor their accountability requirements so that they are proportionate to the size of grants, the activities funded, and the limited administrative resources of small voluntary organisations.

Topic: Religion and good relations

Tariq Modood

I will discuss three sets of ideas that may help us to achieve the goal of good relations: (1) 'Overlapping Consensus' and 'Multilogical or Multicultural Citizenship'; (2) 'Identity Recognition' and 'New Ethnicities', and (3) 'Respect for Religion'.

While points (1) and (2) above are not distinctive to religious people, (3) is; yet it is also a bridge between humanism and religion. There is an image of religion being organisations or communities concerned with competing truths which are mutually intolerant. There is some truth in that, at some times and in some places, but the opposite is more important. Many religious people feel that the value of religion does not simply reside in one's own religion. One's own religious heritage is to be cherished and honoured but so are those of others and the closing down of any religion is a loss of some sort. Respect for religion is based on a sense that religion is a good in itself and part of our humanity at a personal, social and civilisational level. A person, a society, a culture, a country would be poorer without it. It is part of good living and while not all can cultivate it fully, it is good that some do and they should be honoured and supported by others.

Response to Harris and Modood

Jim Beckford

Margaret Harris's abstract suggests that researchers, policymakers and funding agencies may have different interests in understanding the ostensibly unitary category of religion. I would add that, in this respect, there is nothing unusual about the category of religion: the same could be said about sport, art or education. It is a waste of time to search for a single, overarching, all-purpose conceptualisation of religion in general. More controversially, perhaps, I also believe that research should focus on the processes whereby different interest groups strive to promote particular conceptualisations of religion in the public sphere. The question was also raised in my mind: how far does it make sense to isolate the local from the regional, the national and the global?

Modood's is a normative aspiration that immediately collides with something implicit in Margaret Harris's abstract; namely that there are wide variations in the public understanding of what counts as religion. To treat religion in an undifferentiated way as 'a good in itself' ignores the fact that religion is lived and implemented in diverse

and changing situations. In what sense can there be equality for legal purposes between entities that are not universally defined as members of the same category? And how far do the currently recognised religions try to exclude competitors?

2. Lancaster seminar

Morning session

Topic: Talking about religion in 21st-century Britain: contested conversations

Grace Davie

This short presentation makes two points. The first is that British society (just like its European neighbours) finds itself in an embarrassing situation. On the one hand, religion – for a whole variety of reasons – has re-entered the public square and demands a response. On the other, a largely unchurched population has difficulty dealing with these issues: British people have lost the concepts, knowledge and vocabulary that are necessary to talk about religion. This is one reason for the lamentable standard of public debate in this field. Can anything be done?

Secondly, it is clear that difficult situations have arisen regarding the rights of religious people to 'live out' their faith in their public as well as their private lives. What happens when the demand to do this clashes with the rights of others to their chosen lifestyles? What is the best way of resolving these dilemmas: to look for a solution to the problem or to seek a set of principles and enforce them systematically? The pros and cons of each of these possibilities will be introduced.

Topic: What do we mean by a secular society?

Neil Addison

The phrase 'we live in a secular society' is now commonplace in public debate, but what exactly does it mean and should it influence how the Courts interpret laws that impact on religion and religious believers? Should secularism be regarded as a neutral concept or is it an ideology in itself?

This paper analyses the different approaches to Secularism in European and United States law, in particular the respective interpretations of Article 9 of the European Convention on Human Rights as compared with the First Amendment to the United States Constitution and their different historical backgrounds. It suggests that the European approach is ultimately partisan and dangerously ill suited to the new situation of multi-faith societies. A more subtle and nuanced approach to the entire idea of being a secular society is needed.

Response to Davie and Addison

Anne Phillips

When thinking of the political and legal challenges associated with religion, one question is: what, if anything, makes religion different from culture on the one side

and political beliefs on the other? Why should the freedoms of religion be privileged over the claims of either cultural tradition or deeply held political views? Why, from the other side, should movements inspired by religion be so often viewed as peculiarly resistant to dialogue or compromise? Is religion special? And what exactly is the basis for that claim, especially when considering the political construction of religions, and the cultural context in which religious beliefs and practices are typically formed?

Afternoon session

Topic: Tensions between equality strands: When can religious believers discriminate on grounds of sexual orientation?

