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**Author post-print (accepted) deposited by Coventry University's Repository**

**Original citation & hyperlink:**

Weller, P 2018, 'Religious Minorities and Freedom of Religion or Belief in the UK' *Religion and Human Rights: An International Journal*, vol 13, no. 1, 4, pp. 76–109  
<https://dx.doi.org/10.1163/18710328-13011160>

DOI 10.1163/18710328-13011160

ISSN 1871-031X

ESSN 1871-0328

Publisher: Brill

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# **Religious Minorities and Freedom of Religion or Belief in the UK**

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## **Abstract**

By particular reference to the polity of the UK, this article discusses issues and options for groups identified as “religious minorities” in relation to issues of “religious freedom”. It does so by seeking to ensure that such contemporary socio-legal discussions are rooted empirically in the full diversity of the UK’s contemporary religious landscape, while taking account of (especially) 19th century (mainly Christian) historical antecedents. It argues that properly to understand the expansion in scope and substance of religious freedom achieved in the 19th century that account needs to be taken of the agency of the groups that benefited from this. Finally, it argues this history can be seen as a “preconfiguration” of the way in which religious minorities have themselves acted as key drivers for change in relevant 20th and 21st century UK law and social policy and could continue to do so in possible futures post-Brexit Referendum.

## **Keywords**

religion – belief – minorities – United Kingdom – human rights – discrimination – equality – social policy

## **1 Religious Freedom and Religious Minorities: Variant and Contextual Meanings**

### ***1.1 Religious Minorities: Freedom, Equality and Discrimination***

Religious freedom is relevant not only to religious minorities since, in principle, a polity can restrict the freedom of all religious groups, whether minority or majority. Similarly, restrictions on religious freedom are not the same as (although they may be closely related to), discrimination on the grounds of religion or belief. At the same time, there can be religious freedom for all religious groups without religious equality for all.

In popular and political discourse, religious freedom is often used interchangeably with and/or confused with religious toleration. However, while the latter can give effect to aspects of the former, religious freedom – both from the perspective of the religious group and that of the wider civil society and polity, has a different “flavour”, and often a different substance. Religious freedom emphasizes something that is seen (on various grounds) as an inalienable right for people of all religions without distinction, to be limited only in relation to other freedoms. Although there are different understandings also of “religious toleration”, it tends to approach any free exercise of religion in general and/or by particular religions, with a frame of reference that is only “permissive” and often proceeds by the making of “exceptions”.

Depending on geographical, social and political contexts some “religious minorities” may comprise either very large absolute numbers and/or a high proportion of a general population and/or of religious groups within such. There are other religious minorities that consist of only a few hundred or less people in a specific polity. There are also those who might either see themselves, or be seen, as religious minorities *within* religious minorities (or majorities), the status and treatment of whom, in relation to both the larger religious group and the wider society, can be quite complex and problematic.

In the theory and practice of some religious, cultural and legal systems, whether a religion or belief is a majority one or a minority one is a constitutive part of that system. For example, in traditional Muslim majority societies certain religious minorities (historically especially Jews and Christians, but in time also broadened to other religions) have been seen as having rights pertaining to their religious group, as well as obligations to the Muslim majority. This was classically formulated in the concept of *dhimmis* (meaning “protected persons”). On the basis of their accepting an overall polity determined by the majority Muslims and Islam, and their being ready to pay financial tribute, these religious minorities were given a degree of devolved communal autonomy which, in the Ottoman Empire’s *millet* system, extended to a system of separate legal courts.

In practice, the relationship between theory and reality was not always as is sometimes idealized by some contemporary Muslims.<sup>1</sup> Thus, while 19th century reforms to the Ottoman Empire system officially granted Christians and Jews some equality, those who insisted on their formal rights were often not able fully to translate such rights into social reality. Also, within the Sunni Islamic Empires, the rights of the Shi’a, the Ismaili and the Alevi to full religious freedom have often been restricted. In being

viewed as at best heterodox or, at worst, unorthodox, they have sometimes been seen as more of a threat to the unity of the *ummah* than religious minorities that were completely distinct from the household of Islam.

Taking into account this broader context, this article proceeds by particular reference to the polity of the UK, to discuss issues and options for groups identified as “religious minorities” in relation to issues of “religious freedom”. It does so by seeking to ensure that such contemporary socio-legal discussions are rooted empirically in the full diversity of the UK’s contemporary religious landscape, while taking account of (especially) 19th century (mainly Christian) historical antecedents. It argues that properly to understand the expansion in scope and substance of religious freedom achieved in the 19th century that account needs to be taken of the agency of the groups that benefited from this. Finally, it argues that this history can be seen as a “preconfiguration” of the way in which religious minorities have themselves acted as key drivers for change in relevant 20th and 21st century UK law and social policy, and could continue to do so in possible futures post-Brexit Referendum.

## **1.2 International Legal “Norms” of Religion (and Belief) Freedom**

In contrast to what is often found in the Muslim inheritance – and which continues to inform the perspectives of Muslims in many parts of the world – modern “Western” norms of freedom of religion or belief<sup>2</sup> have been seen as universal, indivisible and, perhaps especially significantly, as relating primarily to individuals. These are the norms that are embodied in contemporary international law where they are seen, in principle, as equally applicable to people of all religion or belief regardless of their majority or minority status.

Thus, while some international treaties, conventions and laws specifically address minorities of particular sorts (see further below), the 1948 *Universal Declaration of Human Rights*; the 1950 *Convention for the Protection of Human Rights and Fundamental Freedoms* (European Convention on Human Rights, or the Convention); and the UK’s *Human Rights Act*, 1998, do not make such distinctions. Thus Article 9 of the Convention states that:

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1 Moshe Ma’oz, ‘Islamic-Arabism versus Pluralism: The Failure of Intergroup Accommodation in the Middle East’, in Nic Rhodie (ed.), *Intergroup Accommodation in Plural Societies* (London: MacMillan, 1978), pp. 115–42.

2 This article focuses specifically on *religious* freedom. This should not be taken to mean that freedom of conscience and belief for the “non-religious” is not of equal importance.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or in private, to manifest his religion or belief, in worship, teaching, practice and observance.

This is absolutely stated. However, the “manifestation” of Article 9 rights are among a number of “qualified rights” in the Convention. This means that, in limited circumstances, it can be legitimate for state parties to interfere with, and to limit, such freedoms. Nevertheless, as with other “qualified rights”, the burden of proof for limiting religion or belief lies with the state concerned:

Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights or freedoms of others.

The Convention, as well as national laws that give effect to it, such as the United Kingdom’s *Human Rights Act*, 1998, do not generally protect religious minorities as groups, bodies or organisations. They also do not hold such groups accountable in relation to their exercise of religion or belief freedoms except where these negatively impinge upon the rights and freedoms of others or – in the case of the *Human Rights Act* –, where such groups also act ‘[a]s a public authority’ (for example in the provision of social services). There are international treaties which do address minority groups, as with the Council of Europe’s *Framework Convention for the Protection of National Minorities*. This can be of relevance where a close alignment exists between ethnic, national and religious modes of belonging. The UK has signed and ratified this treaty, but under the proviso that the term “national minorities” (which is not itself defined in the Convention) should, in the UK, apply only to “racial groups” within the meaning of the *Race Relations Act*, 1976.<sup>3</sup>

This example underlines the importance of national and state context when discussing religious minorities in relation to legal frameworks for religious freedom. Therefore section 3 of this article sets out data on the specificities of the contemporary religious landscape of the UK, with

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3 During the last Coalition Government, this was later extended to include the Cornish people who are not defined as a “racial group” in the relevant Act.

special emphasis on those who might be regarded as religious minorities. Accompanying this is discussion of a number of exemplar issues relating to aspects of the practice of these groups that pertain to broader questions of religious freedom in relation to national law and social policy. Finally, section 4 discusses current and emergent future issues. However, before rushing too quickly to discussion of the present and future, it is important first to understand the historical context since that informs the shape of both the current and future religious landscape and issues relating to religious freedom and religious minorities.

## **2 (Christian) Religious Minorities and Religious Freedom in the 19th Century UK**

### **2.1 Who Were the 19th Century Religious Minorities?**

Despite the historic presence of a Jewish community<sup>4</sup> and smaller groups of Muslims,<sup>5</sup> Hindus and Sikhs,<sup>6</sup> Buddhists,<sup>7</sup> and Zoroastrians,<sup>8</sup> it was only with the substantial changes to the religion and belief landscape through migratory and refugee movements of people in the latter part of the 20th century, that the appellation of “religious minority” was more commonly ascribed to these groups. Prior to that, the terminology of religious minority could, arguably, most aptly be used with reference to individuals and groups who were located within the predominant (Christian) religion. This can be seen from considering the data derived from the 1851 Censuses on participation in religious worship taken in England and Wales, and in Scotland, on Sunday 3 March 1851. As explained in 1854 Abridgement of the Census report for England and Wales: ‘These include all bodies which have assumed any formal organization. There are, in addition, many isolated congregations of religious worshippers, adopting various appellations, but it does not appear that any of them are sufficiently consolidated to be called a “sect”.’<sup>9</sup>

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4 Cecil Roth, *A History of the Jews in England* (London: Clarendon, 1978).

