

TOWARDS A SECULAR SCOTLAND

Scottish Parliamentary Event sponsored by Patrick Harvie, MSP for Glasgow

Terry Sanderson address to NSS members and MSPs at Holyrood Parliament on 23 May 2012

The Secular Charter

Secularism is a much-disputed concept – misunderstood by some, misrepresented by others – and very difficult to define in any way that is universally accepted.

The several versions of secularism that are touted are sometimes in themselves contradictory, which doesn't help things.

There is the Republican version – such as the one that informs the French constitution. This separates religion from the state and the two institutions operate freely but apart.

Some see this as oppressive – such as when the state seeks to uphold secularism by restricting religious dress in public – others think it is absolutely necessary and that all citizens must be recognised by the state only as French citizens. Not as Muslim citizens, or Christian citizens, but as citizens of France. Any other identity one wishes to assume is not the business of the republic. It is unthinkable in France that someone would identify themselves as a “Muslim policeman” as they do in Britain.

He may be a policeman who is Muslim, but to the state he is a policeman, period.

When the NSS won its court case over prayers in councils, we were told that it would prevent councillors attending the religious services that commemorate Remembrance Day. That wasn't true, of course, but we then ask: why are Remembrance Day ceremonies Christian? Why aren't they inclusive? Didn't Muslims and Hindus and Sikhs fight valiantly on the British side during the war? Of course they did.

The Church is horror-struck at the idea that Remembrance Day should be secular. They can't even conceive of it – and neither can many other people who just can't think outside the religious box.

But a couple of weeks ago I was in France during the commemorations for the end of the Second World War. I saw a ceremony at the war memorial in a small town at which the national anthem was played and the mayor made a speech. There was not a priest in sight

and no God was invoked. And yet it was a moving and respectful event – it wasn't until afterwards that I realised that there had been no religious involvement, so solemn was it.

The American constitution, on the other hand, is informed by the inclusive version of secularism. This seeks to protect freedom of religion – all religion – rather than to distance the state from its influence. And so, although no particular religion can be established by law in the USA, we know very well that religion plays a huge part in the political processes of the nation. In fact, it has even been said that an atheist couldn't be president or even a minor elected politician.

The American experience gives the lie to the idea being touted by the pope at the moment that secularism is anti-religious and, indeed, the source of all evil. He would like to see what he calls "true secularism" established, a version that would, of course, permit the Catholic Church to lord it over everybody else.

Secularism is far from a novel concept. It is very widespread. Millions of people around the world are living in nations that are politically secular. They probably never even think about it.

But what these constitutional arrangements mean, and what the limits of their definition amount to, is the topic of constant argument. All nations with a secular constitution also have a constitutional court that will rule on disputes about what is constitutional and what isn't – and, indeed, what is secular and what isn't.

In all nations that have a secular constitution there is a struggle between its defenders and the religious interests that try to undermine it.

Resurgent religion wants back the power and influence that it has traditionally taken for granted, but which it has seen eroded.

And so in the United States there is a concerted effort by religious bodies to compromise the first amendment that separates church and state.

They campaign to get the saying of prayers back into schools.

They try to install Christian symbols in court houses and publicly-funded civic buildings.

They turn the chaplains in the armed forces into proselytising bully boys who seek to theocratise the army.

They pressure politicians to profess an exaggerated faith that they possibly don't possess.

The progressive USA President is trying to introduce a health care package that would protect those who have traditionally struggled to pay medical bills. This is something you would think would be welcomed by the Christians who say their primary social purpose is to take care of the poor and needy.

Yet the determined opposition came not only from the Republicans, but from the Catholic Church.

The Church has decided that the insurance plan that Obama wanted would force Catholic institutions to fund contraception for their employees. This they said would not do. Obama

offered a compromise, but the Church is relentless. It has recognised that it is on a direct collision course with the political establishment and it is a confrontation that it actually wants and is trying at this moment to escalate.

