

Putting it in Context

A personal response to the enquiry by the Equality and Human Rights Commission on religion or belief in the workplace and service delivery

by David Pollock¹

British society is based at least in theory on the rule of law and on equality of treatment by the law, with exceptions to the latter only to deal with special cases where a rigid application of equality is seen as more oppressive than a defined exception. The bans on both direct and indirect discrimination serve to guarantee fair treatment in the workplace and delivery of services for people as characterised by any of the defined strands including religion or belief. If, therefore, the frequent allegations of persecution, discrimination and intolerance against Christians were true, it would be a matter of grave concern. Happily, most of these allegations seem to be wildly exaggerated and to emerge from a limited number of voices such as Ann Widdecombe², Michael Nazir-Ali³ or Lord Carey⁴, firmly refuted by former Archbishop of Canterbury, Lord Rowan Williams⁵.

It is vital therefore that the Commission's enquiry start not from a focus only on religion or belief but by looking at the environment from which the complaints emerge that provoked it - seeing religion or belief in relation to other strands, seeing employment and service

¹ See <http://thinkingabouthumanism.org/wp-content/uploads/2014/05/CV379May2014.pdf>

² "Christians now have quite a lot of problems, whether it's that you can't display even very discreet small symbols of your faith at work, that you can't say 'God bless you', you can't offer to pray for somebody, if it's an even bigger stance on conscience that you're taking, some of the equality laws can actually bring you to the attention of the police themselves." - <http://www.westernmorningnews.co.uk/Militant-secularism-make-hard-Christian-modern/story-21206087-detail/story.html#ixzz34GOQR7Cr> - June'14

³ "There is discrimination in this country for wearing the Cross, for praying in the workplace, for supporting the family. This is typically how it [persecution] starts." - <http://www.thetimes.co.uk/tto/faith/article3420864.ece>

⁴ "Christians in the NHS, for example, are told that they cannot wear crucifixes, yet Muslims are allowed to wear headscarves." - <http://www.dailymail.co.uk/debate/article-2482441/An-age-faiths-equal-Christianity-As-judge-says-Christian-morality-place-courts-stinging-riposte-Archbishop-Canterbury.html#ixzz2jgXFjKoZ>

⁵ "When you have any contact with real persecuted minorities you learn to use the word persecuted very chastely. Persecution is not being made to feel mildly uncomfortable. I am always very uneasy when people sometimes in this country or the United States talk about persecution of Christians or rather believers. I think we are made to feel uncomfortable at times. We're made to feel as if we're idiots - perish the thought! But that kind of level of not being taken very seriously or being made fun of; I mean for goodness sake, grow up. You have to earn respect if you want to be taken seriously in society. But don't confuse it with the systematic brutality and often murderous hostility which means that every morning you get up wondering if you and your children are going to make it through the day. That is different, it's real. It's not quite what we're facing in Western society." - <http://www.telegraph.co.uk/news/religion/10244716/Persecuted-British-Christians-need-to-grow-up-says-former-Archbishop-Rowan-Williams.html>

provision in relation to other situations - and examining also the conceptual and the socio-political contexts.

Nature of religion or belief

I start with some comments on the nature of religion or belief. Religion for some people is inspirational and provides the foundation and purpose of their lives. It may prompt them to lives of unselfish service and provide them with a community beyond their families that supports them and can be an agent in society that multiplies the effect of their individual efforts. This is admirable and (with minor quibbles) to be wholeheartedly welcomed. But religion can also provide negative experiences. The misery and guilt that beliefs can bring on those who hold them is a matter for them alone, along with those who love them. But the effects of religion on those who do not believe or who have other beliefs are potentially a matter for society as a whole. Tackling these problems involves no challenge to anyone's freedom to believe what she or he will: rather, it focusses on the risk that some people's beliefs may induce in them behaviour that affects other people's freedoms.

Legal definition of 'religion or belief'

The intention of Parliament in legislating in the Equality Acts in terms of "religion or belief" was surely clear: to put the Strasbourg recognition of non-religious beliefs and of rejection of and indifference to religion on a par with religious beliefs⁶. This was demonstrated by the inclusion of the word "similar" to qualify "philosophical belief", and if that was later removed on the grounds of the dissimilarity of theological beliefs and atheistical ones that is a matter for regret because the similarity surely intended was that of providing a person with a set of answers to what have been called "ultimate questions" - what might be called a "lifestance", whether religious or not. In a paper for the Charity Commission⁷ that I wrote on behalf of the British Humanist Association I explored how the term "lifestance" (or equally the portmanteau term "religion or belief") might be defined:

A definition . . . to be useful must be reasonably short and simple. It needs to reach the essentials and omit the rest. Given that the courts are obviously unable to pass judgement on the validity of a religion or belief, the definition will naturally refer to

⁶ "As enshrined in Article 9, freedom of thought conscience and religion is one of the foundations of a 'democratic society' within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it." - *Kokkinakis v Greece*: (1994) 17 EHRR 397, para 31

⁷ See <http://thinkingabouthumanism.org/religion/religion-and-non-religious-beliefs-in-charity-law/>. The recent Supreme Court decision in *Hodkin* (2013 - UKSC 77) has provided a new working definition of religion replacing the one I criticised in this paper but still open to criticism on the grounds if no other that it draws an unwarranted distinction between religious and non-religious beliefs - see *re Williamson* (2005 - UKHL 15): "[T]he difficult question of the criteria to be applied in deciding whether a belief is to be characterised as religious . . . will seldom, if ever, arise under the European Convention. . . it does not matter whether the . . . beliefs . . . are categorised as religious" (Lord Nicholls) and "[it was] unnecessary for the House to grapple with the definition of religion [because] article 9 protects, not just the forum internum of religious belief, but 'freedom of thought, conscience and religion'. . ." (Lord Walker).

function and form rather than to content⁸. (It is the content of the common law definition in the shape of worship of a supreme being that has created significant difficulty.)

What then are the common characteristics of religions and those non-religious beliefs within the relevant range indicated by the judgements and descriptions [*in relevant case law previously quoted*]? We suggest:

- 1 – They makes claims about the nature of the world we live in and of human life.
- 2 – They draw implications for the way one lives – typically establishing a basis of morality and values.