5 Humayan Ansari, *The Infidel Within: Muslims in Britain Since 1800* (London: Hurst and Co., 2003).

6 Rozina Visram, *Ayahs, Lascars and Princes: The Story of Indians in Britain, 1700–1947* (London: Pluto Press, 1986).

7 Philip Almond, *The British Discovery of Buddhism* (Cambridge: Cambridge University Press, 1988).

8 John Hinnells, ‘The Zoroastrian Diaspora in Britain, Canada and the United States’, in Harold Coward et al. (eds.), *The South Asian Diaspora in Britain, Canada and the United States* (Albany: State University of New York Press, 2000).

9 Horace Mann, *Census of Great Britain: Religious Worship*. Abridged From the Original Report (London: George Routledge and Co., 1854), p. 2.

As set out in Table 1, the number of places of worship and attendees at morning, afternoon and evening worship were listed jointly for England and Wales, and as the author of the England and Wales Abridgement puts it, were organized ‘[u]nder certain obvious considerable and minor classes, in order of historical formation.’<sup>10</sup> These Census results relate neither to the religious identify/affiliations of individuals,<sup>11</sup> nor to the beliefs of individuals.<sup>12</sup> However, the number of places of worship and attendees does convey a broad sense of who, at least numerically, were the religious minorities of the period out of which the different contours our contemporary religious landscape and many of the contemporary patterns for relating with religious minorities emerged.

Table 1 *Table of Places of Worship and Attendance in England and Wales on 31 March 1851*<sup>13</sup>

<b>ENGLAND AND WALES</b>				
	<b>Places</b>	<b>Morning</b>	<b>Afternoon</b>	<b>Evening</b>
<b>PROTESTANT CHURCHES - BRITISH</b>				
Church of England & Ireland	14,077	2,371,732	1,764,461	803,141
Scottish Presbyterians				
<i>Church of Scotland</i>	18	6,949	960	3,849
<i>United Presbyterian Church</i>	66	17,188	4,981	8,551
<i>Presbyterian Church in England</i>	76	22,607	3,345	10,684
<i>Reformed Irish Presbyterians</i>	1	—	—	—
Independents, or Congregationalists Baptists	2,244	515,071	228,060	418,817
<i>General</i>	96	5,228	7,865	8,283
<i>Particular</i>	1,947	286,944	172,145	267,205
<i>Seventh Day</i>	2	27	40	16
<i>Scotch</i>	15	649	986	312
<i>New Connexion</i>	182	23,688	15,545	24,381
<i>Baptists (not otherwise defined)</i>	550	36,525	22,826	37,417
Society of Friends	371	14,016	6,458	1,459
Unitarians	229	27,618	8,610	12,406
Moravians (or United Brethren)	82	4,681	2,312	3,202

10 *Ibid.*, p. 2.

11 As was the case in the decennial Census questions on religion or belief asked in England, Wales and Scotland from 2001 onwards, and in Northern Ireland prior to that.

12 As in the contemporary British Social Attitudes surveys.

13 Census of Great Britain, 1851: Religious Worship, England and Wales, Report and Tables (London: HMSO, 1851), p. clxxviii.

Table 1 *Table of Places of Worship and Attendance* (cont.)

<b>ENGLAND AND WALES</b>				
	<b>Places</b>	<b>Morning</b>	<b>Afternoon</b>	<b>Evening</b>
<b>Wesleyan Methodists</b>				
<i>Original Connexion</i>	6,579	482,753	376,202	654,319
<i>New Connexion</i>	297	36,428	22,391	39,222
<i>Primitive Methodists</i>	2,831	96,001	172,684	229,646
<i>Bible Christians</i>	488	14,655	24,002	34,038
<i>Wesleyan Methodist Association</i>	419	31,922	20,888	40,170
<i>Independent Methodists</i>	20	571	1,245	1,148
<i>Wesleyan Reformers</i>	339	30,018	15,841	44,286
<b>Calvinistic Methodists</b>				
<i>Welsh Calvinistic Methodists</i>	826	79,728	59,140	125,244
<i>Countess of Huntingdon Connexion</i>	109	19,966	4,099	17,929
<i>Sandemanians, or Glassites</i>	6	489	256	61
<i>New Church</i>	50	4,652	2,308	2,978
<i>Brethren</i>	132	5,613	4,441	7,272
<i>Isolated Congregations</i>	539	34,706	22,726	40,835
<b>FOREIGN</b>				
<i>Lutherans</i>	6	960	220	–
<i>French Protestants</i>	3	150	21	100
<i>Reformed Church of the Netherlands</i>	1	70	–	–
<i>German Protestant Reformers</i>	1	120	–	60
<b>OTHER CHRISTIAN CHURCHES</b>				
<i>Roman Catholics</i>	570	240,792	51,406	73,232
<i>Greek Church</i>	3	240	–	–
<i>German Catholics</i>	1	500	–	200
<i>Italian Reformers</i>	1	–	–	–
<i>Catholic and Apostolic Church</i>	32	3,077	1,607	2,622
<i>Latter Day Saints, or Mormons</i>	222	7,212	11,016	15,954
<b>JEWS</b>	53	2,848	1,043	1,673

Table 2 *Table of Places of Worship and Attendance in Scotland on 31 March 1851* <sup>14</sup>**SCOTLAND**

	<b>Places</b>	<b>Morning</b>	<b>Afternoon</b>	<b>Evening</b>
<b>PROTESTANT CHURCHES</b>				
Presbyterians				
<i>Established Church</i>	904	228,757	110,888	20,023
<i>Reformed Presbyterian Church</i>	37	6,946	5,930	1,733
<i>Original Succession Church</i>	30	5,926	4,011	1,312
<i>Relief Church</i>	2	220	250	275
<i>United Presbyterian Church</i>	427	143,443	131,927	27,562
<i>Free Church</i>	824	235,482	173,665	56,646
Episcopal Church	112	21,130	9,072	4,200
Independents, or Congregationalists	168	22,131	20,851	14,484
Baptists	100	7,100	6,045	3,188
Society of Friends	6	108	122	–
Unitarians	5	690	104	684
Moravians, or United Brethren Wesleyan Methodists	1	16	–	65
<i>Original Connexion</i>	61	?	2,173	7,011
<i>Primitive Methodists</i>	10	327	404	715
<i>Independent Methodists</i>	1	100	100	180
<i>Wesleyan Reformers</i>	1	11	–	11
Glassites, or Sandemanians	6	429	554	100
New Church	5	211	67	120
Campbellites	1	11	14	–
Evangelical Union	27	3,756	4,343	2,096
Isolated Congregations				
<i>Various</i>				
<i>Common</i>	8	715	77	406
<i>Unsectarian</i>	2	–	–	–
<i>City Mission</i>	1	200	220	–
<i>Christians</i>	7	70	40	686
<i>Christians</i>	7	417	236	280
<i>Christian Disciples</i>	14	503	405	188
<i>Christian Reformation</i>	1	–	11	–
<i>Reformed Christians</i>	1	8	8	8
<i>Free Church Brethren</i>	1	180	261	–
<i>Primitive Christians</i>	2	57	74	–
<i>Protestants</i>	4	230	400	905
<i>Reformation</i>	1	10	18	–

<i>Reformed Protestants</i>	1	130	–	105
<i>Separatists</i>	1	11	–	–
<i>Christian Chartists</i>	1	100	80	–
<i>Denomination Not Stated</i>	6	–	70	316

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OTHER CHRISTIAN CHURCHES

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Roman Catholics	104	33,377	15,000	11,265
Catholic and Apostolic Church	3	272	126	100
Latter Day Saints, or Mormons	20	1,239	1,164	834
JEWES	1	28	–	7

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The organization of these tables reflects an allocation of social and theological place of each minority within an interpretive national schema. The first is a division of Christian bodies into the major classifications of “PROTESTANT”, and then (excepting the England and Wales table, which also starts with a sub-heading “BRITISH”) into “FOREIGN”, “OTHER CHRISTIAN CHURCHES” and “JEWES”. Thus, in relation to those of other than Christian minorities, there was awareness only of Jewish places of worship. This is because those of still other religions did not, during that period, constitute fully formed “communities” (but had only what might be called “incipient elements” of communities), and were therefore not so strongly present within the public consciousness.