Russell Sandberg

The way in which English law deals with both religion (and belief) and sexual orientation has changed dramatically over the last few years. Legal developments (such as the Human Rights Act 1998, the new law prohibiting discrimination on grounds of religion and sexual orientation, the new offences of stirring up hatred on grounds of religion and sexual orientation, and the Civil Partnership Act 2004) represent a marked move from mere tolerance to the active promotion of religious freedom and sexual autonomy as positive legal rights.

The new laws often make provision to protect the religious freedom of religious groups. However, in contrast, express provision is seldom made in relation to religious individuals. The new laws protecting sexual orientation place obligations upon certain employees, particularly those in the public sector, which may clash with their religious convictions. This paper examines to what extent such individuals can exempt themselves from such requirements. Particular attention will be paid to two recent cases in which religious individuals have argued that their employer's refusal to exempt them from obligations placed upon them by the Civil Partnership Act 2004 constituted discrimination on grounds of religion or belief.

Topic: Conceptualising 'religion' and civil society in policy and practice

Luke Bretherton

This paper engages critically with the dominant approaches that inform policy regarding religious groups. These are the instrumentalisation of religion in terms of social cohesion and the delivery of social welfare, the securitisation of religion, and the subordination of religion to rights-based and proceduralist accounts of dealing with religious and political differences.

It sets out a vision of a strengthened and autonomous civil society and the restoration of politics as the means of conciliating differences, as against the attempt to circumvent politics via either legal, bureaucratic or market mechanisms. Within such a conception of civil society, especially in poor urban areas, religious institutions have a vital role to play in developing a critical yet constructive relationship with the state and the market. They are one of the few remaining non-pecuniary institutions, subject to neither the logic of the market or the state, and capable of reminding us of the

proper limits to the power of both. The work of London Citizens, a broad-based community organising body, is offered as an example of where religious institutions uphold the possibility of a genuinely pluralist or 'post-secular' democratic politics and a robust civil society in which there is scope for collaborative dissent.

Response to Sandberg and Bretherton

Peter Jones

Taking my cue from Russell Sandberg's paper, I raise the following issues: how should we weigh the competing claims of religious belief and sexual orientation? What is wrong with direct and indirect religious discrimination, and are the two sorts of discrimination wrong in the same way? How might we justify, interpret and apply the principle that people should bear the costs of their own beliefs rather than offload those costs onto others? Does the defence of 'proportionate means to a legitimate end' provide fairly for the competing claims of the religious and the non-religious? Also, should the protection afforded by discrimination law be extended beyond religious or quasi-religious belief and unbelief to encompass other sorts of belief (for example, political beliefs)?

Leading on from Luke Bretherton's paper, I raise these issues: people have different and conflicting religious beliefs (including unbelief); if that were not so, religion would be of no concern to the Equality and Human Rights Commission. Should we – can we – keep religious difference and conflict out of the arena of political decision-making? Can/should a politics that pursues a common good abjure or incorporate those differences? How significant is the distinction between state and civil society for those questions, and, finally, should a society exploit its population's religious beliefs as a source of social capital, or would that be to 'instrumentalise' or to patronise religious faith in an objectionable fashion?

3. Glasgow seminar

Morning session

Topic: Religion, equality and good relations

Ephraim Borowski

I was recently asked whether Britain – or, for that matter, Scotland – is a broken society. Of course there are divisions – of class, of colour, of culture, of creed, and more – but divisions are not even cracks; far less are they breaks.

What saves us is that we live in a democratic society. After all, its defining characteristic is that each and every one of us is at once subject, ruler and beneficiary. But how can we all be rulers when we have such divergent aims, and how can we all be beneficiaries when we have such different needs? What distinguishes democracy from anarchy is that it provides a mechanism for resolving those differences. It is inherent in the very idea of democracy that each of us will be dissatisfied much (perhaps even most) of the time as democracy is not universal, but majority rule, but there is no such thing as the majority. Each of us is the intersection

of a literally infinite variety of subsets of society, and just as those subsets overlap, so does our sense of identity. So that's why I see the diversity of Scottish society as a strength, not a weakness. What matters is not equality but respect – the British model of coexistence of faiths and cultures, so long as they do not seek to exclude the other.

