

## What limits to religious freedom?

Wednesday, 18th April 2012

Duration 1:46:15

<b>A level</b>	
AQA	Religious Studies: AS Unit H, A2 Unit 3F
Edexcel	Religious Studies: Units 1-4
OCR	
WJEC	Religious Studies: RS 1/2 CS Religious Studies: RS 3 CS

This is a Faith debate featuring Charles Clarke, Julia Neuberger, Linda Woodhead, Lisa Appignanesi, Maleiha Malik, Michael Nazir-Ali and Peter Jones. It focuses on the issues surrounding religious freedom.

Students could be given the same issues as used in this debate and asked their opinion on them prior to watching the discussion, revisiting them later to see if any of the views expressed had caused them to change their minds.

This programme is suitable for use with A level students studying philosophy, ethics, and religion and society. However, the debate is quite long and it would probably be sufficient for one lesson to listen to the opening presentations. The Question & Answer section could be a useful second lesson or make worthwhile extension work.

### Questions for debate

On the one hand, how much freedom should religious people and groups have to express their convictions? On the other hand, how much freedom should there be for others to express convictions which may be hostile or insulting to religion and religious people? In both cases, where do we draw the line, who decides and how?

### Conclusions from the debate

There is a majority democratic consensus, expressed in part through legislation, which sets limits on religious (and secular) freedoms. Where religious expressions do not cross this line (e.g. display of religious symbols) freedom should be unrestricted. Where they do (e.g. refusing to conduct civil partnerships for gay couples), negotiation amongst the parties involved may be able to reach an accommodation or compromise. Mechanisms for such negotiation may need to be strengthened. There may also be cases where religious people can refuse to act against the democratic consensus on grounds of conscience, but there may be a price to be paid (e.g. those who cannot work on Sundays make up time elsewhere; conscientious objectors in war contribute in other ways).

### Research Findings

The issue has come to a head recently because of a number of controversial rulings under new equality legislation in which the duty of equal treatment (especially on grounds of sexuality) has clashed with the exercise of religious freedom (e.g. when a Christian registrar refused to marry gay or lesbian couples on grounds of conservative Christian conscience).

The focus of religious freedom debates has shifted in the last decade from controversy over the right of Muslim women to veil to controversy over the right of Christians to display religious symbols and act (or refuse to act) on the grounds of their faith.

Controversy is currently being stoked by two extreme minority groups: aggressively secular groups on the one hand; aggressively conservative Christian groups on the other. The majority population, both religious and secular, is more ready to reach compromises and accommodations.

There are three separable issues in this debate:

- the freedom of religious individuals
- the freedom of religious groups
- free expression which may involve insult to religion

Cases being brought under Equality Law have to do with (A). Some exemptions from equality legislation have been granted to religious groups (B).

With regard to (A) the question is how far this freedom extends, and whether it ever gives grounds for not obeying a law, or flouting majority opinion and sensibility. What rights can be granted minority views, and who bears the cost of individuals or groups acting against a majority position on the grounds of conscience?

With regard to the freedom to insult religion (C), where insults do not amount to incitement to religious hatred, this can only be a matter of voluntary restraint rather than legislation. Recent cases of 'censorship' (e.g. closure of the play *Behzti* which insulted some Sikhs, or the Mayor of London's refusal to allow Christian anti-gay advertising on buses) seem arbitrary (why not stop other things which insult e.g. *Jerry Springer the Opera* which was insulting to Christians?) suggesting that the threat of public protest on the part of those who are 'offended' is more influential than consistently applied standards (e.g. respect for those whose deeply-held beliefs are being insulted).

After watching the discussion, it is worth returning to the students' views to find out if and how their personal opinions have been influenced or changed by what they have heard.

After discussion, if there is time, it would then be worth watching the 18 minute summary to clarify and crystallize the thoughts and views expressed.

The presentations by Maleiha Malik and Peter Jones are both available as pdfs on the website.