The Obamacare issue has become not just the Catholic Church fighting for its principles, but the Catholic Church as a potent political power seeking to assert its dominance over the democratically elected government.

The pope quite openly told his bishops in the USA recently to challenge the political classes in order to bring Catholic teachings into law. He told them to blackmail Catholic politicians into voting in the way he wanted them to.

This tussle between religious and civic power is indicative of what is happening around the world.

Organisations like Americans United for Separation of Church and State and the American Civil Liberties Union (ACLU) need to be constantly on guard for new violations of the constitution and be ready to challenge them in court.

In Britain, where the Government has announced that it intends to legalise civil marriage for same-sex couples, the churches have similarly turned themselves into a political machine that is determined to bring the administration low and force it into a u-turn.

Have you noticed that the matters on which the Catholic Church campaigns with most force are the very ones on which it is at the greatest odds with its congregations, in the developed world at least? Contraception and homosexuality are both examples.

This is raw power-seeking and it shamelessly undermines democracy. It is the churches seeking to demonstrate that they cannot be defied by mere elected representatives. It will be interesting to see how these two issues are resolved.

In Turkey, where Kemal Ataturk introduced a modernising constitution that relegated Islam to a role away from the state machinery, there is now an Islamist government which by piecemeal legislative means is gradually deconstructing Ataturk's achievement. The authorities deny this, they even say that the ruling AKP Party is not religious, but secularists in Turkey are not convinced and they see the gradual encroachment of Islam.

The AKP may be a democratically elected party, but many of the reforms it has brought into place were not mentioned in any election manifesto.

In India, Hindu nationalists refuse to accept that they are one religion among many and are constantly – often violently – pecking away at the constitution.

The Arab Spring, too, was at first a struggle between secularism and resurgent Islam, but is now rapidly becoming a struggle between extremist Islam and a more moderate version. Secularism has comprehensively lost out in that revolution and where it will end is anybody's guess. My own feeling is that the tyrants who have been overthrown will soon be replaced by other tyrants – in the mosques.

Religion as a political force is often much better organised than those who want to keep it in check. It has thousands of years of privilege that is deeply entrenched in our society. Try to change that and it inevitably means confrontation. We see it now – every time a suggestion is made that religious influence be reduced in government there is a very loud and prolonged outcry from the bishops.

Take the issue of (the English of course) bishops in the House of Lords. We have argued consistently for an end to the so-called Lords Spiritual but, even now when reform is proposed, there is not the stomach among politicians to let the axe fall completely in order to bring Britain into the modern world.

And there is even a suggestion that if the number of bishops is reduced, representatives of other religions be brought in to replace them. This is the worst of all solutions.

That is why secularism needs to be introduced by persuasion rather than conflict. We need to explain to people what secularism is, what its benefits are and why it is good for everyone. We need to persuade them that their faith will be respected and protected under secularism. It will have no privileges but it will equally suffer no disadvantage. But then again, neither will anybody else – whatever their belief or lack of it.

We can fight little by little to create secularism. The council prayers case was one small step in that direction, the end of the blasphemy law was another, yet another was winning the right for sixth formers to excuse themselves from collective worship in schools without the permission of their parents. It is by these small, sometimes very small increments – admittedly all so far in England – that our society will move towards secularism. But we have some ideas for Scotland that we are developing.

We must not pursue an anti-religious agenda under the secularist banner because that plays into the hands of those religious people who like to present secularism as their mortal enemy. The thing that seeks to rob them of their most profoundly held beliefs. And there's nothing like persecution – even imagined persecution – to stiffen the resolve of religious people to resist change.

When I became president of the National Secular Society, five years ago, I wanted to move the organisation away from the atheistic agenda that it had been pursuing and move it towards being an organisation promoting secularism.

One reason was that, however interesting arguments about the existence of God and the meaning of life might be, they are incapable of resolution. People who are believers will continue to believe however overwhelmingly convincing your arguments might be, and equally it will be hard to change the minds of those who don't believe.