The notion is also in the table that some were “FOREIGN”, although while the “Greek Church” is clearly associated with particular national origins, it is not categorized as “FOREIGN” but under “OTHER CHRISTIAN CHURCHES”. This also applies to the “Church of Latter-day Saints or Mormons” – and this despite its geographical origins being in the USA and the fact that many Trinitarian Christians would see it as having an at least debatable relationship with some of the other listed Churches. At the same time, the “New Church” (founded by the Swede, Immanuel Swedenborg) appears under the classification of “BRITISH”.

Overall, the 1851 Censuses of places of religious worship and attendance at them arguably marked a significant turning point (especially in England and Wales) in national self-awareness and self-understanding with regard to the relative numerical and growing social importance of the Nonconformist/ Free Church Christian minorities. Indeed, as a consequence of this outcome, which added to Free Church/Nonconformist

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14 Census of Great Britain, 1851: Religious Worship and Education, Scotland, Report and Tables (London: HMSO, 1851), p. 2.

Christian arguments for the disestablishment of the Church of England, it has been pointed out that, subsequently, ‘Most Governments just wanted to steer clear of controversy by avoiding a question on religion in any form’.<sup>15</sup> And this continued to be the case for England, Wales and Scotland (but not for Northern Ireland) down until the inclusion of questions on religious affiliation included in the 2001 decennial Census.

## 2.2 *19th Century Developments as “Preconfigurations” for the Present and the Future*

Both the outcomes of the 1851 Censuses and the terminologies discussed above are important because the historical place of religious minorities was not only a matter of numbers but also of social and legal status. Therefore as the present author has argued elsewhere concerning this, ‘[t]he issues arising in the relationship between religious plurality and the state can be properly understood only in the context of how, eventually, the state and society first of all accommodated England’s Christian diversity.’<sup>16</sup> The context for that accommodation and its extent or otherwise was the (re)establishment, in the context of the Restoration of the Monarchy in the period following the English Revolution, Commonwealth and Protectorate, of the Church of England.

As classically expressed in Richard Hooker’s *Book of Ecclesiastical Polity*, the Church of England and civil society were in principle seen as two sides of the same coin. As a consequence, except during the period of the Commonwealth, in England and Wales, other than Anglican Christian groups experienced long periods of history in which there were attempts to impose varying degrees of uniformity on public religious worship and the public profession of belief. This included the 1661 *Corporation Act*; the 1662 *Act of Uniformity*; the *Conventicle Acts*, 1644 and 1670; the 1665 *Five Mile Act*; and the 1673 *Test Act* – all of which restricted the religious freedom of Roman Catholic and Nonconformist/Free Church Christian minorities. Modification of this occurred only gradually, and initially only

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15 Clive Field, ‘Telling the Story of the 2001 Religious Census’, in *British Religion in Numbers*, 6th June 2011, available at <http://www.brin.ac.uk/2011/telling-the-story-of-the-2001-religious-census/>, accessed on 23 August 2017.

16 Paul Weller, ‘Roots, Development and Issues: 19th Century Preconfigurations for State, Religious and Cultural Diversity in 21st Century England’, in Lorraine Derocher et al. (eds.), *L’État Canadien et la Diversité Culturelle et Religieuse, 1800–1914* (Québec: Presses de l’Université du Québec, 2009), pp. 181–214, at p. 184.

for Nonconformist/Free Church Christians.<sup>17</sup> It is in such a context that the much celebrated byproduct of the so-called “Glorious Revolution”<sup>18</sup> – the law usually known in shorthand as the *Toleration Act*, 1689 – needs to be understood. As is made clear by its full official name: *An Act for Exempting Their Majesties’ Protestant Subjects Dissenting from the Church of England from the Penalties of Certain Laws*, what the Act produced (after certifying a place of worship with an established Church Bishop or a Justice of the Peace) was legal toleration (rather than religious freedom) of worship. And this toleration was only for Trinitarian (and not Unitarian) Protestant (and not Catholic) Christians and for ministers who adhered to the 39 Articles of the Church of England (with the exception of articles 34, 35, 36 that concerned matters of ritual and, for Baptists, part of article 20 which concerned infant baptism) rather than religious liberty for all.<sup>19</sup>

It was only in 1829, under the terms of the *Roman Catholic Relief Act*, that Roman Catholics were admitted to Parliament, and only in 1858 that the *Jews’ Relief Act* allowed Jews<sup>20</sup> the same civil rights granted to Catholics in 1829. At the same time, it remained an offence for a Jew to advise the Crown on any appointment to offices in the Church of England.

The *Religious Disabilities Act*, 1846 removed the last legal restrictions on Nonconformist/Free Church Christians, while allowing Jews the same rights as Nonconformist/Free Church Christians with regard to education, charities and property. It also removed former laws generally restricting Roman Catholics, except the new laws created in the 1829 *Roman Catholic Relief Act*<sup>21</sup> and those which continued to impinge specifically on the succession to the Monarchy.<sup>22</sup>

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17 Wilbur Jordan, *The Development of Religious Toleration in England*, 2 volumes (London: George Allen and Unwin, 1936).

18 Which unseated James II and installed William of Orange as King and his wife Mary as Queen, ruling together.

19 Richard Barlow, *Citizenship and Conscience: A Study of the Theory and Practice of Religious Toleration in England During the Eighteenth Century* (Philadelphia: University of Philadelphia Press, 1962).

20 Michael Salbstein, *The Emancipation of the Jews in Britain, with Particular Reference to the Debate Concerning the Admission of the Jews to Parliament, 1828–1860* (London and Toronto: Associated University Presses, 1982).

21 The latter, whilst lifting many restrictions, included the new ones of excluding Roman Catholics from holding the post of Regent, Lord Chancellor or Lord Lieutenant of Ireland.

22 This included the 1701 and 1705 *Acts of Settlement*, which were only in the 2013 *Succession to the Crown Act*, partially ended by allowing freedom for an heir to the Throne to marry a Roman Catholic, while still not changing the requirement for the Monarch to be a Protestant.

In all these developments, from the formation in 1732, onwards, of the so-called “General Body of Protestant Dissenting Ministers and Deputies of the Three Denominations – Presbyterian, Independent and Baptist, in and within 12 miles of London, and especially Nonconformist/Free Church Christian individuals and groups were active and campaigning agents for the extension of religious freedoms.<sup>23</sup> And this was not only a matter of self-interest for these non-Established Christian religious minorities, since their agency in these matters also benefited Roman Catholic Christians, Jews (and, in fact, also Rationalists and atheists).

The importance of this among Baptist Christians, in particular, can be seen in the fact that the General Secretary of the Baptist Union at the time was a founder member of the Religious Freedom Society; while, in 1844, a national conference of Baptists and other Nonconformists formed the British Anti-State Church Association in which a number of leading Baptists were involved. Furthermore, the depth, tenacity and theologically principled grounding of this commitment among Baptists can be seen in the fact that their agency on behalf of religious freedom generally included Roman Catholic Christians, despite Baptists at the time generally sharing in the widespread Protestant perception that Catholics were basically disloyal to the country and were thus potentially subversives.

### **3 The Contemporary Religious Minorities of the UK**

#### **3.1 *The Religious and the “Non-Religious”, the Christian and “Other” Religions***

Between the 19th century inheritance outlined above and the late 20th century laws and policies that shape current approaches to religious minorities and religious freedom there was very little domestic legislative change in these matters. This was with the exception of the introduction and development of law on religious discrimination in the very specific social, national and legal context of Northern Ireland (that will be noted and discussed in section 4). At the same time, the significant development in international law that came about, as noted earlier, with the 1948 *Universal Declaration of Human Rights*, and the 1950 *Convention for the Protection of Human Rights and Fundamental Freedoms*, and the development of European level case relating to the latter. However, what did occur domestically was very substantial social and religious change. Indeed some would suggest that this change was to the extent of what

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<sup>23</sup> See Timothy Larsen, *Friends of Religious Equality: Nonconformist Politics in Mid-Victorian England* (Woodbridge: The Boydell Press, 1999).

