

Religion and the state in an open society

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The British Humanist Association is rooted in a tradition that respects freedom of religion and belief¹ as a human right, advocates a secular state to protect this freedom, and prizes the civic equality that this can bring. That aim is enshrined in our commitment to the model of the open society and is the foundation of our thinking on matters of religion and the state.

Being an organisation representing not just the non-religious in general, but people who, as humanists, have deeply held beliefs of their own, we recognise the importance that such convictions have for people, and how profoundly their worldviews motivate and inspire their actions – not just in private life, but also in the public sphere. Indeed, it is precisely because people's profound religious or non-religious beliefs are so important to them, and because agreement about such fundamental beliefs is impossible, that no religion or non-religious belief must be privileged. Everyone's status (actual and perceived) as a citizen must be independent of his or her adherence to any particular religious or non-religious worldview.

Of course, this is not to say that people whose inspiration or drive comes from their religious beliefs should be under any constraint about expressing that motivation if they so choose. But it does mean that when they enter the public realm and seek to influence policy, they must rely not on the vocabulary and premises of their own worldview but on a shared vocabulary – and the same conditions pertain for the non-religious. For all citizens to feel free to enter this public realm, not only must the means of discourse be shared, but the framework that supports it must be common to all. The neutrality of that framework must be apparent and genuine. Such a neutral framework is what we call a secular one.² Our secularism is a strategy for the establishment of a public sphere in which the negotiations vital to an open society can be held in a way that is accessible to all.

¹ Generally in this paper *belief* is used to denote those non-religious worldviews that are legally analogous to religions in the human rights framework created by instruments such as the European Convention on Human Rights. Following *Arrowsmith v UK* (1978) 3 EHRR 110 and *Kokkinakis v Greece* (1994) 17 EHRR 397, 'belief' includes non-religious beliefs such as Humanism. The English word *belief* is unfortunately weak compared with the French equivalent of *convictions* or the German *Weltanschauung*.

² The fashionable criticism that a secular society outlaws religious discourse and therefore under-privileges believers needs to be resisted. No-one is prevented from expressing their religious beliefs whenever they wish, but arguments based on religious doctrine lack persuasion outside the specific religious community and rely for influence only on the exaggerated respect still shown for religion. The secular society proposes only that *specifically* religious arguments be discounted and disregarded: if believers can support their proposals on grounds that are wider than their religious beliefs they are acting within the terms of the secular society. Religious critics of the secular society need also to be challenged to state what they propose instead: it can logically only be some form of theocracy. Almost invariably legislative proposals based on religion are illiberal: they seek restrictions on behaviour, not extensions of freedom. Restricting the freedom of everyone solely on the basis of the religious beliefs of a particular group cannot be accepted and what the secular society requires is that any such restriction be justified in dialogue based on shared premises and that the religious and non-religious learn to live together and make accommodations for each other.

The diversity of the UK today

The UK, in matters of religion and belief, is heterogeneous in a way unimaginable to previous generations. The 2001 census was notably deficient in its gathering of data on religion (not only asking the leading question, 'What is your religion?' but placing the question itself in the context of ethnicity) but even so, the results of the census can give a preliminary picture. 72% of respondents responded 'Christian'; the second largest group was those responding 'no religion' (15.5%); and the third group was those who chose not to respond at all (8%). Beyond these larger categories, within the remaining 4.5%, there was great diversity. Respondents here gave religious self-definitions (in order of frequency) of Muslim, Hindu, Sikh, Jewish, Buddhist, Spiritualist, Pagan, Jain, Wicca, Rastafarian, Bahai, and Zoroastrian.

The census tells us how people respond to a particular question in a particular context; other surveys give a different picture. From 31%³ to 56%⁴ of people in some polls, for example, do not profess a belief in god(s), and another poll put the number of those who say they are 'not religious' at 44%⁵. Within religions great diversity in belief and practice, and not only along denominational lines, may be concealed by identical self-definitions. Also concealed behind simple religious labels is a wide variation in levels of observance and commitment. Research for the Home Office⁶ reveals that religion is the ninth most cited characteristic that respondents believe says 'something important' about them, after family, employment, age, interests, level of education, nationality, gender, and level of income. For Christians it is tenth. The fact that regular church attendance hovers around 7% of the population is well known, but an ICM poll of 2005 found that 24% of those describing themselves as Muslim never attended a mosque and 51% of Jews never attended a synagogue. The information provided by people's religious self-identification is in fact very limited and subject to heavy qualifications. Even so, well-founded academic research such as that of David Voas and Alasdair Crockett⁷ has demonstrated a long-term trend of steep decline in religious belief, practice, and self-identification. At the very least, we can assert that there is no single dominant religion or belief professed by the majority of the UK today and that a sizeable proportion of the population is not religious.

