# Religion is not accommodated, it is privileged

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***Anne Marie Waters reports on an event, held on 4 February, organised by the Cutting Edge Consortium, a group which campaigns against homophobia in religion, and looks at how far religious belief should be, and is being, accommodated in employment and public life.***

The Cutting Edge Consortium, a group of religious and secular activists who campaign against homophobia in religion, hosted an event this week in the House of Commons to discuss how far religious belief should be accommodated in employment and in public life; particularly when it clashes with the rights of LGBT people.

The event featured speeches from three experts – namely Karon Monaghan QC, Carola Towle of Unison, and Frank Cranmer, who is honorary research fellow for law and religion at Cardiff.

I will recount some of the highlights.

The first speaker was Karon Monaghan, a QC from Matrix Chambers, who opened with a statement of constitutionality with which she claimed that religion "occupies a place of privilege" in the UK. She evidenced this by pointing to the fact that there are several Bishops in the House of Lords who contribute to the legislative process by virtue of their religious status. She also pointed out that our head of state is also the head of our established church. In public life, she said, "religion is not accommodated, it is privileged".

Moving on to law, Monaghan stated that religion presents unique and specific challenges as 'get-out clauses' are permitted within certain legislative tools that provide exemptions to discrimination laws if a discriminatory belief is backed up by religious authority. The problem, she argued, is that some religious beliefs are inherently discriminatory, in particular against women and LGBT people, and as such we witness frequent clashes. Moreover, previous cases of religion versus women or LGBT folk have provided little guidance as to who might be prioritised, as they have often been decided upon by consideration of separate factors. For example, the case of Shirley Chaplain, a nurse who was prevented from wearing a crucifix at work, lost her discrimination case on consideration of health and safety concerns, rather than any profound ruling on religion in the public space.

Monaghan summarised by offering her own opinion as to the accommodation of religious belief in public life. She said, and I wholeheartedly agree, that religious belief should and must be accommodated, but only when it does not clash with a core set of basic civil rights. (For some reason, she seemed to think she was in "a minority of one" with this view, I tried to make it clear to her from the audience that she most certainly was not).

The crucial point here is that religious belief is often subjective (though not entirely – religions also have objective authority in the form of scripture); evidenced by the fact that many believers of the same religion believe different things *about* that religion.

If a society is to function, we simply cannot legislate based on subjective belief – we must have a core set of civil rights to which all are bound and which are universally applicable. Outside of these

rights, one should be free to live as they wish. If we allow for subjective belief to chip away at core rights, then those rights become meaningless, society becomes a free-for-all, and we find ourselves in the position of *"I believe it's ok and therefore I should be allowed to do it".*

It is this attitude of subjective and relative morality that has allowed FGM to prosper, along with other heinous abuses of women and girls in 21st Century Britain

In the US in 1878, the case of *Reynolds v United States* produced a vital ruling in this area. Reynolds was a Mormon who was on trial for bigamy having married, in accordance with his religion, more than one woman at the same time. He argued that the ban on bigamy in the US violated his religious right to multiple marriages. In delivering his judgement, Mr Justice Waite made this immensely powerful and important statement:

*"So here, as a law of the organization of society under the exclusive dominion of the United States, it is provided that plural marriages shall not be allowed. Can a man excuse his practice to the contrary because of his religious belief? To permit this would make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances*".

Back in the House of Commons, we next heard from Frank Cranmer who recited a fascinating tale from Canada and asked "how reasonable is reasonable?" when we talk of reasonable accommodation. This episode of religious belief versus women played out in a martial arts class in the Canadian city of Halifax. A young Muslim had joined an Aikido class, only to insist that the class be segregated by gender as he refused to touch or be in proximity to any person of the female variety. His request was granted. Cranmer quite legitimately questioned how reasonable this really was. "Why couldn't he have joined a boxing or wrestling class" if he wanted a combat sport that was segregated by gender? Good question. An equally good question was asked by 17-year old Sonja Power, a black belt in Aikido at the Halifax school who suddenly found herself in a woman-only zone. Power said that the accommodation of the segregation request had made her feel like a "second class citizen, that I was so disgusting and unworthy that this man doesn't even want to interact with me" and asked "why would something you choose, your religion, trump something I'm born with, my gender?"

Ms Power's articulate objection brings to the fore an oft-forgotten element of the religious accommodation debate; an element which was raised by an audience member at the Commons discussion. When religious discrimination against women or LGBT people is accommodated, what exactly does that say to women and LGBT people? It is, as Power says, a message of inferiority – contamination even – coming from the religious believer, which is then legitimised by accommodation, rather than being condemned as the humiliating and degrading treatment of another human being. When Universities UK sanctioned gender segregation recently, they tacitly agreed that there is merit to the argument that women should be sent to the back of the bus. What does this say about women? More importantly, what does it say *to* women?

The final speaker was Carola Towle, the National LGBT officer of the Unison trade union. She too addressed the point that in accommodating those who hold a religious belief in the inferiority of women or LGBT people, that results in humiliation and degradation of women and gay people and must be taken in to account when accommodation is debated.

She asked "is it reasonable to expect people to treat each other with respect regardless of belief or sexuality?" I agree with her, it is.

Before I finish, I want to mention two more points.

The first involves a personal heroine of mine, the incomparable Baroness Flather. When the debate was opened for questions, Flather was first to take the stage and asked the panel what they intended to do about the sharia law in the UK. She said there was little to no discussion about this and made clear her strong feelings that sharia, given its appalling treatment of women, should not be accommodated under any circumstances.

The discomfort of the panel was immediately visible, as so often when matters pertaining to Islam are raised.

Monaghan replied that she was indeed deeply concerned about the growth of sharia and demonstrated knowledge of the treatment of women under its dictats. Worryingly however, she added "we haven't been able to close the gender pay gap" so how were we expected to bring an end to sharia? With respect to Monaghan, I think sharia is a rather more urgent threat to women's liberty and humanity than the fact that men and women are often economically unequal due to the value placed on diverse tasks.

Cramner responded by quite reasonably pointing out that the entire system of Islamic marriage, divorce etc. is taking place outside the law and the debate therefore needs to focus on this question: the parallel Islamic system "doesn't engage with the law – but should it?"

It was the response of the Unison representative which reminded me of why I no longer position myself on the left-wing!

Having briefly referred to her disappointment at the decision of Universities UK to endorse gender segregation, Towle immediately changed the subject to "Islamophobia". Unison, according to Towle, spends a great amount of time and resources dealing with cases of "Islamophobia" (she did not offer a definition). She pointed to a particular trend of "Islamophobia" and said that Unison is seeing increasing cases of non-Muslims "encouraging" LGBT people to "engage in Islamophobia" by alleging that Islam somewhat frowns upon homosexuality, indeed punishes it, when – as Towle put it – "we all know that's not the case". Flather replied "but it is the case". This may have been my favourite moment of the evening.

I will end on something I think very important, and something that we secularists perhaps need to reflect upon more often. A person from the audience, who was a Christian, stated that the prejudice between LGBT people (or secularists) and believers travels in two directions – religious people are often subject to unfair accusations of misogyny and homophobia when very many believe strongly in gender equality and the rights of same-sex couples.

This is a fair point, and I resolved to take it away with me and remember it often.

**N/A**

Anne Marie Waters was a member of the NSS. The views expressed in our blogs are those of the author and may not necessarily represent the views of the NSS.