So, the question becomes not “how can we overcome or eradicate religion” but how can we structure society so that religion doesn't dominate the lives of those who don't follow its teachings or believe its tenets, whilst leaving believers free to pursue their own philosophy?

This is the heart of secularism: giving people the freedom to pursue what they consider to be the good life in their own way and on their own terms. They can do this so long as their

version of living a good life does not involve their taking away the decisions and beliefs of others or impinging on their right to live the life they think is best for them.

This means that religion cannot have special privileges. It cannot write its own teachings into the law that governs the whole of society. It cannot have a special and favoured place in the institutions that we all have to share – hospitals, schools, the police, the armed forces, local authorities and so on.

As things stand, of course, religion *does* have a special and favoured status in all of these institutions. That is a historical fact. But just because it is part of history or tradition does not mean that it can never change.

History moves along, humanity progresses, and most of the time religion tries not to move along with it.

Look at the way the pope is railing against progress, desperately trying to hang on to the power that he imagines is his by right. The enormous influence that the Vatican once enjoyed throughout the world is now a shadow of what it was in its medieval hey-day. And it continues to diminish.

Look at Ireland. Who would have thought only a decade ago that this virtual theocracy would now be referred to as post-Catholic?

The preference for democracy in the developed world is clear. The appetite for secularism is also clear – although it is not something that people have yet come to recognise as a discrete concept.

British society has secularised by degree, one step at a time. But people don't think of it as secularism, they simply regard it as progress and fairness.

A few weeks ago I was talking to a journalist from the *Washington Post* and he asked me what I thought had been the most influential piece of legislation in the past decade as far as secularism was concerned.

I immediately thought about the abolition of the blasphemy law in 2007, but that really was simply a token gesture to tidy up a law that was unusable anyway.

So, instead I nominated The Equality Act 2010. This piece of legislation, which brought together under one umbrella the many pieces of anti-discrimination law that had developed over the past twenty or thirty years.

It brought religion into the big tent, along with protections for race, gender, disability and sexual orientation. And in doing so it made religion equal, but nothing more. It said: religious people have rights, but they are no more important than anyone else's.

This law was vigorously resisted by religious interests when it was going through parliament. Several attempts were made to introduce special provisions that would have elevated the rights of the religious above everyone else. They were not successful in any major way. Some small concessions were made for reasonable religious accommodation, but these were minor and ensured that the law would work.

Since the law came into effect religious groups have been desperately trying, through endless court challenges, to extend their accommodations beyond the narrow ones permitted in the legislation. So far they have not succeeded.

But the Equality Act 2010 is a profoundly secularist piece of legislation. It is a model for how the whole of our legal system and our political system should be structured. Everyone is entitled to equal treatment and only the smallest accommodations should be made so that the law makes sense.

One of the accommodations I am talking about refers to a “genuine occupational requirement”. This means that if a religious group wants to employ someone only of their own faith, they must have a pretty good reason for applying that discrimination.

For instance, it is clear that it would be silly if a Church of England vicar applied to become an imam at the local mosque and then claimed religious discrimination when he was turned down.

The churches have tried on several occasions to extend the meaning of “genuine occupational requirement”, but so far the courts have ruled that it must be very narrowly applied.

Of course, the Equality Act only protects people from discrimination in employment and the receipt of services.

There are other exceptions that seem, in the light of this attempt to create a level playing field at work, to be almost unbelievably unjust and in direct contradiction of the principle of equality.

The employment of teachers in so-called faith schools is a case in point, and it is an injustice that the NSS has tried relentlessly, even in Europe, to correct – including that discrimination in Scotland.

But religious influence in education is still massive and it is one of the areas where there is most resistance to change. It is also one of the areas where the NSS directs much of its energy and resources.

In England, the establishment of the Church of England makes it difficult to make an entirely convincing case for a secular society. But it is becoming increasingly clear that the Church of England’s special status is unsustainable in the modern world.

