

# ADDRESSING RELIGIOUS DISCRIMINATION AND ISLAMOPHOBIA: MUSLIMS AND LIBERAL DEMOCRACIES. THE CASE OF THE UNITED KINGDOM

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## I. RELIGIOUS DISCRIMINATION IN UK HISTORY

This article proceeds on the basis of an argument that an awareness of the wider ways in which discrimination on the grounds of religion has operated and been challenged in British history can help illuminate our understanding of such discrimination as faced by Muslims in the UK today, and indicate how it might be tackled.

Both because of the passage of time and also because it is Muslims who are now under consideration, there are likely to be distinctive features in their experience that are significantly at variance with what, historically, was experienced by other religious minorities. However, it is precisely through comparison and contrast with this broader historical inheritance that the potentially distinctive aspects of contemporary Muslim experience may come into sharper relief. That inheritance is rarely discussed in any depth in analyses of contemporary discrimination on the grounds of religion, and awareness of it among Muslim citizens in the UK and beyond is not as widespread as might be.

The rise of liberal democracy and the overcoming of historic forms of discrimination on grounds of religion is often seen, *par excellence*, as an expression of the emergence of the secular spirit in European societies. While in continental Europe this was undoubtedly the case (and often accompanied by a strong current of anti-clericalism) in British history the picture has been somewhat more complex. Thus alongside, and to some degree in interaction with, the rise of political and economic 'liberalism', there were also strands of emancipatory thinking that emerged from the religious ferment of the times.

John Locke's classic work on toleration,<sup>1</sup> often cited as an example of political liberalism, was rooted in a religious vision. Liberal democracy as a form of governance in which the differentiation of religion from society and state is a key characteristic emerged, perhaps ironically, in ways inextricably connected with European religious history.

It is possible to see liberal democracy, at least in some senses, as one of the outcomes of the diversification of Christian confessional traditions, generally known to European history as the Reformation, which challenged the previous ideal of a religio-political unity of western Catholic Christendom. By making possible alternative, and also potentially changeable, alignments between dynasty, territory and religion, the Reformation enabled factors other than common confessional identity to play a part in the definition and emergence of the 'imagined communities'<sup>2</sup> of the modern European nation-states.

Of course there is no deterministically necessary connection between the emergence of nation-states and the development of liberal democracies. The history of the twentieth century shows how nation-states can become sites of fascist and national-socialist corporatism or of Marxist-Leninist one-party rule. But the existence of such nation-states created at least some of the preconditions for the possibility of liberal democracy as a form of governance.

However, alongside liberal democracy in Europe being an outcome of the diversification of public religion, it can also be seen as being at least as much a reaction to a European history in which discrimination, exclusion and conflict on the basis of religion have played a major part. The development of some of these new forms of governance was, in part, an attempt to move away from what the contemporary Anglican bishop and critic of established religion in England, Colin Buchanan, calls the phenomenon of religion as a 'nationalised monopoly'.<sup>3</sup> The tensions between the new 'nationalized monopolies' and the old bi-polar religio-political entity of Catholic Christendom—focused on the Papacy and the Holy Roman Emperor—issued in the savage and bloody religious bigotry of the continental European wars of religion. The moral reaction to the suffering and destruction of those wars led to a growing religious indifference, scepticism, and a general desire to confine religion to the

<sup>1</sup> J. Locke, *A Letter Concerning Toleration* (London: Awnsham Churchill, 1689).

<sup>2</sup> See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).

<sup>3</sup> Colin Buchanan, *Cut the Connection: Disestablishment and the Church of England* (London: Darton, Longman and Todd, 1994), 11–19.

private sphere. Reflecting on this from the perspective of a Christian theological tradition that eschewed the 'nationalized monopoly' approach, the Mennonite Christian writer Harold Bender concluded that:

It is a deeply disturbing fact that the victory for toleration in the seventeenth, eighteenth, and nineteenth centuries was to a large degree due not to the will of the dominant Christian Churches, Catholic or Protestant, but to the will of rulers exhausted by religious wars and determined to find a basis for peace in the European community which would transcend the warring religious parties; or to the growing rationalism, secularism and materialism of the politically ever more powerful upper middle class, which placed religion low in the scale of cultural values and, in the words of Frederick the Great, was quite willing to have everyone 'saved after his own fashion'—or in the words of Theodore Beza a century and a half earlier, 'to go to hell in his own fashion'.<sup>4</sup>