Both elements are important. A free-floating ethical code without claims about the nature of the world would fall short of what is required (though it may qualify for charitable status by some other route). Equally, claims about the nature of the world are what scientists advance all the time. It is the relatedness of one to the other that is distinctive.

Thus, the Christian and other creation myths posit a father-child relation between the creator god and mankind, with a duty of obedience to his commands and the moral code he endorses. In Buddhism and other eastern religions, a factual claim about a cyclical life of reincarnations is linked to a code of behaviour conducive to progression up the chain of life towards the desired Nirvana. In Humanism a naturalistic interpretation of life leads to a moral code based on the need for people to live together in concord for the benefit of all.

But that is not all. From the Communications Act one can take the need for collective belief: a solipsistic belief shared with no-one is unconvincing as an object of official favour. From *Campbell and Cosans v. UK* we can take the threshold of "a certain level of cogency, seriousness, cohesion and importance".

Thus one can venture a minimum working definition for a "religion or belief" on the lines of:

A collective belief that attains a sufficient level of cogency, seriousness, cohesion and importance and that relates the nature of life and the world to morality, values and/or the way its believers should live.

This categorises religions as beliefs, which is valid whereas the reverse is not. The "and/or" formulation is needed because some beliefs put a predominant emphasis on orthopraxy rather than orthodoxy or moral behaviour⁹. The limitation to believers of the teachings about how to live is needed because some beliefs confine their rules in that way – e.g., Judaism.

⁸ [Footnote from original] "In principle, the right to freedom of religion as understood in the Convention rules out any appreciation by the state of the legitimacy of religious beliefs or of the manner in which these are expressed" – *Metropolitan Church of Bessarabia v Moldova* (2002) 35 EHRR 306, 335, para 117.

⁹ [Footnote from original] The words 'morality' and 'values' could theoretically be omitted from the definition but are needed to give the right colour to "the way believers should live".

Any moves should therefore be welcomed that tend to restrict the interpretation of “belief” to a system of beliefs, not any standalone belief, that relates to the values by which one lives one’s entire life, not that guide one in a particular circumstance.

The conceptual context

The key points in the conceptual context are:

- that religion or belief is different from other strands in the law on equality and non-discrimination in that it always has contentious intellectual content. The differences are many and profound:
 - Religions, unlike the other strands (race, gender, sexuality etc), can be chosen or put aside (though not at will).
 - Religions make extensive and often mutually incompatible claims about the nature of life and the world - claims that can legitimately be appraised and argued over. There is no parallel for the other strands.
 - Religions, unlike the other strands, set out to and usually do influence their followers’ attitudes and behaviour, often in ways which can be similarly controversial.
 - Religions are in principle and often in practice in competition with each other: evangelists come to our front doors, set up television and radio stations and run crusades to make converts. This is plainly untrue of the other strands.
 - Religions are expressed through organisations that are often wealthy and powerful. They exercise that power in the name of their faith far outside the realm of religion - in influencing social attitudes and national and international policies (e.g. on free speech and on sexual and reproductive health and rights). This controversial influence has little or no parallel in the other strands.
 - Religious believers often feel under a duty to react strongly to any criticism or insult offered to their deities, prophets or beliefs, however mild or reasonable. This has little parallel in any of the other strands.
- Thus religion imposes as well as attracts discrimination, which again has no parallel in any other strand. So religion, sometimes regarded as a social glue, is more accurately seen as binding only a part of society together and tending to alienate much of the rest. Both these tendencies - to bind and to alienate - need to be taken into account in considering its place in society. Taken together, indeed, by binding co-religionists together and alienating those of other beliefs, these effects of religion can become socially divisive to a serious extent, so that people live segregated lives with little knowledge and correspondingly much misunderstanding and suspicion of people of other beliefs. The dangers are vividly illustrated in Northern Ireland, where despite the end of violence the two communities remain almost as far apart as ever.

- Within their own “communities” of believers religions are typically run in more or less authoritarian ways justified by unique access of the hierarchy to all-important truths.
- Religion is often inseparable from culture, which is especially relevant given that orthodoxy of belief or practice is no longer¹⁰ regarded as essential in legal claims of discrimination.
- Not all religion or culture is admirable: to quote Lord Justice Munby “Some things are ... beyond the pale: forced marriages ..., female genital mutilation and so-called, if grotesquely misnamed, ‘honour-based’ domestic violence.”¹¹ More recently Richard Chartres, the Bishop of London, has said “Much religion is really dangerous and I would say lethal.”¹²
- Despite their claims to eternal verities, religions change over time. Christianity long ago forgot much of the law laid down in *Leviticus* and most churches are already far more open-minded and tolerant than in the recent past: only a few decades ago even the Church of England was characterised by moralistic intolerance of those who strayed from its narrow code of sexual ethics and the idea of an atheist being allowed to broadcast caused outrage.¹³ Today’s liberal Christianity is a recent development (and still far from universal) and there is no reason to think Christianity is not still evolving under pressure from growing demands for tolerance from secular society. Indulgence of religious intolerance by way of legal exemptions will tend to delay this process.
- “The law now protects all religions equally, without discriminating between them and without attempting to determine which are forces for good and which are not. Not only that, it also protects other belief systems, such as humanism and pacifism, and we have dropped any requirement that these be ‘similar’ to religion. It also protects the lack of a religion or belief. In other words, while it protects freedom of thought, it does not give any special protection to religion as such . . .” - so Lady Hale¹⁴, who notices suggestions in some quarters of separate legal treatment of religion - building on the definition of religion in the recent Scientology case¹⁵ which included the words “a

¹⁰ Following the European Court of Human Rights’ judgement in *Ladele v UK*.

¹¹ See <http://www.judiciary.gov.uk/Resources/JCO/Documents/Speeches/law-morality-religion-munby-2013.pdf>

¹² See <http://www.independent.co.uk/news/uk/home-news/religion-can-be-dangerous-and-lethal-warns-bishop-of-london-9747353.html>

¹³ Callum Brown: ‘The Unholy Mrs Knight’ and the BBC: Secular Humanism and the Threat to the ‘Christian Nation’, c.1945–60, *English Historical Review* (2012) - see <http://ehr.oxfordjournals.org/content/CXXVII/525/345.full>

¹⁴ In the Annual Human Rights Lecture on Freedom of Religion and Belief for the Law Society of Ireland (13 June 2014) - see <http://supremecourt.uk/docs/speech-140613.pdf>

¹⁵ *R (Hodkin & another) v Registrar General of Births, Deaths and Marriages* [2013] UKSC 77

spiritual or non-secular belief system” - and concedes that “Many believers do believe that their faith has a different quality from the secular beliefs of others” before concluding nevertheless that “if the law is going to protect freedom of religion and belief it has to accept that all religions and beliefs and none are equal”.

