

Religion and belief

Introductory note

The inclusion of religion or belief as a 'protected characteristic' in equalities legislation, on a par with disability, ethnicity, gender and sexual identity, has been welcomed in some quarters but regretted or even deplored in others. This paper notes some of the matters which will need to be clarified in the years ahead. It was provided for discussion at national conferences organised by the then Department for Children, Schools and Families (DCSF) in spring 2010.

Words of welcome

The Equality and Human Rights Commission (EHRC) notes that 'the duty is designed to protect people from discrimination on the grounds of religion and belief and to promote equality of treatment for people of different religions or beliefs' and explains 'there is no requirement on public sector organisations to promote particular religions or belief systems and in fact doing so may run counter to the duty. The law will protect the believer, not the belief.' It states further:

The Commission believes that to exclude religion and belief from the public sector equality duty would create a two-tier system of protections which will lead to unfairness not just between different religions or belief groups, or between religious and non-religious groups, but also between religion and belief and other protected grounds. Not extending the duty to religion or belief will also amount to a missed opportunity to improve relations and cohesion between different groups and to tackle disadvantage and discrimination based on religion or belief. Until now, this has been lost in the focus on discrimination on the grounds of race.

The An-Nisa Society, a community organisation based in London, issued a statement in January 2010 in which it declared:

We believe that the Bill is groundbreaking and courageous and has the potential to make this country a fairer place for all. We particularly welcome the extension of a public equality duty to religion and belief as a 'protected characteristic' on a par with seven other categories, which include race, gender and disability. This means that it will be a statutory duty for public bodies to proactively address issues around religion and belief. For Muslims this is phenomenal news as it means that public bodies will have to deal with Islamophobia and institutionalised anti-Muslim discrimination, which have made Muslims the underclass of Britain.

For consideration

The following points and questions are offered for discussion. Some of them may seem rather abstract and theoretical. They are arguably unavoidable, however, if the new equality strand of religion or belief is to be adequately grappled with and if the crucial legislative category of race, and with it the activist concept of antiracism, is not to be diluted.

1. What is religion?

'The law will protect the believer,' declares the EHRC, quoted above, 'not the belief.' But is religion primarily a belief system, something that an individual chooses to adopt or to reject? Or is it a broad cultural tradition, something that an individual is born into and on the basis of which they may be discriminated against regardless of

what their personal beliefs may happen to be? In the current context, that of challenging hostility and intolerance on grounds of religion, the latter understanding of religion is frequently the more relevant. This is well known in Northern Ireland, for example, and in many other parts of the world, including the Balkans, Lebanon, Nigeria and South Asia.

This is by way of saying that in many contexts – particularly in contexts of competition, conflict and consequent anxiety – religion is an ingredient of ethnicity, or is deeply interwoven with ethnicity, not something separate. Put another way, in many parts of the world racism sees not only or primarily colour as a marker of significant difference but also culture, including religion.

The concept of affiliation, as distinct from belief, is not mentioned explicitly in the Equality Act. The Act does, however, contain the legal concept of association. It is unlawful to discriminate against someone who is associated with, as distinct from actually possessing, a protected characteristic. In relation to religion, the concepts of affiliation and association are in effect interchangeable.

2. Islamophobia

In many west European countries, the currently most serious form of hostility in which there is a religious component is hostility towards Muslims. The most common term to refer to this is Islamophobia. Alternative and arguably more accurate terms include *anti-Muslim racism*, *anti-Muslim hostility* and (in certain international organisations, notably the Organization for Security and Cooperation in Europe) *intolerance against Muslims*. Whatever it is called, it has four interacting components: anti-Muslim discourse, for example in the media and blogosphere; overt and covert discrimination against Muslims in employment and the provision of services; violence, rejection and harassment in public spaces – namely, hate crimes of various kinds; and social exclusion.

Islamophobia has serious consequences, potentially or actually, on the self-confidence, self-respect and self-esteem of young European Muslims. Challenging and removing Islamophobia through education does not *primarily* entail providing information about Islam. As has been famously said by Sivanandan: 'Just to learn about other peoples' cultures is not to learn about the racism of one's own. To learn about the racism of one's own culture, on the other hand, is to approach other cultures objectively.'