Through the relative territorial insulation provided by its island geography, England generally escaped the bloody vehemence of the continental European wars of religion. However, parts of its interaction with Scottish and Irish histories did share in such bloodshed, as did the period between King Edward VI's iconoclastic Protestantism and the response to it during Queen Mary's attempt at Roman Catholic reaction. Thereafter, in the imposed Elizabethan settlement in which an alignment was firmly cemented between national interest and an Erastian understanding of the Church of England, religious diversity was seen as being dangerous to the fabric of the state. As expressed by Edwin Sandys, Archbishop of York under Queen Elizabeth I:

This liberty, that men may openly profess diversity of religion must needs be dangerous to the Commonwealth. What stirs diversity of religion hath raised in nations and kingdoms the histories are so many and plain, and in our times in such sort have told you, that with further proof I need not trouble your ears. One God, one King, one profession, is fit for one monarchy and commonwealth. Let conformity and unity in religion be provided for; and it shall be as a wall of defence unto this realm.<sup>5</sup>

Thus England has certainly had a history in which religious disadvantage and discrimination were the experience of many. Among those who have experienced this were those Protestant Christians who

<sup>4</sup> See Harold Bender, 'Anabaptists and Religious Liberty in the 16th Century', *Mennonite Quarterly Review* 29.2 (1955), 83.

<sup>5</sup> Edwin Sandys, cited in P. McGrath, *Papists and Puritans Under Elizabeth I* (Blandford Press, 1967), 1.

were nonconforming to the Church of England,<sup>6</sup> Roman Catholics,<sup>7</sup> Jews,<sup>8</sup> Atheists and Freethinkers.<sup>9</sup> For substantial parts of the seventeenth, eighteenth and nineteenth centuries, these groups and others like them were, on the basis of legal instruments that embodied and legitimated discrimination on the basis of established religion, systematically excluded from full participation in civic society. To be a nonconformist Christian (one who would not worship according to the legally required forms) was to be seen as a potential threat to the cohesion of society. To be a Catholic Christian (entailing association with the global presence of the Catholic Church and the extra-territorial institution of the Papacy) was to be perceived as a potential 'fifth columnist'. To be an Atheist or a Freethinker was to be seen as a threat to the moral fabric of society. To be a Jew was to be an 'outsider' unless becoming part of 'Christian' society by cultural assimilation and/or religious conversion.

Such disabilities continued despite the passage of the *Toleration Act* of 1689. Although this is often held up as an example of progressive legislation, its full title—*An Act for Exempting Their Majesties' Protestant Subjects Dissenting from the Church of England from the Penalties of Certain Laws*—indicates more precisely the actual nature and limited scope of its provisions than does the name by which it is generally known to history. Thus the toleration it enacted was limited to Trinitarian Protestants adhering to the 39 articles of the Church of England (excepting articles 34, 35 and 36 on the tradition of the Church, public reading of the second *Book of Homilies* and episcopal ordination together, for Baptists, with infant baptism). It was still necessary to pay tithes, and a sacramental test remained for holders of public office, as did the requirement for the oaths of supremacy and allegiance in connection with applications for the licensing of places of worship. Unitarians were not included within its scope, while Roman Catholics only had limited rights to ownership of land and could not become teachers.

<sup>6</sup> See Ernest Payne, *The Free Church Tradition in the Life of England*, 3rd edn. (London: SCM Press, 1944).

<sup>7</sup> See Edward Norman, *Anti-Catholicism in Victorian England* (London: George Allen and Unwin, 1968).

<sup>8</sup> See Michael Salbstein, *The Emancipation of the Jews in Britain: The Question of the Admission of the Jews to Parliament, 1828–1860* (London & Toronto: Associated University Press, 1982).

<sup>9</sup> See David Berman, *A History of Atheism in Britain: From Hobbes to Russell* (London: Croon Helm, 1988).

The nineteenth century saw rapid advances in the removal of civil disabilities from non-Anglican Christians. However, 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 the same civil rights granted to Catholics in 1829. The contemporary liberal democracy of the UK is therefore not much more than one hundred years away from a time in which the main religious minorities had to contend with religious discrimination that was enshrined in law and restricted their civil rights and participation.

The removal of these disabilities and discrimination did not come about as part of some automatic social evolution or even solely as a result of political movements of enlightened toleration. Rather, it came about—in part at least—in response to organized struggle by those directly affected. Numerous bodies were formed to campaign against religious privilege and civil disabilities.<sup>10</sup> One of the most famous of these, the British Anti-State Church Association, later became known as the Society for the Liberation of Religion from State Patronage and Control or, more succinctly, as the Liberation Society.