The religious context

These concepts have to be deployed in a religious context characterised by several relevant features:

- the rapid decline in the importance of religion, exemplified by
 - statistics of belief (British Social Attitudes now finds a majority of people who have no religion¹⁶)
 - statistics of churchgoing (only 5.8%¹⁷)
 - the declining intensity of belief (even the Archbishop of Canterbury admits to occasional doubts about the existence of God¹⁸) and
 - the declining significance of religion in people’s lives (the Archbishop of York talks of people’s attitude being not so much hostile as dismissive¹⁹, and
 - growing ignorance of the basic tenets of Christianity even among those who call themselves Christian²⁰;
- the new plurality of religions: our laws and customs were shaped around a dominant Christian tradition with a small and unassertive Jewish minority but today even nominal Christians in the Census have fallen in number since 2001 by 11% (to 59% of the total) while those with no religion have risen by 83% (to 25%), Muslims by 75% (to 5%) and other religions taken together by 39% (to 4%);
- the emergence of a small but significant minority of people for whom their religion is a major part of their identity and overwhelmingly important. This is especially true of some Muslims and of a Christian fringe including both some Roman Catholics and some evangelicals, particularly in the “black” and Pentecostal churches, and is manifest in society in energetic “pro-life” and allied movements;

¹⁶ British Social Attitudes 31 - http://www.bsa-31.natcen.ac.uk/media/38202/bsa31_full_report.pdf

¹⁷ Sunday attendance in England, 2010 - Peter Brierley, *UK Church Statistics 2* (Tonbridge:ADCB Publishers, 2014), table 16.8.

¹⁸ In a BBC interview, September 2014 - see <http://www.bbc.co.uk/news/uk-england-29255792>

¹⁹ “The viewpoint could be expressed in a variety of non-verbal ways: the shrug of indifference, the rolled eyes of embarrassment, the yawn of boredom”: Archbishop Sentamu reported in November 2013 - see <http://www.telegraph.co.uk/news/religion/10458380/Christianity-at-risk-of-dying-out-in-a-generation-warns-Lord-Carey.html>. See also a YouGov report for the Centre for the Modern Family “[O]nly 40 per cent of people say [religion] has an impact on the way they lead their lives” - http://reference.scottishwidows.co.uk/docs/cmf_report_dec_2011.pdf.

²⁰ A poll by Ipsos-MORI of people who had answered “Christian” in the 2011 census found that 49% not gone to church in 12 months of whom 56% had not gone for more than 10 years and 24% never; over half had not read the Bible for 3 years (15% never); offered a choice of Matthew, Genesis, Acts & Psalms, only 35% chose Matthew as first book of NT; only 44% agreed Jesus was son of God; only 10% picked religion as source for decisions on what was right or wrong. Asked what Christianity meant to them, 40% said “I try to be a good person”, 24% “It is how I was brought up” and only 22% chose either of the two “religious” answers. - see <http://richarddawkinsfoundation.org/>

- the persistence of the historical privilege and inherited influence if not direct power of religion, dating from long before the age of equality and so discriminating in favour of mainstream Christianity. Combined with the false equation of Christianity with morality this promotes the tendency to indulgence of Christian (and hence - maybe inadvertently - other religious) demands for special treatment;
- the little-noticed arrival in Europe of wealthy American religious organisations, both Roman Catholic and evangelical, determined defend the privileges given to religion by the US Supreme Court (both traditionally and in some significant recent cases²¹) by advancing their front line of defence into Europe and defeating at source any unwanted influence from the European Court of Human Rights. The European Centre for Law and Justice, based in Strasbourg, has been particularly influential (it is funded by the American televangelist Pat Robertson but works closely with the Holy See) but the Alliance Defending Freedom is also active in Europe, and American influence can be seen in other such organisations.²²

This is the background to the much publicised protests from a religious minority, predominantly Christian, of marginalisation or even persecution. As researchers from the University of Derby found in field research last year:

- A number of Christian respondents also articulated a sense of the marginalization of Christianity compared to its historic position in society and spoke of what they felt was a now comparatively fairer, even preferential treatment of other religion or belief groups compared to Christians.
- At the same time, the project's focus groups highlighted the degree to which 'non-religious' people feel that Christianity and religion in general is privileged in ways that are structurally embedded in the society and can result in unfair treatment for others, especially in education and governance.²³

The wider social context

Plainly the present is a time of transition and change, and decisions taken now are likely to be formative of the shape of future society. At stake is whether religion will continue to have a privileged and disproportionately influential position despite the decline in mainstream belief combined with the growing influence within the religious sector of relatively marginal and sometimes controversial groups.

²¹ Such as *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* (2012) and *Burwell, Secretary of Health and Human Services, et al. v. Hobby Lobby Stores, Inc., et. al.* (2014).

²² Valuable background to this growing influence is provided by two reports: *Lobbying for Faith and Family: A Study of Religious NGOs at the United Nations* commissioned and published by the Norwegian Foreign Office in 2013 (ISBN 978-82-7548-685-9) - see <http://www.norad.no/en/tools-and-publications/publications/norad-reports/publication?key=401801>, and *Redefining Religious Liberty: The Covert Campaign against Civil Rights* by Jay Michaelson (Political Research Associates, 2013) - see <http://www.politicalresearch.org/2013/03/21/redefining-religious-liberty-the-covert-campaign-against-civil-rights/>

²³ *Religion and Belief Discrimination and Equality in England and Wales - A Decade of Continuity and Change* - Weller and others - see http://www.derby.ac.uk/files/policy_brief.pdf

The present EHRC study of the position of religion in the field of employment and service provision needs therefore to take into account the risk that any concessions it suggests to religious demands that are not fully justified may lead to further concessions in other fields, such as education, provision of public services under contract by faith-based organisations, and government policy on public ethical issues such as abortion, assisted dying and matters related to human genetics.