The Commission on the Future of Multi-Ethnic Britain (2000) argued that racisms in contemporary Britain lie in what it called 'the unsettling of Britain', brought about by historical developments such as globalisation, pluralism, devolution, ties with Europe and loss of Empire. Far-right political movements, together with mainstream tabloid newspapers, vastly over-simplify the anxieties caused by such unsettling, claiming falsely that Muslim minorities in western countries are a major threat.

3. Diluting antiracism?

It is essential to avoid diluting or de-emphasising the continuing significance of colour racism, and the experience of those who are at its receiving end.

4. Freedom of speech and teaching about controversial issues

It is sometimes claimed there is a conflict between freedom of speech, enshrined in human rights legislation and standards, and freedom from discrimination, enshrined not only in human rights law but also in equalities legislation.

One person's belief, it is often observed, is another person's blasphemy. Also, one person's religious observance may be another person's inconvenience or, even, abomination. The implication of the first of these observations is that schools need to elucidate policies and principles for dealing with disagreements related to differences of belief or association.

5. Complexity

There are many different ways of being religious. This is true both of religion as a belief system and, even more obviously, of religion as a broad cultural tradition expressing a sense of identity.

For some people, religion is a deep and precious part of their identity. For others, however, it is of little or no importance, and certainly of less importance than many other things that matter to them.

6. Religion can be dangerous

No religion is beyond criticism, even – or especially – criticism from its own members. 'We'd better acknowledge the sheer danger of religiousness,' wrote the present Archbishop of Canterbury shortly after 11 September 2001. 'It can be a tool to reinforce diseased perceptions of reality, a way of teaching ourselves not to see the particular human agony in front of us; or worse, of teaching ourselves not to see ourselves, our violence, our actual guilt as opposed to our abstract "religious" sinfulness. Our religious talking, seeing, knowing, needs a kind of cleansing.'

At the present time in Britain the dangers of religion include claims by far-right organisations that their policies and concerns are distinctively Christian, and that to be truly British someone must be a Christian.

7. 'Reasonable accommodation'

The North American legal concept of reasonable accommodation is similar to the UK concept of reasonable adjustment, but refers to the full range of equality strands, not to disability equality only. To say that something is reasonable is to say it's *good enough*, as distinct from perfect. Also, it is to say that it has been decided on through processes of reasoned deliberation, not enforced.

There are many implications here for the life and organisation of schools in relation to religious observance, and to recognising and accommodating cultural norms in which there is a religious component.

8. Religious literacy

There is an increasing need for people in public bodies, particularly those with leadership and senior management responsibilities, to be 'religiously literate'. A preliminary definition of religious literacy, for improvement and refinement, goes as follows: 'skills in understanding and assessing religious statements and behaviour; discerning the difference between valuable and harmful aspects of religion and religions; appreciating religious architecture, art, literature and music without necessarily accepting all the beliefs that they express or assume; and making reasonable accommodation between people holding different religious and non-religious worldviews.'

Religious literacy also involves recognising that within every tradition there is a tension and conversation between pressures to maintain the heritage and pressures to re-interpret it.

Further, religious literacy involves understanding the pressures in every tradition that lead to the emergence of 'fundamentalism' and 'extremism', and that may cause people to use religious discourse to justify, or try to justify, immoral acts and unjust patterns of behaviour.

9. Debate, conversation and continuing development

This paper has touched on only some of the many matters needing clarification in relation to the new equalities legislation.

Solutions will be found, if they are, through processes of reasonable deliberation at local levels, not through fiat from above or from papers such as this.

References

EHRC briefing on the Equality Bill:

http://www.equalityhumanrights.com/uploaded_files/Equality%20Bill/equality_bill_lords_second_reading_briefing.doc.

An-Nisa press release on the Equality Bill:

http://www.an-nisa.org/downloads/Press_Release_Equalities_Bill_An-Nisa_Briefing_Paper-1.pdf

A. Sivanandan, 'Anti-racist not multicultural education', *Race & Class*, vol XXII, no 1, summer 1980. There is a recent re-statement in 'Britain's shame: from multiculturalism to nativism', May 2006, <http://www.irr.org.uk/2006/may/ha000024.html>

There is substantial discussion of Islamophobia at <http://www.insted.co.uk/islam.html>.