Callum Brown has called in the title of his book of the same name, *The Death of Christian Britain*<sup>24</sup> – although it is arguable that, especially if taken in absolute rather than relative terms, this can be over-literal interpretation of otherwise potentially powerful imagery. Nevertheless, as the present author has elsewhere argued, both over the past century and a half and (as can be from the comparative data in Tables 3 and 4) accelerating over the past decade, the UK and THE countries within it have been becoming less Christian, more secular and more religiously plural.<sup>25</sup>

This has taken place within the context of a change in the overall religious landscape of the UK within which, alongside the continuity of Christian minorities must now be added new (see further in section 3.2). Christian groups that are predominantly African and African-Caribbean in membership and leadership, and often Pentecostal in orientation. There are also the more generally recognised other than Christian religious minorities of Buddhists, Hindus, Jews, Muslims, Sikhs; and the sometimes extended grouping of other world religious traditions that are minorities in the UK such as Bahá'ís, Jains and Zoroastrians. But it is important also not to overlook the many other religious minorities which appear among the write-in responses to the “other religion” option in the UK’s decennial Census.<sup>26</sup>

To understand both the 19th century inheritance discussed at the end of the previous section of this article, as well as this contemporary empirical shift in the composition of the religious landscape of the UK is important. Taking account of these, current socio-legal discussion of the relationship between religious minorities and issues of religious freedom can be properly informed by an understanding of the UK’s distinctive historical inheritance and rooted in contemporary realities rather than by proceeding in an abstract way and/or with reference to only the numerically largest and most “obvious” religious minority groups, such as Muslims. This overall section of the article therefore provides an as comprehensive an

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- 24 Callum Brown, *The Death of Christian Britain: Understanding Secularisation, 1800–2000* (London: Routledge, 2001).
  - 25 Paul Weller, ‘Balancing Within Three Dimensions: Christianity, Secularity and Religious Plurality in Social Policy and Theology’, 26:2 *Studies in Interreligious Dialogue* (2016), pp. 131–146.
  - 26 The Census Tables from which the data in the following tables and discussion of them is taken are, for England and Wales, *The Office for National Statistics Nomis Official Labour Market Statistics Table QS210EW – Religion (detailed)*; for Scotland, the National Records of Scotland Table AT\_001\_2011 – Religion (detailed) Scotland; and for Northern Ireland, *The Northern Ireland Statistical and Research Agency Northern Ireland Neighbourhood Information Service Table QS218NI Religion (Full Detail)*.

overview as possible within the constraints of the article in relation to the nature and extent of contemporary religious diversity in the UK. It also gives a number of examples of interactions between the treatment of religious minorities and issues related to religious freedom where these have not been straightforward. These do not aim to be comprehensive and, as noted above, they do not go into discussion of some of the most “obvious” issues of popular awareness and debate arising, such as those related to head coverings of various kinds for Muslim women in a range of contexts. Rather the choice of examples underlines the breadth of the issues at stake in terms of the kinds of religious minorities affected.

### **3.2 *Christian Minorities***

The UK is not a single “nation state”, but a “Four-Nations state” state that includes the distinctive histories of different Christian majorities and minorities in each of the four national traditions, including their diverse relationships with the UK state and each national society. For the UK as a whole there is no 2011 Census data on the breakdown of the different traditions of those responding as “Christian”. This is because, unlike in Scotland and Northern Ireland, the religion question in England and Wales did not include these options.

In the 2011 Census, in Scotland, of 2,850,199 Christian respondents, 1,717,871 gave “Church of Scotland”; 841,053 gave “Roman Catholic”; while “Other Christians – including Christian-related” is an aggregated figure for all other Christian groups totalling 291,275. In Northern Ireland, out of 1,490,588 “Christian” respondents, 738,033 are recorded as “Catholic”; 345,101 as “Presbyterian Church in Ireland”; 248,821 as “Church of Ireland”; 54,253 as “Methodist Church in Ireland”; and 14,380 as “Other Christian – including Christian related”. Based on the differently constructed data source of the 2015 British Social Attitudes survey, 17 per cent of the whole population of Britain identified as “Anglican”; 9 per cent as “Roman Catholic”; and 17 per cent were in the “other Christian” combined category constituted from nine options within the original survey.<sup>27</sup> Within that category, the largest groups of respondents were, in order: “Christian – no denomination” (12.3 per cent); Methodists (1.7 per cent); Presbyterians (1.2 per cent); Baptists (0.5 per cent); and United Reformed Church (0.2 per cent). Thus, overall, out of the 43 per cent of the population identifying as Christian, 39.5 per cent were “Anglicans”; 21 per cent were “Roman Catholics”; and 39.5 per cent “other Christian”.

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27 The survey is based on a sample rather than a full population census.

TABLE 3 Percentages of the Population who were: of a religion: Christian; other than Christian; no religion and not stated in the 2001 and 2011 Censuses

	England		Wales		Scotland		N. Ireland		UK	
	2001	2011	2001	2011	2001	2011	2001	2011	2001	2011
All Religions	77.0	68.1	73.4	60.2	67.0	56.4	86.1	83.1	76.8	67.2
Christian	71.7	59.4	71.9	57.6	65.1	53.8	85.8	82.3	71.9	59.5
Other than Christian	6.0	8.7	1.5	2.7	1.9	2.6	0.3	0.8	5.2	7.7
No religion	14.6	24.7	18.5	32.1	27.6	36.7	*	10.1	15.5	25.7
Not stated	7.7	7.2	8.1	7.6	5.5	7.0	*	6.8	7.3	7.2

TABLE 4 Percentages of those having a religion in the 2001 and 2011 Decennial Censuses

	England		Wales		Scotland		N. Ireland		UK	
	2001	2011	2001	2011	2001	2011	2001	2011	2001	2011
Christian	92.3	87.2	98.0	95.5	97.2	95.4	99.7	99.0	93.2	88.6
Other	7.7	12.8	2.1	4.5	2.8	4.6	0.4	1.0	6.8	11.4

In England, as already noted, the establishment of Anglican Christianity in the form of the Church of England has meant that all other Christian groups have traditionally been seen as (Christian) religious minorities. In Scotland, the Presbyterian tradition has been dominant and often seen as at least a “National Church” if not an established one in the sense of the Church of England.<sup>28</sup> So in Scotland, Anglican Christians have been seen as minorities alongside Roman Catholic and Nonconformist/Free Church Christians. In Northern Ireland, because the six county state was created to entrench the religiously Protestant and politically largely Unionist majority, Roman Catholic Christians have been the minority.<sup>29</sup> In Wales, the Nonconformist/Free Churches have collectively outnumbered Anglicans and Roman Catholics, with the consequence that the latter have been the minorities in that country.

The Roman Catholic tradition in the UK of course reaches back before the Reformation, but during the 19th and early 20th centuries, especially in England and Scotland, its numbers were augmented by the immigration of Irish Catholics into the industrial cities. More recent refugee movements of people from Africa, and European Union migrants from Eastern Europe, has added to this.<sup>30</sup> Orthodox Christianity remains numerically small, but in its Russian and Greek forms was strengthened by Russian emigrés following the Communist Revolution in Russia, and more recently by Greek Cypriot refugees from Cyprus and economic migrants from Greece. Among the other Christian religious minority groups that did not feature in the 1851 Census is Pentecostal Christianity. This includes its now more traditional forms such as Assemblies of God and Elim, but also emerging new Churches with majority black membership and leadership, founded in the 1950–70s following the widespread experience these Christian migrants had of racism within the more traditional denominations.<sup>31</sup> More recently, many migrants from (especially West) Africa brought with them forms of Christianity developed in the African Independent Church sector,

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28 Peter Bisset, *The Kirk and Her Scotland* (Edinburgh: Handsel, 1986).

29 However, the demographic trend (due to higher Catholic birthrates) now appears to be heading towards a more balanced population or even a small Catholic majority.

30 Michael Hornsby-Smith (ed.), *Catholics in England, 1950–2000: Sociological and Theological Perspectives* (London: Mowbray, 2002).

31 John Wilkinson, *Church in Black and White: The Black Christian Tradition in ‘Mainstream’ Churches in England: A White Response and Testimony* (Edinburgh: Saint Andrew Press, 1993).

such as the Cherubim and Seraphim traditions.<sup>32</sup> Finally, there are also other groupings that clearly have an historical relationship with the Christian tradition but where either they themselves and/ or the wider (Trinitarian) Christian tradition sees their association as being at least contestable if not actually problematic. These include such as the Church of Jesus Christ of Latter-Day Saints (more popularly known as Mormons, and who featured in the 1851 Census); the Jehovah's Witnesses; and the Christian Scientists. In fact, for much of the 20th century, issues relating to the freedom of religious minorities were more usually discussed in relation to some of the beliefs and practices of these and similar groups. This included the conscientious objection to military service of the Jehovah's Witnesses and their wish not to receive blood products as part of medical treatment, and the Christian Scientists' preference for using what they understand to be Divine Healing rather than medical science. In some cases, individuals have died whose lives might have been saved by the use of blood transfusions or other medical means, This has, in turn, given rise to considerable debate among both health care professionals and the wider general public, as well as to legal cases concerning competing values and the extent of the religious freedoms of such groups, especially where minors are involved.