Religion and intolerance

As stated above, religion or belief is different from the other strands recognised in equality law because of its contentious intellectual content. In essence, it dresses up its prejudices as principles and sometimes even glories in them. It is entirely unsurprising, therefore, if it provokes an intolerant reaction from time to time, given that it often incites just such an attitude towards others.

The intolerance associated with religion may indeed be:

- by others in society against a religion or belief

but it may also be:

- by a religion or belief against another religion or belief, or
- by a religion or belief against other groups in society.

Let me examine these three categories, looking briefly first at the intolerance incited by religion.

Intolerance by one religion or belief against another religion or belief

To mention this phenomenon is probably enough. It is a natural consequence of any belief system (including dogmatic non-religious ones such as Maoism or Soviet communism) that claims unique access to the truth in a matter of supreme importance. History is permeated by religious conflict, intolerance and persecution, not least between Christians and Jews, and still today we see clashes between Muslims and Jews in the Middle East, Hindus and Muslims in India, Buddhists and Muslims in Burma, Christians and Muslims in many parts of sub-Saharan Africa. Not only that but there has been and remains serious intolerance within individual religions: for example, between Catholics and Protestants (in Northern Ireland jobs came till very recently with religious labels), between Sunni and Shia Muslims, and within Hinduism and Sikhism on the basis of caste.

Intolerance by a religion or belief against other groups in society

In practice much of today's contention is over religious intolerance of people characterised by the factors identified in the other strands of discrimination law. This intolerance dates back over the centuries, examples being Christian endorsement of slavery as justified by the inferiority of non-white races or of women as the possessions of their husbands. The churches used self-righteously to discriminate against single mothers, divorced people and "illegitimate" children and they continue (with increasing embarrassment) to discriminate against women and to seek legal exemptions for discrimination against (notably) LGBTI people.

The law endorses such anti-gay discrimination by churches even when it is merely “for the purpose of avoiding conflict with the strongly held religious convictions of a significant number of the religion's followers” as distinct from being needed “to comply with the doctrines of the religion”. It is far from obvious why discrimination on grounds of sexuality should be unlawful if it is based on a simple “yuck” factor but permitted if the “yuck” feeling is backed by centuries of intolerant preaching. It is equally not obvious why religious intolerance of LGBTI people is acceptable but religious intolerance of blacks is not. If the Dutch Reformed Church of apartheid South Africa staged a revival in Britain today, should we give it legal exemption from the laws on race discrimination? If not, why should we endorse discrimination against gays and lesbians?

Even so, the previous Pope, surely with the United Kingdom in mind, criticised “countries which accord great importance to pluralism and tolerance” because moving towards equality and non-discrimination results in religion “increasingly being marginalized”.²⁴

Intolerance by others in society against a religion or belief

Discrimination against anyone on the basis of his or her religion or belief is already unlawful in most contexts. Jobs are not advertised with the rider “No Christians”, nor hotels with the proviso “No Muslims”. Moreover, the Human Rights Act guarantees to everyone the rights to freedom of expression and freedom of assembly - and once these have been guaranteed, most of freedom of religion or belief is already delivered. What is left is the internal realm of belief that is ultimately unpoliceable anyway and the need for society to adapt to individuals and organised bodies promoting strong claims about some aspects of reality (e.g., young earth creationism) and strong opinions about some aspects of behaviour (e.g., dietary rules).

What is complained about as intolerance or discrimination by some religious people is usually therefore not direct discrimination but indirect in the shape of a failure by employers or service providers to make sufficient allowance for their wish (in human rights language) to manifest their religion. Examples include Muslim warehousemen refusing to handle alcohol or pork products, Hindus similarly with beef; magistrates refusing to handle adoptions by lesbian and gay couples; nurses refusing to take part in *in vitro* fertilisation; pharmacists refusing to dispense the “morning after” contraceptive pill; doctors refusing to reveal their conscientious objection to patients wanting an abortion or to refer them elsewhere; Exclusive Brethren refusing to let their children to use computers or the Internet in school; Muslims refusing to allow their children to take part in physical education unless in single-sex groups and unless the girls especially are swathed in modesty-protecting garments, and so on.

Beyond specific acts or practices that can be seen as indirect discrimination, there is however a tendency to complain of a general atmosphere of intolerance or scepticism or mild mockery of religion. If it is intense and severe, it may in the right context be serious enough to amount to legal discrimination based on harassment. If it is not so serious, then the law should disregard it. It may well be a matter for codes of practice or rules laid down

²⁴ Address to the diplomatic corps, 10 January 2011, available at <http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2011/01/10/0017/00042.html>.

by an employer, but it should not be a matter for the law. Perceptions of such hostility are generally one-sided, and strong believers are not among those most noted for tolerance of those with whom they disagree.

The law

In employment, occupation and training, discrimination on the basis of religion or belief should no more be acceptable than discrimination based on race, sex or any other protected characteristic. This is of course already EU law in the form of the framework directive on equal treatment in employment and occupation (2000/78/EC), which uses a wide definition of discrimination, including harassment based on religion or belief and victimisation for making complaints of discrimination.

The Directive allows for exceptions in relation to all protected characteristics if these constitute a “genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate”, a provision that allows any employer to limit a particular job to people of a specified religion (or having another protected characteristic) if it is essential to the work - for example, a theatre company that aims to showcase the acting skills of people with disabilities can limit its employment of actors to such people. In the field of religion or belief, a secular employer of a chaplain for a particular religious group would be covered.

It allows for further exceptions in organisations with an ethos based on religion or belief where “a person’s religion or belief constitute a genuine, legitimate and justified occupational requirement, having regard to the organisation’s ethos”. The directive specifies, however, that this exception “should not justify discrimination on another ground”. This allows, for example, Christian charities to restrict key posts to Christians. However, this exception is not infrequently abused. Some EU member states have incorrectly transposed the directive into national law, among them the United Kingdom. Our regulations purport to permit religious organisations to discriminate on grounds of sexuality despite the plain stipulation in the directive against “discrimination on another ground” - a breach on which the UK government has, so far as I can tell, not yet responded to the EU Commission’s reasoned opinion of November 2009²⁵. Similarly, detailed complaints by the British Humanist Association and the National Secular Society have led the European Commission to raise extensive queries with the UK government about the numerous unwarranted exemptions from the Equality Acts for discrimination endorsed in the (pre-Directive) School Standards and Framework Act.