Debate over religion and belief and the state must be set against the backdrop of such pluralism and we turn now to consider some of the specifics – not only as they relate to the established church, but as they relate to religion more widely. In many ways the establishment of the Church of England impinges only slightly on the lives of British citizens, and our society has been free for some time of any coercive theocracy. But we are also far from living out the model of an open society in which all can feel included and free. Religious people may feel that their viewpoint is neglected by an increasingly non-religious society, but the non-religious feel similarly when confronted with the vestiges of establishment within social institutions, the pervasive assumption of a default

³ British Social Attitudes survey, 1992

⁴ YouGov poll, 2004

⁵ British Social Attitudes survey, 2000

⁶ Home Office Research Study 274: Religion in England and Wales: findings from the 2001 Home Office Citizenship Survey (March 2004)

⁷ Such as Religion in Britain: Neither Believing nor Belonging; Sociology; 39(1):11-28; London; 2005

Christianity, and modes of discourse that exclude them by use of a 'multi-faith' approach (often lazily assumed, not least by government departments, to be inclusive of all).

By virtue of its long historical association with the state, the Church of England is the most obvious obstacle to the development of a secular society. There are minutiae of structural establishment which must of course be resolved, but the technicalities of how these are to be untangled are not the concern of this paper. Instead we focus on the three most obvious areas of Church of England supremacy in British society: the presence of its representatives in the legislature, its state-funded schools, and its state-funded chaplaincy⁸. We will discern not only the continued privileging of the Church, but also how this privilege of one religious denomination encourages, in the wider context of a society increasingly infused with the spirit of non-discrimination, demands for the equal privileging of other religions, and how this disadvantages the growing population of non-religious people. Not just the role of church and state, but the wider question of religion and the state, will therefore be relevant in all three areas.

Bishops in the House of Lords

The British Humanist Association has taken every opportunity offered⁹ to state its opposition to the presence of bishops as of right in the House of Lords. In an open society it is unthinkable that seats in the legislature should be accorded as of right to men (and we are speaking, of course, only about men) by virtue purely of the religious faith they profess. Such a constitutional provision compromises the neutrality of the political framework that is essential for the coexistence of people of all religions and beliefs. It is not just the *fact* of the presence of one religious denomination as of right that offends but also what it implies (or, often in the mouths of the defenders of the institution, what it means explicitly). The presence of Church of England bishops in the Lords implies that such people are uniquely qualified to provide ethical and spiritual insight. It suggests (and this suggestion is endorsed by claims made for a 'hospitable establishment') that bishops, as a part of this ethical and spiritual remit, can speak for the whole population in such matters. In fact people from many walks of life, such as philosophy or medicine, are equally or more qualified, and they may be religious believers or not. The views of the bishops may in fact be controversial and rejected by a clear majority of people in the UK with equally sincerely held convictions – even by a majority of those who define themselves as protestants. A pertinent example is the recent vote on the Assisted Dying for the Terminally Ill Bill, where polls show that 81% of protestants 'think that a person who is suffering unbearably from a terminal illness should be allowed by law to receive medical help to die, if that is what they want'¹⁰ but the bishops turned out in force to ensure the defeat of the Bill.

⁸ The other egregious privilege enjoyed by the Christian religion is its favoured position in the BBC's output, but this is less a matter of church and state than of BBC traditionalism in defiance of the requirements of section 264 of the Communications Act 2003.

⁹ Most recently making submissions to the Lord Chancellor in January 2002, the Joint Committee of both Houses in May 2002, and to the Department for Constitutional Affairs in December 2003 – see <http://www.humanism.org.uk/site/cms/contentViewArticle.asp?article=1424>.