In relation to some of the African Independent Churches (and Pentecostal and Charismatic groups more generally) issues have emerged in relation to beliefs about demonology and exorcism. One high profile example relates to the February 2000 death in London of eight year old Victoria Climbié from the Ivory Coast, following 128 separate injuries at the hands of her aunt and her aunt's boyfriend. This was largely attributed to a serious failure to intervene by social workers in the London Borough of Haringey.<sup>33</sup> But one explanation for the frequency and severity of these beatings was that they were attempting to exorcise demons from her body. In connection with this, there was evidence that the aunt had visited some African churches in London – in particular the Mission Ensemble Pour Christ in Borough and the Universal Church of the Kingdom of God in Finsbury Park. The pastors of both these churches had suggested to Victoria's aunt that the girl's behavioural problems (such as regular bed-wetting) could be caused by demonic possession. Although the advice

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32 J. Akinyele Omoyajowo, *Cherubim and Seraphim: The History of an African Independent Church* (New York: Nok Publishers International, 1982).

33 Lord Laming, *The Victoria Climbié Inquiry: Report of an Inquiry* (London: HMSO, 2003).

given by the churches had been that of offering regular prayer, it is assumed that the aunt had, instead, tried to beat the devil out of her.

### 3.3 *Religious Minorities of Other than Christian World Religious Traditions*

The present author has elsewhere argued that the contemporary landscape of religion and belief in the UK might now be most appropriately be described as ‘exhibiting contours that are “[C]hristian, secular and religiously plural”.<sup>34</sup> Therefore, in terms of what might be understood as a kind of ‘shorthand’ or ‘imagery’, it can be said that:

The contemporary socio-religious reality of England and the UK might be described as “three-dimensional” in contrast with a more “one-dimensional” Christian inheritance or the “two-dimensional” religious-secular modifications made to that self-understanding during the course of the nineteenth and early twentieth centuries.<sup>35</sup>

Indeed, one of the distinctive features of the UK is that its religious diversity is broader than in most European countries. This is often couched in terms of there being five other than Christian world religious traditions with significant communities in the UK – namely of Buddhists, Hindus, Muslims, Jews and Sikhs. This is in contrast with the majority of other European countries where, at least in terms of public profile, debates about religious diversity tend to be played out in relation to Muslims only or, in some countries, Muslims and Jews.<sup>36</sup> In the decennial Censuses for England and Wales, and for Scotland, these religions have pre-assigned boxes for Census respondents to tick.<sup>37</sup> Their numbers and proportions within both the overall population and the total of all those having a religion are set out in Tables 5 and 6 respectively.

There are also three other than Christian religious minorities which were often included among a broader understanding (which in many ways for a number of years became quite normative) of the world religious traditions with significant communities in the UK: namely the Bahá’ís,

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34 Paul Weller, *Time for a Change: Reconfiguring Religion, State and Society* (London: T&T Clark, 2005), p. 73.

35 *Ibid.*

36 In this, the Netherlands is something of an exception as it has relatively visible Hindu and, to some extent, Sikh communities.

37 In Northern Ireland they all come under “other religion – write in” option.

Jains and Zoroastrians.<sup>38</sup> In the decennial Censuses, these religions were not offered as tick box options. Their Census numbers, as set out in Table 7, are therefore the product of respondents using the “other religion – write in” option. They are generally small in number, with the largest group (Jains) reaching only 0.1 per cent of who have a religion in the UK, and also in England.

Until the last third of the 20th century the main debates relating to the freedom religious minorities beyond the Christian community and its related groups, were in relation to aspects of Jewish life. Generally speaking, these matters were engaged with by the application of “exceptions” to general law, regulations and social policy. For example, of those governing the slaughter of animals so that Jews could have available to them meat from animals slaughtered in accordance with the Jewish religious requirements of *schechita*.<sup>39</sup>

Table 5 *Numbers of Muslims, Hindus, Sikhs, Jews and Buddhists in the 2011 Census*

	England	Wales	Scotland	N. Ireland	UK
Muslims	2,660,116	45,950	76,737	3,832	2,786,635
Hindus	806,199	10,424	16,379	2,382	835,394
Sikhs	420,196	2,962	9,055	216	432,429
Jews	261,282	2,064	5,887	335	269,568
Buddhists	238,626	9,117	12,795	1,046	261,584

Table 6 *Muslims, Hindus, Sikhs, Jews and Buddhists in the 2011 Census as a proportion of the whole population and of those aligned with any religion*

	England		Wales		Scotland		N. Ireland		UK	
	% of all people	% of all religious people	% of all people	% of all religious people	% of all people	% of all religious people	% of all people	% of all religious people	% of all people	% of all religious people
Muslims	5.0	7.4	1.5	2.7	1.4	2.6	0.2	0.3	4.4	6.6
Hindus	1.5	2.2	0.3	0.6	0.3	0.6	0.1	0.2	1.3	2.0
Sikhs	0.8	1.2	0.1	0.2	0.2	0.4	* <sup>40</sup>	*	0.7	1.0
Jews	0.5	1.7	0.1	0.1	0.1	0.2	*	*	0.4	0.6
Buddhists	0.5	0.7	0.3	0.5	0.2	0.4	0.1	0.1	0.4	0.6

38 For many years, from its 1997 founding onwards, the national faith community organizations category of membership in the Inter Faith Network for the UK was limited to what sometimes became known as “the nine”.

39 Now extended also to Muslims under *The Welfare of Animals at the Time of Killing Regulations*, 2015.

With the increased diversity that followed the post-Second World War labour migrations and refugee movements of people came new and distinctive issues and challenges. During the Church of England’s General Synod debate held on the British Council of Churches’ (1978) hard hitting report, *The New Black Presence in Britain*,<sup>41</sup> the Anglican Bishop of Winchester, John Taylor argued presciently that: ‘The existence of religious minorities presents us with both problems and opportunities which are distinct from those what arise from the presence of racial and cultural minorities, and should not be lost sight of or evaded.’<sup>42</sup>

Table 7 Numbers of Jains, Baha’is, and Zoroastrians in the 2011 Census

	England	Wales	Scotland	N. Ireland	UK
Jain	20,193	95	106	24	20,418
Bahá’í	4,746	275	459	238	5,718
Zoroastrian	4,055	50	86	0	4,191

Today such challenges most often focus on aspects of Islam and Muslims (for example in relation to the role of Shari’a courts), in the 1960s disputes relating to Sikhs were more in the foreground. Initially this concerned Sikhs’ wish not to wear motorcycle helmets. This was dealt with on the model developed for Jewish-related issues: in other words, that of “exemption” from the general requirements of the law, as in the *Motor-Cycle Crash Helmets (Religious Exemption) Act 1976*, which allowed Sikhs, while wearing a turban, to ride a motorcycle without the normal safety headgear. With the passage of the *Race Relations Act, 1968* and the landmark case of 1983 case of *Mandla v. Dowell Lee*, the legal definition of a “racial group” was held to include not only Jews, but also Sikhs, thus offering Sikhs extended legal protection for their religious freedom, in particular in relation to indirect discrimination.

40 In this and other tables, where \* appears instead of a number it is because the relevant percentages are less than two decimal points of 0.1 per cent. In this and in the following discussion of all the other religious groupings, where no percentages are given, this is when their numbers come to under two decimal points of 0.1 per cent, either in relation to the population as a whole of the UK and the countries within it, or in relation to those having a religion.

41 British Council of Churches, *The New Black Presence in Britain* (London: British Council of Churches, 1978).

42 In John Wolffe (ed.), *The Growth of Religious Diversity: Britain From 1945. A Reader* (Sevenoaks: Hodder and Stoughton, 1993), p. 193.

Religious freedom issues for Hindus have only more recently come into focus, starting with what became a long-running and iconic conflict over the use of a part of Bhaktivedanta Manor, at Letchmore Heath in rural Hertfordshire, as a place of worship.<sup>43</sup> From the 1970s onwards, in this large country house that had been purchased by the former Beatle, George Harrison, and had become the centre for ISKCON in England, a small room had been dedicated and used as a temple. The Centre's planning permission had not included authorization for public worship, but the temple room became very popular with (ethnically Indian) Hindu residents of North West London bringing weekend traffic congestion to the lanes around the Manor and the neighbouring villages.

The ensuing conflict raged for over twenty years involving the legal rights of the local authority; the wish of local residents not to be disturbed; and the claimed rights of the Hindu worshippers to freedom of. In the course of an extended legal process, the conflict was eventually resolved in 1996. This was through an outcome in which planning permission was given by the Hertsmere Council for the use of Bhaktivedanta Manor as a place of public worship in parallel with agreement to the construction of a new road to the Manor which bypassed the nearby village.