It was only after I started with the NSS that I realised just how tricky a concept secularism can be.

If we were to have a focus and a blueprint on which to base our campaigning we would have to define what we, as an organisation, considered to be a worthwhile vision of secularism.

Are we to go down the neutrality route – as many humanists have done and say that all religions should be included as partners of the state, including humanism? Or should we take the complete separation route, like the French?

I see many flaws with the idea of trying to bring all religious beliefs – and their subsets – into the state's ambit.

We know that religions find it incredibly difficult to get on with each other. They are mutually incompatible and despite the efforts of well-meaning people in the field of “multi-faith dialogue” we only have to look at any newspaper on any day of the week to see the truth. Religions are at war with each other wherever you look, and the conflicts they generate are peculiarly nasty and brutal.

But just as crucial is the fact that they can't agree within themselves. Even in the Kirk's assembly this week, where there is a nasty dispute between those who rent out their church halls to Hindu groups to be 'inclusive' and those who believe this is a heretic worshipping of false idols.

Much easier and safer to allow religions their freedom to organise and worship away from the state.

Even a secular state cannot stop religious conflict, of course. Look at India, look at Turkey. But it can stop the state taking sides and leaves it free to try to mediate.

Secularism is not a panacea. It must, like democracy, be freely embraced by everyone as a means of structuring society so that no religion can dominate. As we see around the world, when one religion does dominate – or even when a religion becomes the state – then smaller religions will inevitably be persecuted.

Look at the way Christians are being treated in countries such as Saudi Arabia, Pakistan, Nigeria. See how Muslims are treated in some parts of India.

So how is the National Secular Society to proceed? What do we mean when we talk of secularism?

The only way we could answer this question was to come up with a definition of secularism that the NSS could use as its blueprint for action: something to aim for, a structure that has a proven track record.

That is why I proposed the Secular Charter. This is the model of secularism that the NSS is aiming for and the model that dictates what we campaign for and how we campaign for it.

The Council spent many months working on it, trying to iron out the inconsistencies and make it as clear as possible. Of course on a subject as complex as this it can never be completely clear.

As I said earlier, even in those countries that have much-admired and much-amended secular constitutions, there is still a need for constitutional courts to interpret the precise meaning of each clause.

We argued endlessly and consulted widely over the Secular Charter before we came up with the version that was approved by the membership at the AGM. It is not perfect and can be seen as a work in progress. But it is a start from which the NSS can now formulate consistent policy that chimes with the ambitions of the Charter.

In England, the prospect of a secular constitution is a distant one, although the topic of disestablishment is raised much more frequently than it has been in the past. Indeed, the massive media coverage over our council prayers case hit a raw nerve and prompted a national debate that drew in not just Archbishops but Government Ministers, the Prime Minister, and even the Queen.

But maybe an opportunity might arise in Scotland – should independence become a reality – for a new and entirely rethought constitution. It is at this point that a secular constitution might be proposed.

In the meantime, the merits and advantages of secularism have to be explained to a population and a political establishment that is reluctant to hear about it. Education Secretary Michael Russell told Keith Porteous Wood and Norman Bonney, last time they were here, of his trenchant defence of denominational schools.

We must reassure the religious bodies that it is to their advantage too to have equality and complete freedom from the state.

We will not do that if we are regarded as anti-religion.

We may personally dislike religion, but this is not what the NSS is about. Whatever our personal opinions about religion, we have to accept that for some people it is very important and something for which they will fight tooth and nail.

This is not a battle we need to fight, for the NSS is not trying to take their religion away from them, it is trying to ensure that they are free to worship as they please within the bounds of the law.

The process of removing religious privilege may be painful for a time for some, but we need to convince them it is necessary – necessary for the justice and freedom that permits everyone to pursue their own idea of what is a good life in their own way. Necessary for everyone to be an equal citizen, regardless of their religion or lack of it.