More widely, religious requirements for jobs are often imposed where they are far from genuine, legitimate, justified and occupational - each of which words carries significant legal import. There is no occupational requirement for a telephonist, a clerk or a cleaner to share the religion or belief of an organisation - it has nothing to do with their occupation.

Religion in employment, service provision etc.

The general principle of deploring any discrimination that is irrelevant to performance of a job must be respected, and in almost every case religion or belief is irrelevant. But the

²⁵ See http://europa.eu/rapid/press-release_IP-09-1778_en.htm

situation is complex, and the difficulties derive from the need to make decisions where there is potential conflict between the rights of different people including not only:

- religious employees

but also:

- other employees
- clients, service users etc, and
- employers and service managers.

With the prospect of potentially clashing claims, in most cases resort to the law or even to legal arguments will not be the best way of finding practical solutions. There is a need instead for flexibility and goodwill - but it should not be one-way. There is certainly scope for alternative methods of dispute resolution, but care is needed that these methods do not result in abuse of the rights of minorities in the face of the dominant position of one religion or belief.

The human right to manifest one's religion or belief save in narrowly prescribed circumstances points to the desirability of workplaces making compromises - as it might be put, offering "reasonable accommodation" - as a practical and pragmatic way of resolving problems as they occur. Such accommodation may amount to (potentially unlawful) positive discrimination but sometimes it may be justified. It is already legally required, of course, in respect of disability, and it is appropriate that it casts religion in some light as a disability that requires accommodation: their religion disables some people from performing as others do in employment - or elsewhere. Other "streams" do not require such accommodation or do so only minimally (e.g., in requiring separate toilet provision for men and women).

Accommodation incurs some costs, and it is not just the employer whose costs are relevant – but neither is it just the religious employee's. The impact of accommodating religious demands on such third parties as other employees, customers, and users of services needs to be taken into account. Reasonable accommodation for the believer may ride roughshod over other people's human rights.

Moreover, reasonable accommodation, sensible as it may be as a practical approach, is not an acceptable legal principle, for the reasons given below, and employers should be aware in broad terms of the legal background, cast as it is in terms of indirect discrimination, and should not depart from it without explicitly acknowledging and pointing out to those involved that whatever agreed accommodation is applied may not stand up if challenged in court.

A key problem with "reasonable accommodation" as a legal principle lies in defining what is reasonable. As the report *Clearing the Ground* from Christians in Parliament observed, "most of the accommodation required in the [case of disability] is functional, meaning that buildings need to be adapted, or work practices changed. If reasonable accommodation was used in relation to religion, the meaning of such accommodation would be harder to assess

because it is likely that the impact may be more subjective and difficult to quantify”.²⁶ Without a clear definition the employer would be defenceless against unpredictable personal demands from an intransigent employee. This is unlike indirect discrimination, which looks objectively at whether a practice bears more heavily on a particular religious group than on the generality of employees. By contrast, reasonable accommodation is essentially a process of compromise, of splitting the difference. There are circumstances where this may in practice be sensible, but it is an unprincipled process: the more excessive the demands made, the more the concessions needed to reach accommodation.

In the face of some demands, it is proper to say “no”. Religion should not necessarily be a free ride. Priests accept some limitations on their freedom as result of their occupation – why should devout believers not do the same? Conscientious objectors in wartime do not get off scot-free; they have to do alternative war work or else go to jail. And in any case why should we indulge religion-based requests for special treatment above others? If I need to leave work early on Friday afternoons because my childminder has to leave at four o’clock every Friday, why should my Jewish colleague have a legal right to time off to observe the Sabbath but I no right to time off to look after my child? If I have a secular belief that alcohol is baneful, why should my conscience be ignored but a colleague whose shunning of alcohol is based on religion be indulged?

Religious complaints

Against this background I make some remarks below on some of the (overlapping) cases suggested by the EHRC’s questionnaire for organisations.

Time off work for religion or belief reasons: In theory there can be no objection to an employer giving Muslim or other staff time off to say obligatory prayers, subject to the interests of the other parties involved. For example, if some staff are regularly given time off for prayers, they should make up the time or simply not be paid for prayer time: other staff should not be expected to cover for them or work longer hours. The same arrangements are often made for staff taking breaks to smoke cigarettes.

Accommodation of a wish by some employees to observe holy days or religious festivals may sometimes impose a burden on others who have to cover for them. It is not acceptable to expect non-Christian staff always to have to work over Christmas (which is also considered an important time for the family by most non-Christians). Normally, religious holidays should be accommodated by use of personal holiday entitlements. (It is often observed that secular society follows what is in origin a Christian calendar, but it should be noted that only two Christian holy days are public or bank holidays.)

Similarly, while it may sometimes be sensible that employers should provide facilities for prayers, they should take care that if staff recreation or rest rooms are used, they are not monopolised by members of a religious group, and should be aware that the display of religious objects may be offensive to people of other religions and to people with non-religious beliefs, even preventing them from using the room. They should also be prepared to deal with demands for screens to divide such a room between men and women.

²⁶

See <http://www.eauk.org/current-affairs/publications/upload/Clearing-the-ground.pdf>

None of these concessions should be mandated by law. At most employees should be given a statutory right to request accommodation of their religious duties, on the model of the right to request flexible hours.

Dress codes and wearing of religious symbols: These can properly be seen as a variety of non-verbal freedom of expression. Wearing a religious symbol is akin to advocacy and a matter of personal freedom. There should be no controls on what one wears or says in the street or similar public spaces (always excepting justified restrictions on hate speech etc) and the upholding by the European Court of Human Rights of the French ban on public wearing of the burka is to be deplored. (France's strongly secularist *Fédération Nationale de la Libre Pensée* was from the start vigorously opposed to the ban on public wearing of the burka²⁷).

At work, the situation is similar: those who recognise a religious duty to wear particular forms of dress - principally Muslims and Sikhs - should be accommodated so far as possible. There are strictly limited circumstances in which this may not be appropriate or proportionate, mainly involving considerations of effectiveness and efficiency and of health and safety. This appears to be the approach taken by the courts to religious dress.

A fortiori there should as a general rule be no restrictions on wearing badges or symbols such as a Christian cross - but the same must apply to non-religious symbols also, such as a *CND* or gay rights badge. The European Court of Human Rights decided sensibly in the cases of *Eweida* and *Chaplin*, endorsing the claim that an employer has no unconditional right to make rules on the wearing of religious symbols but ruling that there were legitimate reasons why rules might sometimes be justified - in *Chaplin's* case those of health and safety.