Topic: Religion, equality and good relations

James C Conroy

Too often we consider religious literacy (where we consider it at all) to be necessarily focused on understanding more about the other so that we can better understand them and that, in its turn, such understanding will conduce to increased tolerance and improved relations. However, it transpires that such impulses frequently result merely in affirming their status as 'other'; that is, as stranger and concomitantly confirming 'our' status as 'at home' and 'normal'. The result is that the 'other' is constructed as a source of my alienation. Here I challenge this focus on the 'other' as the starting point in much contemporary social practice centred on inter-religious/communal relations (most especially, but not exclusively, education) through the recuperation of the notion of enstrangement, which fell into disuse in the 19th century but has a much stronger rhetorical sense of estrangement as alienation.

I argue that our consideration of good relations and religious otherness needs to begin not with the other as a source or condition of estrangement (made strange from without) but with the self as conditioned by and in enstrangement (being strange from within). It is only by understanding the self as stranger that we have the realisable opportunity of becoming less threatened by the other as the source of our estrangement.

Response to Borowski and Conroy

Malory Nye

A crucial question, which I understand is a source of much of today's discussion, is where does religion (and hence religious equality) fit in with other equalities? Is religion an anachronism in contemporary 21st-century society, a private lifestyle choice, which is a minority among minorities? Or is religious equality what some call a 'trump card' equality, which should have a special privilege worthy of particular protection?

I am intrigued by James C Conroy's use of the idea of estrangement here. The other's other becomes a crucial aspect, since we often do construct the other through our image of their own other. Religion in Scotland is not just the other, it is also the self – it is part of the threads of the society, although in increasingly truncated and metamorphosed forms. From the outside, Scotland is still more Christian than not, even though 'Christian Britain [and Scotland]' itself may have died (as Callum Brown suggests). But beyond this particular religion (Christianity), there is more diversity – different religions, as Ephraim Borowski has reminded us. We are One Scotland, Many Cultures, a phrase which I agree has a lot of power – it frames diversity within the context of common ground.

Afternoon session

Topic: Evidence from faith communities and local government in Glasgow

Michael Rosie

Our 2005 study into faith and local government in Glasgow - charged with identifying the key issues for inter-faith work, consultation and community development work in Glasgow city - illustrated some of the key opportunities and key limitations for 'good relations', both horizontal and vertical, in Scotland's largest city.

With regard to vertical relations, we found a desire and willingness on the part of most faith groups to engage with local government. They have skills and capacity to contribute to public life, but do not always feel recognised or utilised. Some will engage only where there is no tension with their beliefs. Some groups perceived insensitivity to religious and cultural needs or 'tokenism' in the way faith groups are involved in decision-making. More generally there was some concern that Glasgow Council flattened out religious difference and diversity in the pursuit of 'fairness'. Linked to this was a perceived tendency for Council staff to concentrate on race/ethnicity rather than religion. Faith communities share responsibility for tackling intolerance and promoting diversity. Our study indicated that Glasgow's faith groups had neither the capacity nor willingness to undertake such a role. Low priority was accorded to inter-faith work in most faith communities and there was a lack of leadership. Horizontal co-operation largely remains the preserve of an enthusiastic few.

Topic: Religion and good relations (horizontal and vertical)

Graham Blount

Broadly, I think religion complicates the issues (largely through apparent conflicts of rights and a sometimes justified perception that faith communities are hostile to an otherwise widely accepted equality and human rights agenda), and it is a bit scary for politicians (because of the internal diversities of faith communities, heightened sensitivities – not unique to faith communities but distinctive - and some specifically Scottish dimensions on which I want to focus).

What then is special about Scottish religion in this context? Sectarianism remains a powerful and politically significant factor, as does secularisation. The decline of churches (in numbers and status) is undeniable but exaggerated (as the Census figures suggest); they remain politically significant, as Scottish National Party tactics in the lead-up to the last election show. One by-product of this debate is a perception from within churches of 'aggressive secularism' and even oppression. The different arithmetic of faith communities in Scotland, though changing, affects the imagery conjured up when politicians speak of 'faith communities'. Faith and identity do remain important. Cultural presbyterianism may still be significant in Scottish culture and politics, but great effort has been put by the proponents of Scottish independence into dispelling any suggestion that an independent Scotland would be a Presbyterian or Protestant Scotland.

Response to Rosie and Blount

Yvonne Strachan

In the discussion which follows, we may wish to explore why faith groups generally have not engaged with the equality agenda as an equality group although they have often made significant contributions to public life and to the fight for social progress and rights. To what extent does this absence of an equality background impact on the capacity and focus for good relations not only with other faith groups but with other equality groups?