The political focus of such groups centred upon a challenge to the idea and implications of an established Church and its discriminatory consequences for religious minorities. For many however, this goal was rooted in a prior religious self-understanding fundamentally different to that of religion as a 'nationalized monopoly'. This included, in particular, those of the Baptist Christian tradition.<sup>11</sup> In the first sustained defence of religious liberty in the English language, the early Baptist Christian, Thomas Helwys, addressed to King James I in 1612, in a pamphlet called *A Short Declaration of the Mistery of Iniquity*, in which he addressed King James not so much with a plea for toleration as a challenge:

Our Lord the King is but an earthly king and he hath no authority as a King but in earthly causes, and if the King's people be obedient and true subjects, obeying all humane laws made by the King, our Lord the King can require no more: for men's religion to God, is betwixt God and themselves: the King shall not answer for it, neither may the King be judge between God and man. Let them be heretics,

<sup>10</sup> See Timothy Larsen, *Friends of Religious Equality: Nonconformist Politics in Mid-Victorian England* (Woodbridge: The Boydell Press, 1999).

<sup>11</sup> For an exploration of the Baptist tradition in this regard, and of some of its implications for the contemporary relationships between religion(s), states and society, see Paul Weller, *Time for a Change: Reconfiguring Religion, State and Society* (London: T & T Clark, 2005).

Turks, Jews, or whatsoever it appertains not to the earthly power to punish them in the least measure.<sup>12</sup>

That this vision was rooted in a principled understanding of religious liberty, remarkable in its time for the scope of its inclusivity is clear from Helwys' reference to 'Turks'. In the language of the seventeenth century this was, of course, a reference to 'Muslims'. While Baptist Christian arguments for religious freedom and equity were based *primarily* on a particular theological and ecclesiological understanding that emphasized personal accountability as the basis of religious belonging rather than any inheritance from parents, culture or history, they also used example and comparison to buttress their arguments. The Baptist Leonard Busher's 1614 pamphlet *Religion's Peace* is particularly interesting in its presentation of the following historical anecdote. While arguing that religious freedom would support social peace, Busher wrote:

I read that a bishop of Rome would have constrained a Turkish emperor to the Christian faith, unto whom the emperor answered, 'I believe that Christ was an excellent prophet, but he did never, so far as I understand, command that men should, with the power of weapons be constrained to believe his law: and verily I also do force no man to Mahomet's law.'<sup>13</sup>

In the light of this, Busher continued:

'And I read that Jews, Christians, and Turks are tolerated in Constantinople, and yet are peaceable, though so contrary the one to the other.'

Busher went on to use this anecdote in order to press his case for religious liberty and equity by appealing to the Christians of his time to compare their practice towards other Christians with the example of the Muslims just referred to:

If this be so, how much more ought Christians not to force one another to religion. AND HOW MUCH MORE OUGHT CHRISTIANS TO TOLERATE

<sup>12</sup> Thomas Helwys (1612), in R. Groves (ed.), *Thomas Helwys: A Short Declaration of the Mystery of Iniquity* (Macon, Georgia: Mercer University Press, 1998), 53.

<sup>13</sup> Leonard Busher (1614), 'Religion's Peace: Or a Plea for Liberty of Conscience', in Edwin Underhill (ed.), *Tracts on the Liberty of Conscience and Persecution, 1614-1667* (London: Hanserd Knollys Society, 1846), 24. As shown by Nabil Matar in his article on 'John Locke and the Turbaned Nations', in the *Journal of Islamic Studies* 2.1 (1991): 67-77, 72), a similar argument was used by John Locke in his *Letter Concerning Toleration*, when he pointed out how absurd it would be for Calvinists and Armenians to be free to practice their faith if living in Constantinople, but not if living in Christendom.

CHRISTIANS, WHEN THE TURKS DO TOLERATE THEM? SHALL WE BE LESS MERCIFUL THAN THE TURKS? OR SHALL WE LEARN THE TURKS TO PERSECUTE CHRISTIANS? IT IS NOT ONLY UNMERCIFUL, BUT UNNATURAL AND ABOMINABLE, YEA, MONSTROUS FOR ONE CHRISTIAN TO VEX AND DESTROY ANOTHER FOR DIFFERENCE AND QUESTIONS OF RELIGION.' [Emphasis as in the original]

Such an appreciation of Islam and of Muslims was unusual for its times, and those times were different from the present. However, ignorance or amnesia of the history of discrimination on the ground of religion is not a healthy basis upon which to try to tackle the issue of religious discrimination today. Instead, there are issues that can be illuminated by comparison and contrast— not least with regard to the way in which, historically, such discrimination has been challenged and rolled back.