### **3.4 “Other Religion” Minorities**

In the 2011 Census the “other religion” grouping of UK respondents collectively total 262,774 (0.4 per cent of the UK population, and 0.6 per cent of those with a religion). In England, this includes 227,825 (0.4 per cent of the population, and 0.7 per cent of those with a religion); in Wales 12,705 (0.4 per cent of the population, or 0.4 per cent of those having a religion); in Scotland, 15,196 (0.2 per cent of the population, and 0.3 per cent of those having a religion); and in Northern Ireland, 7,048 (0.4 per cent of the population, and 0.5 per cent of those having a religion).

In other words, those who affirm affiliation with these religious minorities, when taken together, number more than the Buddhists in the UK and in each of its countries except England. Even when deducting Bahá'ís, Jains and Zoroastrians from these figures, those using the “other religion” write in to the Census exceed the number of Buddhists in Wales, Scotland and Northern Ireland.

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43 Malory Nye, *Multiculturalism and Minority Religions in Britain: Krishna Consciousness, Religious Freedom and the Politics of Location* (Richmond: Curzon, 2001).

### 3.4.1 Pagan and Pagan-related Religious Groups

Within the category of “other religions”, the largest number of respondents were those who wrote in the word “Pagan”. While having forms of religious life that are often relatively modern, Pagans generally see themselves as in some way representing the pre-Christian indigenous religious traditions of these islands. Across the UK as a whole, and in England and Wales, these represent 0.1 per cent of the population, and 0.2 per cent of those identified with a religion; in Scotland, they are both 0.1 per cent of the whole population and of those identified with a religion; while in Northern Ireland, they reflect a percentage that is lower than two decimal points of 0.1 per cent. In addition to respondents who chose to write in “Pagan”, it could be legitimate to group together with these, a number of other respondents who used different descriptors but arguably could be seen as part of a broader Pagan-related tradition. These groups are neither large in absolute numbers nor as a proportion of the UK population or of each country, and also not as a proportion of all those having a religion, but they include those set out in Table 8, alongside those specifically making the response of “Pagan”:

Table 8 *Numbers of Pagans, Wiccans, Druids, Witchcraft and Shamanism in the 2011 decennial Census*

	England	Wales	Scotland	N. Ireland	UK
Pagan	53,172	3,448	3,467	302	60,389
Wiccan	11,026	740	949	88	12,803
Druid	3,946	243	245	38	4,472
Witchcraft	1,193	83	81	15	1,372
Shamanism	612	38	92	10	752

In addition to those in Table 8, respondents might also be added who wrote in: “Animism” with 585 UK respondents (487 in England; 54 in Wales; 44 in Scotland; and 0 in Northern Ireland); 662 UK respondents identifying with Traditional African Religion (584 in England; 4 in Wales; 60 in Scotland; and 14 in Northern Ireland); and 223 identifying with the West African religion of Vodun (198 in England; 10 in Wales; 15 in Scotland; and 0 in Northern Ireland). These are likely to reflect adherents of indigenous religions originating from beyond the UK who may relatively recently have found a home here.

There were also 127 UK respondents who identified with the Native American Church (119 in England; 8 in Wales; 0 in Scotland; and 0 in

Northern Ireland); and, as another form of indigenous religion originating in yet another part of the world, there were the 1,118 UK respondents (1,041 in England; 34 in Wales; 43 in Scotland; and 0 in Northern Ireland) identifying with Japanese Shintoism. Part of a similar “alternative” religious milieu, but often distinct from Paganism, are respondents from what might be called the “magical traditions” which are set out in Table 9, and where there are some links with modern Paganism and Witchcraft or Wicca through Alistair Crowley who founded the Thelemites.

Table 9 *Numbers of Occult and Thelemites in the 2011 Census*

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Occult	474	28	67	0	569
Thelemite	176	8	21	0	205

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Pagans have often faced difficulties in relation to wider public acceptance of their freedom to manifest their religious identities, beliefs and practices. The context for this is that, in the late 1980s and early 1990s, there were a number of cases of children (mostly famously in 1991 in Orkney) being placed into social care on the basis of concerns by social workers that they were being subject to forms of child abuse that had sinister ritualistic and “satanic” elements. In 1994, a UK government-commissioned report written by the anthropologist Professor Jean La Fontaine concluded that, although there were instances of physical, mental and sexual abuse, there was no strong evidence for any organized ritual abuse.<sup>44</sup> Nevertheless, because of this many Pagans suffered from an association in the popular media and wider perceptions with ‘Satanists’ meant that in many employment contexts Pagans felt a need to be secretive about their religious identity. As described in the findings of 2010– 2013 follow up research of a project originally conducted for the Home Office<sup>45</sup> in 1999– 2001:

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44 J. La Fontaine, *Extent and Nature of Organised Ritual Abuse* (London: HMSO, 1994).

45 Paul Weller et al., *Religious Discrimination in England and Wales*, Home Office Research Study 220 (London: Research Development and Statistics Directorate, The Home Office, 2001).

In the fieldwork completed in 2000 there was quite a strong sense of many Pagans feeling that they needed to keep their religious identities secret in workplace contexts, especially where these were in education or social care.<sup>46</sup>

The results of the 2011 follow up survey research show that Pagans and people from New Religious Movements continued to report high levels of unfair treatment. However, the research's wider evidence also suggests this was an area in which the *Human Rights Act* had an impact that at the least had contributed to the possibility of a greater sense of religious freedom among Pagans. Thus:

The findings of the fieldwork completed in 2011 suggest there are indications that the introduction of law has been associated with changes of policy and practice, particularly in the public sector. For example, Pagan organizations, in particular, have cited human rights law as having opened up the possibility of more equitable participation in aspects of public life.<sup>47</sup>

One specific example of this in terms of social and legal developments was the Charity Commission's 2010 decision to recognize the Druid Network as a religious organization in terms of charitable purposes and charity law, coming after around four years of struggle by, and advocacy in relation to, the Network.<sup>48</sup>

### 3.4.2 "New Religious Movements"

Also found among respondents to the "other religion" write-ins of the Censuses are groups that are often popularly described in a more value-laden (as distinct from Weberian) sense as "sects", or even more pejoratively as "cults" but where scholars have more generally applied the more "neutral" but also not unproblematic terminology of "New Religious Movements" or "NRMs".<sup>49</sup> These are set out in Table 10. They include the relatively widely known Scientologists and Unificationists, as well as a

46 Paul Weller et al., *Religion or Belief, Discrimination and Equality: Britain in Global Contexts* (London: Bloomsbury, 2013), p. 107.

47 *Ibid.*, p. 208.

48 Druid Network, *Charity Commission Decision* (21 September 2010).

49 Eileen Barker, *New Religious Movements: A Perspective for Understanding Society* (Lampeter: Edwin Mellen Press, 1982); *New Religious Movements: A Practical Introduction* (London: HMSO, 1990).

range of other groups that, broadly speaking, have emerged out of a geographically Indian, and generally Hindu-informed, milieu.

Although small in numbers, NRMs have been disproportionately caught up in issues around religious freedom.<sup>50</sup> In the early 1980s, a high level of concern was generated around the alleged nature and activities of some of some of these groups, leading to periodic attempts to try to restrict their activities as in the European Parliament debates and proposals led by the British MEP, Richard Cotterell.<sup>51</sup>

Table 10 *Numbers of Ravidassia, Scientology, Unification Church, Brahma Kumaris and Eckankar, as in the 2011 Census*

	England	Wales	Scotland	N. Ireland	UK
Ravidassia	11,045	13	108	0	11,166
Scientology	2,361	57	188	44	2,650
Unification Church	435	17	39	0	491
Brahma Kumaris	434	8	17	0	459
Eckankar	367	12	31	0	410

The definitions for, and implications of, the descriptor “New Religious Movements” are not uncontested. Thus there is a question about the extent to which groups such as the Ravidassia should be included in this category. On the one hand, Ravidassias clearly have an historical relationship with the Sikh tradition, but in modern times they have now defined themselves as a distinct religion. Other Indian origin groups, such as the Brahma Kumaris see themselves in more “universalist” terms while having some relationship with the Hindu tradition. Eckankar is based on a 19th-century Indian tradition of Sant Mat, which centres spiritual exercises intended to enable practitioners to experience the Light and Sound of God.<sup>52</sup>

One interesting case illustrative of wider issues in relation to the religious freedom of religious minorities is the case of ISKCON, The International Society for Krishna Consciousness. In the detailed write-in Census data for Scotland and Northern ISKCON (whose followers have often popularly been referred to “Hare Krishnas” after their chant) is listed separately, with 47 respondents in Scotland and 23 in Northern Ireland.