¹⁰ NOP poll, 9 September 2004

The idea that public expression of ethical considerations can be restricted to one religious denomination is ludicrous in light of the diversity of our society¹¹, and the idea that bishops can be genuinely representative of the diversity of opinion that exists even in their own religion is plainly questionable. Nor can the problem of bishops be solved by the introduction of representatives of other religions or denominations into the legislature as of right. Such a proposal has been thoroughly discredited (for example, by Professor Iain McLean of Nuffield College in his response to the recommendations of the Wakeham Commission), largely owing to the unfeasibly large number of religious representatives that would be required for such a reform to be genuinely representative of the population. It should also be rejected on other grounds, not only the impossibility (highlighted in the single example of assisted dying above) of having religious representatives who were genuinely representative of their co-religionists in the population at large, but also the exclusion from such a system of the non-religious. Naturally, individuals of many and diverse religions and beliefs should continue to be appointed or elected to the House of Lords, and these may well include bishops, rabbis and other religious leaders selected on their own merits, but there should be no question of any religion or belief having places there as of right.

Even if beliefs such as Humanism were to be included within the representation granted in the House of Lords, we would reject such a reform. We do not advocate a system, as obtains in some European countries, organised on confessional lines with taxes distributed to a limited number of religious and (sometimes) humanist bodies and with some social services provided through such bodies. Such a system privileges a selected group of dominant beliefs and tends to ossify society around them. It places artificial limits on choices, and bolsters the historically and conventionally dominant group in subsidising it by virtue of its 'default position' long after it may have lost the genuine support of the majority of its nominal adherents.

State-funded religious schools

In an open society, the principle of secularism should apply to state-funded schools as much as to other state institutions. Currently, however, schools with a religious character do not have to live up to this model. State-schools with a religious character may discriminate in their admissions policies and in their employment policies; their ethos and values can be exclusive; and voluntary-aided schools with a religious character are not obliged to teach the sort of broad and balanced (though still imperfect) Religious Education that has evolved as the aspirational curriculum for community schools. It is a stated aim of recent national guidelines on Religious Education¹² that the subject be inclusive of and respect the beliefs and values of the non-religious. The Church of England's guidance to its schools on RE, however, is not so inclusive.¹³ It states that 'the secular assumption that there is no reality beyond the physical world is ultimately sterile.' and it singles out the non-religious specifically when it endorses the purpose of a Church school as being to 'to nourish those of the faith; to encourage those of other faiths; to challenge those who have no faith' and that the teaching will enable '...pupils from other faith backgrounds to understand and be encouraged in their faith; pupils with no religious

¹¹ It should be noted that in the public consultation following the Wakeham Commission showed that if those who did not specifically mention bishops but did want a wholly elected House are included, 90% of respondents were against bishops having any seats as of right.

¹² Such as the 2004 *National Framework for Religious Education* (QCA)

¹³ *Excellence and Distinctiveness: Guidance on RE in Church of England schools* (October 2005)

background to face the challenge of the Christian faith'.¹⁴ The growing number of religious schools of a non-Christian character (the justification for which is often that it would be discriminatory not to allow schools for other religions when one in three publicly funded schools is Christian) are likewise not obliged to treat children of varying religions and beliefs equally or to allow a place in their curriculum for their expression.

In the open society, schools should be inclusive of all children in a shared framework that models the social framework of the wider community in which they must take their place as citizens and in 2002, the British Humanist Association published policies on religion and schools,¹⁵ recommending a new style of inclusive and accommodating community schools to meet the needs of today's society, that were designed to do just that.

Although this is not the time to go into the minutiae of education policy, the innovative schools framework promoted by the BHA can be briefly sketched. The policy proceeded on the assumption that '[i]n a pluralist, multi-cultural society, the state must promote the tolerance and recognition of different values, religious beliefs and non-religious beliefs...'¹⁶ and that the current privileging of religion and in particular Christianity in education law (for example in the requirement for a daily act of worship in all state schools), and the continued existence of state-funded schools with a religious character are matters that require reform.

Under the proposals of *A Better Way Forward*, all state-funded schools would hold inclusive inspirational assemblies that, while they might draw on religious stories, would not include worship as at present mandated by law; impartial, fair and balanced teaching about all major worldviews, including non-religious ones, would be the entitlement of all children in lieu of the present RE which is still generally exclusively religious; no school would privilege the children of adherents of a certain religion or belief in their admissions, nor discriminate on grounds of religion or belief in their employment policies. The schools proposed by the BHA are not just inclusive, however, they are also designed to be accommodating of the distinctive needs, relating to religion or belief, of all pupils. Reasonable time and designated places for optional prayers and worship should be provided for religious groups and individuals within the school community, and for reflection for the non-religious. Optional faith-based religious instruction classes should be allowed on school premises, subject to demand and outside of the timetable. Other proposals included revision of the school calendar to observe a wider range of religious festivals and days of secular importance and a raft of minor reforms designed to respect cultural and religious requirements in food and uniform.