An employer, I suggest, might have legitimate grounds for arguing the proportionality of a ban on wearing religious dress or symbols in three types of circumstance:

- (i) where there are considerations of safety or efficiency,
- (ii) where a uniform is reasonably required - the requirement will almost always be apparent before someone applies for a relevant post. Nevertheless, some accommodation of religious duties may be possible and should be welcomed - Sikh turbans and Muslim veils being cases in point; and
- (iii) where - particularly with the wearing of symbols or badges - there is a risk of a role (especially an authoritative role as, for example, a public official or a representative of an employer) being appropriated to make a private statement, which might be about religion or belief or perhaps about politics.

As to this third case, it is reasonable that employees appearing in public and in some sense representing their employer should not be allowed to take advantage of their position to

²⁷ See <http://librepensee04.over-blog.com/article-interdiction-de-la-burqa-et-du-niqab-les-masques-tombent--43806748.html>.

advance a religion or belief. Employers are not required to impose restrictions but it should be legitimate for them to do so if they wish: for example, banning wearing religious symbols or political badges or forbidding religious speech while in one's representative role.²⁸

There is the added risk that members of the public or fellow employees may experience the symbols or speech as religious harassment or discrimination. Suppose, for example, that there is a local state of tension between the followers of two religions who make up a significant proportion of the employees or the local population – maybe importing the strife in some foreign clash point. Wearing religious symbols might then be seen as a provocative act that threatened the peace and efficiency of the workplace or its reputation among clients and the public.

That said, a tolerant attitude is to be encouraged so long as individuals do not abuse their positions, and any resulting ban must be equally applied to all - but once again there appears to be no need for any legislative interference here with the flexibility any sensible employer will deploy to find sensible solutions to problems that present themselves.

Opting-out of work duties on grounds of conscientious objection: While accommodating conscientious objection is *prima facie* desirable, it is gradually being realised that this is a far from simple question. The European Convention on Human Rights protects “freedom of thought, conscience and religion” in Article 9(1) but manifestation of the dictates of religion falls under Article 9(2) which is subject to limitations “in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others”. The OSCE's Guidelines for Review of Legislation pertaining to Religion or Belief²⁹ state (my italics) that:

It is important . . . that specific statutory exemptions be drafted and applied in a way that is fair to those with conscientious objections *but without unduly burdening those who do not have such objections.*

Most commentators focus exclusively on the individual conscience without regard to the consequences. The assumption is that only a few individuals with unusual, normally religious, beliefs are affected, and that society can afford to accommodate them. This was the case when a right to conscientious objection was granted in the First World War³⁰. It clearly marked an advance in civilised values that pacifists were allowed to apply to tribunals to prove that their objections were based on genuine religious or moral principles. Later, when after hard-fought campaigns abortion was legalised it was generally seen as a logical extension - and a politically useful concession - to allow doctors and nurses not to take part if they had conscientious objections.

²⁸ With public officials representing public authorities or institutions the case for controls is stronger: as representatives of what should be a secular state they should not be allowed to infringe its neutrality.

²⁹ See <http://www.osce.org/odihr/13993>

³⁰ Not in fact the first legal recognition of conscientious objection: the Vaccination Act of 1898 provided a conscience clause allowing exemptions from mandatory smallpox vaccination of infants under the 1853 Compulsory Vaccination Act . See <http://www.historyofvaccines.org/content/articles/vaccination-exemptions>.

But in recent years claims for conscientious objection have extended to many new contexts, with claims being made implicitly or explicitly that the presumption should be that conscientious objection, especially if religious, should always supervene over other considerations. For example, two of the Strasbourg judges in a strongly worded minority judgement in the case of *Ladele* argued that her case was not so much one of freedom of religious belief as one of freedom of conscience which (they suggested) was protected under Article 9.1 and not covered by (because not mentioned in) Article 9.2 on manifestation of religion or belief. Lady Hale (*op.cit.*) quotes and summarises them:

“Conscience – by which is meant moral conscience – is what enjoins a person at the appropriate moment to do good and avoid evil”. As such it was different from and superior to religious doctrine: John Henry Newman had said that “conscience may come into collision with the word of a Pope and is to be followed in spite of that word”. Once a genuine and serious case of conscientious objection was established, the State was obliged to respect it both positively and negatively. . .

This is an approach that would require the State to give unbridled rights of conscientious objection to everyone with not so much unpredictable consequences but consequences of dire unpredictability for employers of their employees’ behaviour. It displays ignorance of the social context outlined above and gives unjustified supremacy to whatever irrational feelings present themselves to anyone as being based on conscience. Assertion of an absolute right to conscientious objection in all cases might easily risk public safety, public order, health or morals, and the rights and freedoms of others.

In particular, when what is in question is the treatment of other people - e.g., gay or black or female people: either they must have a guarantee of equal treatment or not: their treatment should not depend on the chance of whom they come into contact with.

A further complication is that conscientious objection seems often today to be asserted not as a result of deep moral feelings but as a political act of drawing attention to claims of underprivilege or persecution. There can even seem at times to be a competition between religions in claims of persecution: in the OSCE within the last decade the appointment of a rapporteur on anti-Semitism was followed by a successful demand for a parallel appointment to report on Islamophobia and then by a similar demand, also successful, for one on the newly conceived ill of Christianophobia. The idea of a single rapporteur to cover hatred and discrimination based on any religion or belief was apparently not entertained.