50 James Beckford, *Cult Controversies: The Societal Response to the New Religious Movements*, London: Tavistock Publications, 1985).

51 Richard Cotterell, ‘Interview: Richard Cotterell, MEP’, in *Update: A Quarterly Journal on New Religious Movements* (1984), 8, 3–4, pp. 30–34.

52 See <http://www.eckankar.org>

However, in England and Wales, in contrast with the *2001 Census Table M275 Religion (Most Detailed Categories)*, they are no longer listed separately.<sup>53</sup> This likely reflects the fact that this movement – which was often earlier seen as an NRM, has more recently (particularly, but not only, through the role played by Bhaktivendanta Manor) come to have a central part in the wider Hindu tradition and community in England.<sup>54</sup> It is therefore quite probable that the majority of people associated with ISKCON in England and Wales will, in 2011, have responded to the religion question using the tick box option of “Hindu”.

Scientologists and Unificationists (often more pejoratively known as “Moonies” after their Korean founder, Revd. Sun Myung Moon) have often been in the public eye in terms of issues related to religious freedom. In the case of the Unification Church, it emerged out of a strongly Christian environment in South Korea, with its original name of the Holy Spirit Association for the Unification of World Christianity marking its association with the Christian tradition.<sup>55</sup> However, more recently its followers have increasingly referred to themselves as the Family Federation for World Peace and Unification.

In the case of Scientology debates relating to religious freedom of its adherents have been connected with the question of how far it can or cannot properly be called a *religious* movement. Its detractors in the USA and in Europe – and especially in the Federal Republic of Germany – deny that it is really a religious movement and evaluate it to be more of a corporate organization.

However, in the UK, in the 2013 case of Louisa Hodkin and Alessandro Calcioli, in 2013 the UK’s Supreme Court ruled that the couple could be married in the Queen Victoria Street, London, building of the Church of Scientology. In doing so, it overturned a previous (over forty years old) ruling by Lord Denning that had, for England, determined that Scientology was outside the (then generally expected) theistic definition of religion for the purposes of registering a building as place of worship under charity law.

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53 In which Table, in 2001, 612 respondents in England and 28 in Wales used the “other religion – write in” option to give the response ‘Hare Krishna’.

54 G. Dwyer and R. Cole (2007), *The Hare Krishna Movement: Forty Years of Chant and Change* (London: I.B. Tauris).

55 George Chryssides, *The Advent of Sun Myung Moon: The Origins, Beliefs and Practices of the Unification Church* (Basingstoke: Macmillan, 1991).

### 3.4.3 Traditions Related to People of Chinese Descent

The religious life of people of Chinese ethnicity in the UK who did not tick one of the main Census box options (such as Christian, or Buddhist, or Muslim) is often much more complex and multi-faceted than can be reflected in a single tick-box choice. This is because a single religious identity is arguably alien to many Chinese and for much of Chinese religious history in which the three traditions of Buddhism, Confucianism and Taoism have played an interweaving role. Write-ins for the latter two

Table 11 *Numbers of Taoists, Chinese Religion and Confucianists as in the 2011 Census*

	England	Wales	Scotland	N. Ireland	UK
Taoist	3,916	228	326	51	4,144
Chinese Religion	174	8	123	35	340
Confucianist	116	8	15	0	116

### 3.4.4 Further More General/Universalistic “Other Religion” Groups

The Census output tables for religion also include groups, as set out in Table 12, which might be called “broadly religious”, while not being aligned with any one theistic religion. Their numbers are as follows:

Table 12 *Numbers of the ‘broadly religious’ respondents in the 2011 Census*

	England	Wales	Scotland	N. Ireland	UK
Believe in God	2,827	142	216	33	3,218
Pantheism	2,105	111	125	29	2,380
Deist	1,142	57	74	14	1,287
Universalist	862	61	73	10	1,006
Theism	791	39	54	0	884
Church of All Religion	380	28	14	0	423
Mysticism	192	12	14	0	218

### 3.4.5 Further “Other Religion” Groups of a more “Individual” Kind

There are 776 people in the UK who, in the 2011 Censuses, identified as “New Age” (665 in England; 33 in Wales; 66 in Scotland; and 12 in Northern Ireland). Because its boundaries are so indistinct, it is likely that there will additionally be a larger number of people related in some way to what the sociologist of religion Steve Bruce characterized as: ‘a milieu in which people acquire and absorb a variety of beliefs and practices that they combine into their own pockets of culture and attend to with differing

degrees of seriousness.<sup>56</sup> themselves as ‘Spiritual’ as distinct from being identified with any particular religion or religions. Finally there are 2,117 (1,842 in England; 107 in Wales; 152 in Scotland; and 16 in Northern Ireland) who identify with their “Own Belief System”.

### 3.4.6 Further “Other Religion” Groups

The 2011 Census Tables also include data on a range of other religious groups, as set out in Table 13. The largest of these groups are the Spiritualists who, both across the UK and in England, Wales and Scotland reach as many as 0.1 per cent of the population as a whole; and in England and Scotland, 0.1 per cent of those with a religion, while in Wales, as many as 0.2 per cent of such. These groups include:

Table 13 Numbers of “other religion” groups as in the 2011 Census

	England	Wales	Scotland	N. Ireland	UK
Spiritualist	36,370	2,691	3,996	229	43,286
Rastafarian	7,657	249	220	43	8,169
Satanism	1,800	93	171	31	2,095
Druze	504	11	0	0	515

In addition, 282 UK respondents (223 in England; 28 in Wales; 31 in Scotland; and 0 in Northern Ireland) are recorded as identifying as “Reconstructionist”. It is likely (though not certain) that these may be affiliated to the “Reconstructionist Judaism” which emerged out of Conservative Judaism and views Judaism as a progressively evolving civilization.

### 3.4.7 “Mixed Religion”

Finally there is the phenomena of the 25,774 UK respondents who gave a “Mixed Religion” (21,907 in England; 1,659 in Wales; 1,774 in Scotland; and 434 in Northern Ireland). For Wales was 0.1 per cent of the population as a whole, while in both Wales and Scotland, it is 0.1 per cent of those having a religion.

56 Steve Bruce, *Religion in Modern Britain* (Oxford: Oxford University Press, 1995: 105).

#### 4 Learning from the Past, Reading the Present, Discerning the (Post-Brexit) Future

By the end of the 19th century, the UK's framework for relationships between religion(s), state and society had, in many ways, become quite facilitative of the religious freedom of a diverse (especially Christian and Jewish) set of religious minorities. However, this does not mean that one should uncritically accept a national narrative that suggests a smooth evolutionary process was at work in which rights to religious freedom were generously extended to other than Anglican Christians. Rather, as argued by the legal academic, St. John Robilliard, the developments that occurred in 19th century England could more accurately be characterised as:

The early story of the struggle for religious liberty is one of sects establishing an identity of their own, with their members being freed from the obligation of supporting a faith they did not hold. From the struggle for existence we pass to the struggle for equality.<sup>57</sup>

Thus the extension of freedoms and removal of inequalities for religious minorities (and, of course, for non-believers too) can be seen as having come about as much in response to bottom up organised struggle and campaigning on the part of those who were affected by them,<sup>58</sup> as to the Parliamentary processes that ultimately gave effect to these changes.<sup>59</sup>

And historically, this was not only so in the 19th century, but also in the context of the greater religious plurality of the late 20th century and the various campaigns of Hindus, Jews, Muslims, Sikhs and others to secure greater freedom for their traditional religious practice. In other words, as reflected in the title of a book chapter by the present author and Malory Nye, the kind of controversies that occur around the shifting boundaries of religious freedom can be seen as a 'lens on change'.<sup>60</sup>

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57 St. John Anthony Robilliard, *Religion and the Law: Religious Liberty in Modern English Law* (Manchester: Manchester University Press, 1984), p. ix.

58 Numerous bodies were formed which engaged in campaigning against religious privilege and civil disabilities and for the extension of religious freedom, such as the Liberation Society, the British Anti-State Church Association, and the Religious Freedom Society, among others.

59 Timothy Larsen, *Friends of Religious Equality: Nonconformist Politics in Mid-Victorian England* (Woodbridge: The Boydell Press, 1999).

60 Malory Nye and Paul Weller, 'Controversies as a Lens on Change', in Linda Woodhead and Rebecca Catto (eds.), *Religion and Change in Modern Britain* (London: Routledge, 2012), pp. 34–54.