To what extent is the dialogue around religion and good relations focused on or seen as primarily relating to inter-faith and intra-faith relations rather than incorporating relations with different equality groups and non-faith communities? It would also be useful to explore how a requirement to promote good relations can assist in finding the grounds on which to engage with others despite strongly divergent beliefs. Michael Rosie will suggest that there is little willingness to engage more broadly, particularly where there is tension around beliefs. What indications, if any, are there that this might change? Is the lack of leadership, structures and contact to sustain strong inter-faith relations more or less an issue for vertical relations with decision-making institutions, and, finally, to what extent do the Scottish dimensions of religion, equality and good relations offer an opportunity to advance this agenda in Scotland?

Appendix 3: Research questions raised in the seminars

This is a selection of questions raised by participants during the group discussions conducted as part of the seminars. We have grouped them under headings for ease of presentation, and in order to indicate some overarching themes.

State, society and values

- How does one balance freedom with social protection?
- At what point are there limits to what we accept on the basis of conscience?
- How do we define tolerance? Is it accommodation, living with, respect?
- What does equality mean?
- What is civil society?
- What does it mean for the state to be neutral?
- What about the established church(es)? Is their social significance being neglected?
- What does 'secular identity' mean in Britain today?
- What role does the British government have in promoting a sense of Britishness based on values rather than citizenship?
- How are resources allocated in the public sector?

Legislation, regulation and policy

- What effects does equalities legislation have on the ways in which religious groups understand their relation to the state in public life?
- To what extent does legislation shape societal attitudes and vice versa?
- Is it helpful to legislate on hurt feelings?
- How do barristers/judges/tribunals understand religion?
- How do we avoid the religion or belief strand becoming a lawyer's paradise?

Religion as an equality strand

- What concepts of 'religion' or the 'religious person' underpin discussions of good relations? What assumptions about the person as social agent are embedded in these concepts? How do different disciplines construct such concepts?
- Where do we draw the boundaries of religion or belief? Does Star Trek deserve protection under 'religion or belief' if it determines one's way of life?
- Why are religious beliefs seemingly more difficult to compromise than political/other beliefs?
- What should be privileged - religious/political/other beliefs?
- What principles are/should be employed when addressing conflicts between religion and gender/secularity?
- How do religious communities themselves define (religious) equality?
- How does religion intersect with class?

Public discourse and engagement

- How can a mature and informed public reflection on the two basic terms: 'religion' and 'secularity' be promoted?
- How can academics/researchers/organisations influence public discourse about religion or belief?

- How do we conduct responsible public discourse on religion? Which language do we use, for example religious, legal? Can human rights discourse incorporate both?
- What is the role of the media in representing or negotiating conflict in relation to religious rights and equality? What can be the positive and negative effects of such media?
- How do international events impact locally?

Representation

- How do you engage with religious groups/communities without presuming a unified voice and identity?
- What kinds of representatives/representative processes would work best in communicating the views of religious communities?
- Is there a risk of the loudest getting their way, and what about the invisible? There may be a lack of protection for many people if religions are regarded as homogeneous communities.
- How do we avoid the situation where forms of religion which are not organised hierarchically are ignored (for example, many forms of contemporary spirituality, or traditional Chinese religion, or local congregationally based religion with no national organisation)?
- How can the views of non-religious people/humanists/secularists who are strongly anti-religious be accommodated if they discriminate against religion?
- Who is not in this room? What about the deprived, especially deprived young people?

Data collection

- What empirical evidence is there of religious belief/practice leading to disadvantage of other groups and individuals?
- How do we measure and define good relations? And is it the same in England, Scotland and Wales?
- How do we measure and interpret equality?
- How do we design effective research instruments to research smaller and 'hidden' religions or belief groups?
- How do we differentiate in research design and measurement between religious affiliation, identification and practice, and is it useful to do this?
- What is the appropriate form for a Census question about religion?
- What about comparative research, for example internationally?

The role of the Equality and Human Rights Commission

- How does the Commission remain at arm's length from government, in order to be capable of providing a critical voice in support of equality in every area of society?
- How can the Commission help to avoid essentialising religious identities and practices?
- How can the Commission use its particular remit to promote good relations, as distinct from other organisations, for example 'inter-faith' groups?
- Can the Commission provide safe space for dialogue, including on apparently intractable issues, or is that outside its brief?