This highly political context is at odds with the implicit assumptions of most discussions about conscientious objection. The claims articulated by the European Centre for Law and Justice³¹ (see above) in the context of a recent debate in the Parliamentary Assembly of the Council of Europe are that conscientious objection applies not just to individuals but also to institutions (for example, hospitals run with public funding by the Roman Catholic church),

³¹ "Memorandum on the PACE Report, Doc. 12347, 20 July 2010, . . ." Grégor Puppink and Kris J. Wenberg, (European Centre for Law and Justice, Strasbourg, September 2010) - see http://eclj.org/pdf/ECLJ_MEMO_COUNCIL_OF_EUROPE_CONSCIENTIOUS_OBJECTION_McCafferty_EN_Puppink.pdf

to indirect as well as direct participation in the objectionable action, and even when referral to another provider is impossible; it includes complete immunity from liability and from action for discrimination; and it cannot be balanced with any rights patients have to treatment.³²

There is a need for rules about when conscientious objection is admissible and when not. This was the main finding of the paper by Christine McCafferty's 2010 report to the Parliamentary Assembly of the Council of Europe³³ that gave rise to the objections from the ECLJ cited above. A paper of my own explores the terms in which these rules might be cast.³⁴

Freedom of expression: This is another area with ample scope for commonsense arrangements being made by an employer if problems arise. Preachers in the street or on underground trains, albeit they breach normal standards of behaviour, ought to have nothing to fear from the law but can expect some reaction, even if it is only to be studiously ignored. But in an everyday work setting ostentatious "statement making" by ardent religious employees may well not be acceptable if it is an annoyance to other employees or to third parties such as clients. It might at the extreme amount to harassment on grounds of religion or belief and hence fall within the definition of discrimination - but it would far more sensibly be made the subject of a workplace disciplinary rule.

There are two relevant distinctions to be made: whether it is possible to walk away (easy in the street, probably not possible at work) and whether the speaker is in a position of authority (for example, a superior at work or a doctor or teacher) so that it is metaphorically difficult to walk away.

These distinctions are relevant also in the case of offering of an inappropriate service - e.g. praying or offering to pray for someone, which should be seen as inadmissible from any

³² The result the ECLJ and its allies appear to hope for is that, whether or not such treatments are lawful, they will in practice be unavailable. There are two routes to this end: by one, hospitals are increasingly taken over by religious institutions that impose total bans on such treatments, even by staff willing to provide them. This happened in the Belgian city of Mechelen although in that case the town authorities were so incensed that they opened their own abortion clinic - a recourse that will rarely be possible. (*Source: address by the Mayor of Mechelen to the European Parliament Platform for Secularism in Politics, 17 March 2010 - see <http://tinyurl.com/m3vj5l>.*) (What if Jehovah's Witnesses ran a hospital under an NHS contract but banned blood transfusions for everyone?) By the other, enough individuals concerned, even remotely, will be pressurised into exercising their individual right to conscientious objection to make provision of treatments impossible. Thus, by 2007 in Italy nearly 70% of gynaecologists and over 50% of anaesthetists refused to perform or assist with abortions - proportions that had risen sharply in the previous four years in a process that would if continued end with a few doctors finding their lives intolerably dominated by providing abortions and therefore themselves pretending conscientious objection and opting out. Thus a lawful service ceases to be available by means of essentially dishonest use of the right of conscientious objection.

³³ "Women's access to lawful medical care: the problem of unregulated use of conscientious objection" - <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=12506&Language=EN>

³⁴ "The Limits to Legal Accommodation of Conscientious Objection" - see <http://thinkingabouthumanism.org/religion/the-limits-to-legal-accommodation-of-conscientious-objection/>

person in a position of authority such as a doctor with a patient or any public official with a member of the public.

Restrictions on, or refusal of, a service: These include the case of the pharmacist who refuses to dispense emergency contraception and the doctor who refuses a patient an abortion. The principle here, I suggest, should be that the exercise of conscience by the pharmacist, doctor or anyone in an analogous situation should not leave the other party - the person refused the service - any worse off. If another pharmacist is available to fulfil the prescription, or another pharmacy easily accessible by the person concerned, if the doctor is willing to refer the patient to a doctor who is willing to perform the abortion, then the pharmacist's or the doctor's conscience might be indulged. But some doctors and pharmacists refuse even to acknowledge the real reason for their refusal, in their own eyes presumably "doing good by stealth" by forcing their own code on the person seeking their help. Yet in these cases (in this country at least) they are being paid from public funds to provide a service. They should be required to refer their clients to a willing and available service provider, and in the last analysis they should be required to provide the service themselves.

The same considerations apply in the case of procurement or funding issues: organisations seeking public contracts or funding for their delivery of services should not expect to be allowed to apply religious tests to the work they contract to undertake. The purpose of such contracts is to deliver a service to the public, not to everyone except some section of the public excluded on religious grounds by the contractor. In this context it is highly regrettable that the courts' unwarrantedly narrow definition of "public authority" in section 6 of the Human Rights Act has been allowed to stand so long.

Exemptions from equality law: Similarly no concession should be made to those who claim that businesses should be able to claim exemptions from the Equality Acts on grounds of religion or conscience. If the demands of hotel keepers who wish to be allowed to ban gay couples from their premises were conceded, why should not other premises ban Jews, blacks, Irish as they did until the law stepped in a few decades ago? From there it is a short step to other businesses putting up signs telling gays, Muslims or blacks they are unwelcome. As Lady Justice Rafferty when the case of *Bull v Hall* reached the Court of Appeal: "I do not consider that the defendants face any difficulty in manifesting their religious beliefs, they are merely prohibited from doing so in the commercial context they have chosen". (After all, the law already allows an exception for letting part of one's own home to lodgers who share some facilities.)

Finally, when devout religious people complain about hostile or unwelcoming environments one can feel a measure of sympathy but it is difficult for the non-religious who have to live with religion's intrusive presence on public occasions and its privileges in the law not to feel a measure of *schadenfreude* and to respond in the words of Lord (Rowan) Williams quoted above: "for goodness sake, grow up".

Indeed, it is worth noting that it is the non-religious who pay the price for the privileges and exemptions already given to religion. As a group they lack a clear identity and do not therefore suffer much discrimination of an overt nature - though if they campaign for

secularism, they will certainly be called militant and intolerant! Yet they are the people who are not eligible for a wide range of teaching jobs because the employer is a religious organisation. They are the gay couple who risk being turned away at a hotel or registry office, or who are split up in a retirement home contracted out to a religious charity because it disapproves of their “inherently disordered condition”. They are the parents who find the only school available to them is a religious one, or who cannot get their children into the local school because it is religious. They are the children who are required to attend acts of collective worship at school even though they have no religion. They are the servicemen who are told there is no chaplaincy service for the non-religious but that the Church of England padre will look after them. They are the sick patients who find their nurse praying over and for them. They are the painfully and terminally ill who cannot end their lives because the churches - in England specifically the bishops sitting *ex officio* in the House of Lords - forbid it. More generally, they are the people who resent the all-too-common assumption that religion is identical with virtue and that there is therefore something not respectable about opposing any demand made by the churches or about criticising anything labelled “religion”.