¹⁴ These illiberal views pale before those expressed by the head of the Islamia school in Nottingham in *Beyond Belief* (Radio 4, March 2003): "the essential purpose of the Islamia school as with all Islamic schools is to inculcate profound religious belief in the children". Asked did that mean he was in the business of indoctrination, he replied: "I would say so, yes; I mean we are quite unashamed about that really. The reason that parents send their children to our school is that they want them to grow up to be very good Muslims." Asked again if that meant that Islam was a given and was never challenged, he said, "That's right."

¹⁵ *A Better Way Forward*, revised in 2006

¹⁶ Humanist Philosophers' Group (2001), *Religious schools: the case against* (BHA)

⁷ Marie Parker-Jenkins (2001), 'Education' in Paul Weller, Alice Feldman and Kingsley Purdam *Religious Discrimination in England and Wales, Home Office Research Study 220* (Home Office)

The system of schools proposed was a microcosm of the secular open model endorsed by the BHA as the aim of wider society. Acknowledging that religions and beliefs do have a place in schools, because it is important in a diverse society that we learn about each other's beliefs and because of the centrality of their religion to the lives of some believers, the policy maintained a neutral framework common to all children in which confessional religion, as in religious *instruction* and *worship*, would always be optional and be offered without the endorsement of the school's authority. The introduction of such a regime in all state schools has as its obvious corollary the phasing out of schools run by the churches and non-Christian religions unless they too could meet the new requirements.

This policy recognises that social change since the 'dual' system of schools was established as a compact between the state and the Church of England and the Roman Catholic and non-conformist churches have made such a system unsustainable. Rather than responding to diversity in a way that establishes many new and separate categories of school, as with the current expansion of the range of religious schools, the secular model endorsed here, as with the secular model for the House of Lords, offers a common framework in which all can be accommodated.

Chaplaincy

The state does not fund priests to go about their business in the community at large and so the obvious question is why it should fund them in prisons, hospitals, or the armed forces. The obvious answer is that the provision of chaplaincy in these circumstances reflects the particular needs that are thought to exist at these points: prisoners, patients, service personnel, and their families have distinctive needs. This is reflected in what chaplaincy in these sectors is said to be for.

In the NHS chaplains 'offer a service of spiritual care to all patients, their carers, friends and family as well as the staff of the NHS' and the work of the chaplain is defined as that which 'enables individuals and groups in a healthcare setting to respond to spiritual and emotional need and to the experiences of life and death, illness and injury'¹⁷.

The Diocese of Worcester gives the role of prison chaplains as to 'support [prisoners] in their spiritual needs and in times of crisis' because their 'lives are . . . complicated by the loss of freedom and control over their own lives not to mention the feelings of guilt, hopelessness and helplessness that many experience' and further that prison chaplains 'act as a reminder of the community's responsibilities toward those held in prison'¹⁸.

These worthy aims can clearly be fulfilled by dedicated and compassionate people regardless of religion or belief and, in a society as diverse as ours, should be. The presumption that the individual fulfilling the role of a chaplain will be Christian, or an Anglican specifically, or religious at all, cannot be sustained.

Even if these chaplaincy systems become multi-faith, that would not be sufficient since the non-religious are the second largest group in the population. But in spite of the fact that the non-religious make up a larger proportion of the population than the adherents