Nevertheless, during much of the first part of the 20th century, changes to UK-wide law that had an impact on the interface between religious minorities and religious freedom were relatively limited. An exception was the repeal of the 1735 *Witchcraft Act* contained in the *Fraudulent Mediums Act*, 1951, which was passed in the context of a number of high profile cases, both during and in the immediate aftermath of the Second World War. This new law, therefore (except in Northern Ireland, where it did not apply) in principle distinguished between Spiritualist mediumship and fraudulent practices.<sup>61</sup>

In the specific social, national and legal context of Northern Ireland there was, however, a first comprehensive to address religious discrimination through legislation and social policy in the UK. Thus, the *Fair Employment (Northern Ireland) Act*, 1976 prohibited direct (but not indirect) discrimination on religious (and also political) grounds, aiming to promote and ensure fair employment opportunities by providing a means of redress for victims of discrimination based on religion. This was followed by the *Fair Employment (Northern Ireland) Act*, 1989 which attempted to remedy the defects and limitations of the 1976 Act by providing individuals with a right of complaint against “indirect discrimination”. At the same time, it introduced into UK law the notion of “affirmative action”, with the intention of addressing historic imbalances by providing more than merely formalistic equality. In addition, Northern Ireland’s *Prevention of Incitement to Hatred Act (Northern Ireland)*, 1970 also prefigured other later legal developments in the rest of the UK concerning incitement to religious hatred.

There both were, and continue to be, distinctive circumstances pertaining to Northern Ireland as compared with the rest of the UK. But, as noted above, the rest of the UK was not moving into entirely uncharted territory when consideration was eventually given to the introduction of such laws also in England, Wales and Scotland. However, in the rest of the UK, from the early 1990s onwards, and in the context of being excluded from the protections extended to Sikhs and Jews, understood as “ethnic groups” within race relations law, Muslims and others exemplified what St. John Robilliard had argued that Free Church Christians had done in the context of the 19th century. In other words, they pressed for equality in relation to what amounted to an extension of religious freedom through the introduction of UK-wide law designed to address religious discrimination

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61 This was in turn repealed in in turn repealed in 2008 by new *Consumer Protection Regulations* implementing an EU directive on unfair sales and marketing practices.

more generally. From the early 1990s onwards, strong representations had begun to be made from Muslims and others to the then Commission for Racial Equality (whose remit was shaped by the *Race Relations Act*) to undertake work also in this area. When the Commission for Racial Equality's (1992) *Second Review of the Race Relations Act, 1976*<sup>62</sup> argued that: 'a law against religious discrimination should be given serious consideration', then the Home Secretary, Michael Howard stated that: 'I have yet to be convinced that legislation could be justified. So far, there is little hard evidence of discrimination against individuals on religious rather than racial grounds, but I can assure you that the Home Office remains ready to look at any evidence' (quoted in the *Commission's Position Paper on Religious Discrimination*).<sup>63</sup>

In the light of this, from 1992 onwards, the Commission tried to collect evidence of cases of religious discrimination. This included, in 1994, a survey of 2,047 agencies dealing with complaints of religious discrimination to which there was only a low response. In relation to this, the Commission's Position Paper noted that: 'specific information was received about 38 cases of alleged religious discrimination', also noting that, '[t]his was not surprising given the lack of monitoring by all the agencies surveyed, and also the lack of any direct legislation on the issue.'<sup>64</sup> Thus, in October 1995, the Commission established a Project Group to further develop work in this area and, as result of continuing concerns and representations, towards the end of 1996 it agreed to carry out a consultation exercise with religious communities to explore the scope of then current Race Relations law and to debate whether the law needed amendment to make discrimination specifically on the grounds of religion unlawful, in relation to which the overwhelming majority of those consulted believed there was a need for legislation outlawing religious discrimination.

Following the election of the New Labour Government in 1997, in 1999 the Home Office commissioned the University of Derby to undertake empirical research on the nature and extent of unfair treatment on the basis of religion in England and Wales.<sup>65</sup> This, together with the requirements

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62 Commission for Racial Equality, *Second Review of the Race Relations Act* (London: Commission for Racial Equality, 2002).

63 Commission for Racial Equality, *Position paper on Religious Discrimination* (London: Commission for Racial Equality, 2004).

64 *Ibid.*

65 Paul Weller, Alice Feldman and Kingsley Purdam et al., *Religious Discrimination in England and Wales. Home Office Research Study 220* (Research Development Statistics Directorate, The Home Office, London, 2001).

of the *Treaty of Amsterdam*, and a report on the practical aspects of law-making in this field,<sup>66</sup> paved the way for the 2003 *Religion or Belief (Employment) Regulations* and the suite of new equality and human rights laws that followed, all of which included the “protected characteristic” of “religion or belief”.

In fact, in 1999–2000, prior to legal changes which occurred directly as a consequence of the UK’s membership of the European Union, a major step change had already occurred with the coming into force<sup>67</sup> of the *Human Rights Act*, 1988 which, in relation to public authorities and bodies acting on their behalf, brought into play legal requirements that directly impacted on religion or belief freedom. Such requirements had, in principle, previously also been obligations of the UK as a founding signatory to the (European) *Convention on Human Rights and Fundamental Freedoms*. However this had only extended to the possibility of individuals taking cases to the Strasbourg based European Court of Human Rights once they had exhausted national law. What the *Human Rights Act*, 1988, did was to incorporate the Convention into domestic law with the result that individuals and their legal representatives could now, in domestic courts and tribunals, formally rely on the rights guaranteed by the European Convention. In doing so, the Act also created a challenging and proactive dynamic so that all bodies acting as “public authorities” had to examine the degree to which their policies and practices are in conformity with the rights upheld by the Convention.

In popular and political debate, law deriving from the European Convention on Human Rights has very often (sometimes in error, and sometimes wilfully by those who are ideologically motivated against the European Union) been confused with law derived from the EU. Not long prior to the Referendum on the UK’s continued membership of the European Union, prominent voices from within the Conservative government were arguing that the European Court of Human Rights had lost its legitimacy. In the light of this, there were also calls for the abolition of the *Human Rights Act* and its replacement with a *British Bill of Rights*.

The result of the June 2016 Referendum on the UK’s membership of the EU and the March 2017 triggering of Article 50 initiated what has become

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66 Bob Hepple and Tufyal Choudhury, *Tackling Religious Discrimination: Practical Implications for Policy-Makers and Legislators*. Home Office Research Study 221 (Research, Development and Statistics Directorate, Home Office, London, 2001).

67 The Act came into force in relation to the Scottish Parliament and the Welsh Assembly in July 1999 and in relation to all “public authorities” in the UK from October 2000.

known as “Brexit” with the Government’s intention, at the time of writing, being for the UK to have left the European Union by the end of March 2019. In its Manifesto for the subsequent 2017 General Election campaign, the Conservative and Unionist Party stated that: ‘We will not repeal or replace the *Human Rights Act* while the process of Brexit is under way but we will consider our human rights framework when the process of leaving the EU concludes.’<sup>68</sup> Coupled with this it also made the, if anything, even weaker statement that, ‘We will remain signatories to the European Convention on Human Rights for the next Parliament’.<sup>69</sup> That is because this implies that, while planning no immediate change in relation to this, a future Conservative Government may at least consider it acceptable to consider withdrawing from this Convention, of which the UK government was a founding signatory. While the outcome of the June 2017 General Election means that, at the time of writing, the Government does not have the kind of Parliamentary majority it hoped for to implement its Manifesto in full, it is likely that over the next few years there will be a lot to discuss, debate and decide on in relation to future law and social policy.

This will include more specific issues such as how the ending of European Union freedom of movement law might impinge on religious leaders. It could also have a bearing (even if formally indirectly so) on religious freedom and religious minorities as the existing frameworks for religion and belief (and other equalities) laws may become detached from their current moorings (which will continue until the process of withdrawal is complete) in European Union Treaties and Directives. In taking forward these debates, it is important that they take place in the context of an accurate understanding of the size, shape and significance of the UK’s current religious minorities, of which section 3 of this article attempted to provide an overview. It is also important that such debates do not take place as if in an historical vacuum. Rather, they should be grounded in a rounded understanding of the sometimes positive and sometimes problematic UK history relating to matters of religious freedom within which a number of religious minorities – and in particular Free Church/ Nonconformist Christians – have played a significant role as active agents in bringing about the extension of such freedoms more broadly than for themselves alone.

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68 The Conservative and Unionist Party, *Forward Together: Our Plan for a Stronger Britain and a Prosperous Future* (Conservative and Unionist Party, London, 2017), p. 37.

69 *Ibid.*, p. 37.

In conclusion, in a coming time of at least significant socio-legal debate, contemporary religious minorities in the UK could benefit from an enhanced awareness of what can be learned from UK history about the importance of religious minorities being proactive agents within, and not only passive recipients of, social and legal change relating to matters of religious freedom.