And they are the people - a large and growing proportion of the population, probably a majority already, who generally speaking do not complain, who are ready to give and take, to be tolerant, but who increasingly do indeed regard religion as out of date and somewhat odd. Their sympathy for further concessions to religious consciences is limited.

Conclusions

Lord Sumption said last year: “At the same time other restraints on the autonomy and self-interest of men, such as religion and social convention, have lost much of their former force, at any rate in the west. The role of social and religious sentiment, which was once so critical in the life of our societies, has been largely taken over by law. . . Popular expectations of law are by historical standards exceptionally high.”³⁵ If the law now has pre-eminence in setting standards for behaviour, it is all the more vital that it adopts high principles, not yielding to special pleading. On the other hand, it must recognise that the law cannot right all wrongs: there will inevitably be hard cases, cases where one might have wished the parties had behaved better (as perhaps in *Ladele*) but where the law cannot help.

In the present context, some of the complaints that religious people make about their treatment in the workplace or in service delivery are undoubtedly - even uncontroversially - justified. In particular, matters of dress and wearing of symbols - indeed, all matters where others are not or only marginally affected - ought rarely to give rise to problems.

But most of the intolerance that some believers perceive themselves as suffering, especially in the workplace, originates in their own religious prejudice against others, their claims for religious exceptionalism, and the refusal or reluctance of others to concur. There is no justification for any further general relaxation of equality and non-discrimination laws for religious believers: indeed, some of the privileges religion enjoys should be reduced or eliminated.

³⁵

In his Sultan Azlan Shah Lecture on *The Limits of Law*, Kuala Lumpur, 20 November 2013.

Lady Hale, in her speech in Ireland quoted above³⁶, said:

Once we stop giving preference to a State religion, and accord equal respect and protection to all religions and beliefs, all sorts of difficult questions begin to arise. There may be laws which conflict with particular religious beliefs or practices; there may be requirements imposed, most notably by employers, which conflict with particular religious beliefs or practices; and there may be other forms of discrimination against people because of their religion or beliefs; but in this case there is also the problem that some religious beliefs may lead people to want to discriminate against people with some other characteristic to which the law gives protection, such as their race, their sex or, most notably these days, their sexual orientation.

She raised questions over whether the Supreme Court had found the right answer in the cases of *Bull v Hall* and *Ladele*. The court had held that the Bulls “were not justified in refusing to provide their services on a non-discriminatory basis. I wonder . . . whether we would be better off with a more nuanced approach?” - i.e., whether the law should not after all countenance discrimination against same-sex couples if it is motivated by religion. She mentioned without any examination the difficulty that the law could not discriminate between religions (no doubt it would find a way to block suttee or child sacrifice but would it be able to prevent, for example, insistence by a Muslim group running a business that women be served separately and differently from men?) before mentioning sympathetically the proposal that “special consideration given to religious belief as such” since it was “different in kind from other kinds of belief” and quoting Lord Toulson in *Hodkin* as describing religion in a way that specifically excluded secular beliefs. Any such special consideration would thus run diametrically counter to the principle (in her own words) that “if the law is going to protect freedom of religion and belief it has to accept that all religions and beliefs and none are equal”.

That was as far as she went except for mere mentions of “special provisions or exceptions for particular beliefs . . . a ‘conscience clause’ . . . a reasonable accommodation of all these different strands”. It is to be hoped that she reflects long and hard before going down any of these paths. Recognition of conscientious objection needs to be conditional on far stronger safeguards for the interests of third parties than exist at present and in some cases may be objectionable in itself for the official sanction that it gives to that which is “beyond the pale” or “dangerous and . . . lethal”. Reasonable accommodation as a legal device is an unprincipled slippery slope and may drag the law into deciding between worthy and unworthy conscientious beliefs.

Noone positively wishes to make problems for religious (or non-religious) believers but the law is not capable of making life comfortable for everyone all the time, and the price of further concessions to religious beliefs, no longer even tied to orthodoxy, would be too high and would be paid by other vulnerable minorities in order usually to appease holders of highly controversial beliefs, sometimes backed and spurred on by campaigning organisations, by allowing them to behave in ways that would be unlawful for anyone else.

³⁶ See <http://supremecourt.uk/docs/speech-140613.pdf>

Why after all should the law endorse even at the margins inferior treatment for women or gays and lesbians? There can perhaps be two answers. One is pragmatic: that the churches are not yet ready for equality and are powerful enough to make it impractical to pass or enforce coercive laws in the way that coercive laws were passed against race discrimination in the face of unashamed hostility a few decades ago. The response to this should be to challenge the churches, whose views are evolving³⁷ and whose power may (as with gay marriage) turn out to be more apparent than real.

The other is that, unlike racists and other bigots, intolerant religious believers support their intolerance on the basis of religious doctrine. The response to this is provided in the words (if not the doctrine) of the Pope, who said on his recent visit to Albania "To discriminate in the name of God is inhuman".³⁸

NB: I have quoted to a limited extent in this submission from previous writing, including the submission I wrote on behalf of the European Humanist Federation to the EU-sponsored Religare project³⁹; my paper on conscientious objection⁴⁰, and the submission I wrote on behalf of the British Humanist Association to the Charity Commission⁴¹.

³⁷ Already the Bishop of Manchester, the Rt Rev David Walker, has said "The Church of England often takes a long time to make changes but [it has] an evolving view on issues of sexual orientation and gender identity. . . We have to re-think our past views on sexuality and make sure that we give good news to all LGBT people . . . now that we have approval for Women Bishops it has been shown that The Church of England can have these debates and come out on the right side of equality." - see <http://www.lgf.org.uk/news-articles/bishop-of-manchester-celebrates-50-years-of-lgbt-history/>

³⁸ See <http://www.zenit.org/en/articles/to-kill-in-the-name-of-god-is-a-great-sacrilege-to-discriminate-in-the-name-of-god-is-inhuman>

³⁹ See <http://thinkingabouthumanism.org/religion/religion-in-society/>

⁴⁰ See <http://thinkingabouthumanism.org/religion/the-limits-to-legal-accommodation-of-conscientious-objection/>

⁴¹ See <http://thinkingabouthumanism.org/religion/religion-and-non-religious-beliefs-in-charity-law/>