- How widespread among religious groups is the perception of the Commission as having a secularist, anti-religious agenda? Is this a problem, and can it be overcome?

Appendix 4: Resources

The changing religious landscape of the UK

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The Religion Law UK website, run by Neil Addison, monitors case law concerning religion. <http://www.religionlaw.co.uk/> [accessed 2 December 2009]

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Endnotes

- ¹ Singh, Gurharpal, 'British Sikhs and Religious Discrimination: Some issues for discussion', London Seminar 24 March 2009 (see Appendix 2).
- ² Subsequent to the seminars, Paul Weller was commissioned to lead a large research project entitled *Religion and Belief, Discrimination and Equality in England and Wales: Theory, policy and practice (2000-2010)* funded by the Arts and Humanities Research Council and Economic and Social Research Council's Religion and Society Programme. This is expected to provide more up-to-date data on this topic.
- ³ Particular acknowledgement must be given to Russell Sandberg's paper 'Tensions Between Equality Strands: When can religious believers discriminate on grounds of sexual orientation?' and Peter Jones's Response, presented at the Lancaster Seminar 28 April 2009 (see Appendix 2), which have informed this section.
- ⁴ Malik, Maleiha, 'Managing Equality Conflicts', London Seminar 24 March 2009 (see Appendix 2).
- ⁵ Bretherton, Luke, 'Conceptualising "Religion" and Civil Society in Policy and Practice', Lancaster Seminar 28 April 2009 (see Appendix 2).
- ⁶ Harris, Margaret, 'Religion and Good Relations', London Seminar 24 March 2009 (see Appendix 2).
- ⁷ Davie, Grace, 'Talking about Religion in 21st-century Britain: Contested conversations', Lancaster Seminar 28 April 2009 (see Appendix 2).
- ⁸ Conroy, James C, 'Religion, Equality and Good Relations', Glasgow Seminar 7 May 2009 (see Appendix 4).
- ⁹ The areas about which there was least consensus – but a good deal of debate – included: whether religion should be considered 'good'; the nature and extent of religious discrimination in the three nations; the underlying principles which should govern treatment of religion in a multi-cultural society (equality versus other principles); the risks and opportunities of the Commission's responsibility for religion; the extent to which the state should seek to regulate religion and belief; whether, for purposes of legal protection, freedom 'religion' was any different from freedom of conscience; whether the new legislation on religion or belief will improve or worsen religious-secular relations in the UK.
- ¹⁰ There are a number of research projects on the state of religious education in Britain (part of the AHRC/ESRC Religion and Society Programme, see Appendix 4) which will have relevant findings. The Higher Education Funding Council for England has launched an initiative on religious literacy. The (Department of) Communities and Local Government is looking at certificate-level training in this

area. The Religion and Society Programme is intended to build more research capacity (See Appendix 4).

Contacts

England

Equality and Human Rights Commission Helpline
FREEPOST RRL- GHUX-CTR
Arndale House, Arndale Centre, Manchester M4 3AQ

Main number 0845 604 6610
Textphone 0845 604 6620
Fax 0845 604 6630

Scotland

Equality and Human Rights Commission Helpline
FREEPOST RSAB-YJEJ-EXUJ
The Optima Building, 58 Robertson Street, Glasgow G2 8DU

Main number 0845 604 5510
Textphone 0845 604 5520
Fax 0845 604 5530

Wales

Equality and Human Rights Commission Helpline
FREEPOST RRLR-UEYB-UYZL
3rd Floor, 3 Callaghan Square, Cardiff CF10 5BT

Main number 0845 604 8810
Textphone 0845 604 8820
Fax 0845 604 8830

Helpline opening times:

Monday to Friday: 8am – 6pm

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www.equalityhumanrights.com

The aim of this project was to assist the Equality and Human Rights Commission in thinking about its mandate for 'religion or belief' and in identifying priorities for research.

What is already known on this subject:

This is a relatively new area of reflection. Whereas research, reflection and legislation in relation to the gender, race and disability 'strands' are well-developed, the same is not true for 'religion or belief'.

What this report adds:

- Findings from three expert seminars and one internal seminar.
- Analysis of key themes and issues.
- Summary of existing resources.
- Implications for policy and research.