¹⁷ www.nhscareers.nhs.uk

¹⁸ www.cofe-worcester.org.uk

of all the non-Christian religions combined, it is the non-Christian religions that benefit from the extension of services that have in the past had a Christian character – not the non-religious. At the moment, chaplaincy teams in hospitals do not include the non-religious, save in one or two places as volunteers, and there are no non-religious chaplains in the armed forces or in prisons. The Ministry of Defence now has chaplains for Sikhs, Hindus, Buddhists and Muslims in the armed services and the Minister at the time that this innovation was made (John Reid MP) was quoted as saying that they would provide ‘spiritual, moral and pastoral support’ to forces personnel of a non-Christian religion. ‘One of the important things about service men and women,’ he said, ‘is the importance that is attached to morale. It is not just a matter of being happy, it is not just a matter of trust and comradeship, it is also a matter of spiritual fulfilment... We want to make sure that people of all faiths in this country recognise that the British Armed Forces really truly are the Armed Forces of Britain.’¹⁹ The spiritual, moral and pastoral needs of the non-religious received no mention but a Sikh chaplain has been employed to cater to the needs of just 85 Sikh servicemen. The Ministry of Defence’s Religious Advisory Panel includes a Muslim (representing 3.0% of the population), a Hindu (1.1%), a Sikh (0.6%), a Jew (0.5%), and a Buddhist (0.3%) but no non-religious representative.

It would be wrong to say that those who do not have a religion do not need spiritual care, or that their needs are not distinctive. Those members of the BHA who visit hospices as part of the teams that help meet the needs of people who are terminally ill, or who otherwise work with the terminally ill, attest that this is not the case. Humanist funeral officiants, who are sometimes involved in assisting terminally ill people in planning their own funerals, often find themselves providing much needed general support and spiritual care. This work suggests to us that a humanist approach for some patients is very much needed, and likewise for prisoners and service personnel.

It is quite wrong for the state to rely on the Church of England, or on the Christian churches generally, to meet the wide chaplaincy role indicated in the quotations cited. Even the multi-faith chaplaincy that is now boasted by the Ministry of Defence and the prison service fails to meet the requirements of the non-religious and uses public institutions and finance to bolster the idea that the non-religious are delinquents lacking their own resources who therefore at times of crisis may be expected to turn to religion. As with schools, specifically religious support should ideally be the role of the churches, not the state; it should certainly not be the default position.

Conclusion

The areas explored in this paper are necessarily incomplete but the approach, hopefully, is clear. Discussion of such areas as chaplaincy shows how we would treat analogous services in terms of religion and belief, and more widely how the twin policies of removing the privileges currently enjoyed by Christianity, or by religions generally, while accommodating the religious or belief-oriented needs of individuals within a framework common to all should be applied. They should be applied not only in the areas explored in this paper but generally: the conduct of public or state events²⁰, the timetabling of

¹⁹ <http://news.bbc.co.uk/1/hi/uk/4440360.stm>

²⁰ The core function of which is to be inclusive of everyone, which prohibits their being conducted along the lines of any particular religion or belief. It is outrageous, for example, that the London bombings, one of whose victims was a prominent humanist, were marked by a cathedral service

national holidays, the law on marriage, the definition of charity, some developments in discrimination law, and consultation arrangements in some government departments are all areas where religion in general or one religion or belief in particular is privileged, and where the need for secular policies is evident.

The uncoupling of church and state is a priority for most humanists. The basis of this is not anti-Anglican animus, but a commitment to the open society that recognises the privileging of one denomination (against a social backdrop of massive heterogeneity) as a real inequality. The only equitable framework in which we may conduct our community life to ensure that diversity does not lead to conflict is a secular one²¹. It is not acceptable to move from the establishment of one denomination to an effective co-establishment of all religions for many pragmatic reasons but also on principle because it excludes the large and growing non-religious population. At present the continued establishment of the Church of England encourages demands for the equal privileging of other religions and we have discussed this effect in the context of Lords reform and the school system. Another example is the antique relic that is the offence of blasphemy which has led some Muslims to demand a blasphemy law for their own religion. But the answer is never to extend privilege to all religions: it is to remove the privileges of the established church and any other denomination or religion currently enjoying unwarranted favours²².

Secularism is not atheism and it is not anti-religious – in fact it benefits both the religious and the non-religious in their aspect as members of a single society. It provides a genuinely neutral framework within which we can express ourselves as a community, and in a diverse society it is a necessity. The achievement of a secular society should be the priority with which we approach all questions of religion and the state, questions of church and state included.

9 June 2006

to which no humanist representative was invited, and also that eminent atheists are all too often commemorated by religious memorial services.

²¹ But not secular in the anti-clerical French tradition which tends to ignore and exclude the religious much as the non-religious are excluded and ignored here.

²² We do not include here justified specific provisions in the anti-discrimination laws.