## II. THE CONTEMPORARY RE-EMERGENCE OF RELIGIOUS DISCRIMINATION

For much of the twentieth century in the UK, issues of discrimination on the grounds of religion had dropped out of public view and debate. When, in the last quarter of the twentieth century, questions about inclusion/exclusion relating to individual and group identities re-emerged in the public arena, it was primarily in relation to conceptual frameworks and social movements concerned with gender, sexual orientation and ethnicity. With the important exception of the continuing impact of sectarian communalism and its relationship with religious and national traditions in Northern Ireland,<sup>14</sup> and also a number of high profile debates<sup>15</sup> around what academics refer to as 'New Religious Movements',<sup>16</sup> issues related to religious conflict and/or discrimination remained relatively invisible in the political and legal discourse and in the wider sphere of public debate.

<sup>14</sup> See Bill McSweeney, 'The Religious Dimension of the "troubles" in Northern Ireland', in Paul Badham (ed.), *Religion, State and Society in Modern Britain* (Lampeter: Edwin Mellen Press, 1989), 68–83; and Paul Badham, 'The contribution of religion to the conflict in Northern Ireland', in Dan Cohn-Sherbok (ed.), *The Canterbury Papers: Essays on Religion and Society* (London: Bellew, 1990), 119–28.

<sup>15</sup> See Bryan Wilson, 'Old Laws and New Religions', in Cohn-Sherbok (ed.), *The Canterbury Papers*, 210–24.

<sup>16</sup> See Eileen Barker, *New Religious Movements: A Practical Introduction* (London: HMSO, 1990).

During the 1970s and much of the 1980s, concerns about discrimination on the grounds of religion were not generally articulated as such even by those who might have been experiencing such discrimination. However, at the end of the twentieth and beginning of the twenty-first century, discrimination on the grounds of religion has re-emerged as a matter of vigorously contested public, political and legal debate. Reflection on three centuries of struggles for religious equity, outlined in St. John Robilliard's book on *Religion and the Law: Religious Liberty in Modern English Law*, can illuminate that debate. Robilliard summarized his view of this early period, as follows: '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>17</sup>

Robilliard's observation that 'the struggle for equality' began as a 'struggle for existence' for groups who were initially preoccupied with 'establishing an identity of their own' could equally well be applied to late twentieth-century Muslim UK citizens of predominantly migrant and minority ethnic origin. Thus in the 1960s and early 1970s their 'struggle for existence' of necessity focused on meeting the basic economic concerns of establishing a sufficient foothold within UK society to find a place to live and work and make financial remittances in support of families back home. The organizations founded in this period were often based on groupings according to national belonging, e.g. Pakistani Associations. Then, with the impact of the tightening of immigration law and rules, male migrant workers were joined by their families.

As the profile of the communities changed from predominantly male migrants to that of whole families including children, communities became increasingly concerned with questions related to the transmission and reproduction of inherited cultures. Thus, as charted by Tariq Modood and others in studies that emerged from the Policy Studies Institute undertaken in the late 1980s and early 1990s,<sup>18</sup> the differentiation of groups on the basis of ethnicity and culture gradually began to emerge. From this, religion also increasingly began to take its place as a marker of individual and corporate identity, and as a basis for the self-organization of groups.

<sup>17</sup> St. John Robilliard, *Religion and The Law: Religious Liberty in Modern English Law* (Manchester: Manchester University Press, 1984), ix.

<sup>18</sup> Tariq Modood, Sharon Beishon; and Satnam Virdee, *Changing Ethnic Identities* (London: Policy Studies Institute, 1994).

Therefore, just as in the case of historical nonconformist Christian struggle for religious equity and against religious discrimination, it can be argued that the contemporary concern with religious discrimination has emerged onto the public agenda precisely through the agency of those primarily affected by it. This may or may not be welcomed by the wider society or even within the directly affected communities, and it certainly has associated dangers in terms of the potential for a communalization of religious identity. But it is clear that an observable shift has been taking place in social and political realities.

This shift is linked with the broader development of the 'politics of identity' (charted by, among others, the political philosopher Charles Taylor<sup>19</sup>) and with the phenomenon of 'globalization',<sup>20</sup> in which identities based on nation-state formations are weakening and people are looking for ways of connecting the local and the global. Participative communities, centred on localized groups in villages, towns and cities, and especially global religious groupings such as Christianity and Islam, are well-placed to make such connections.<sup>21</sup> They are located within wider transnational networks whose members adhere to values that claim to transcend the national, ethnic and legal systems of all human societies.

In many ways, among Muslims *The Satanic Verses*<sup>22</sup> controversy<sup>23</sup> served as both magnifying glass and lightning-rod for these developments. Reflecting on its broader implications during the early days of the controversy in her *Letter to Christendom*, the Muslim writer Rana Kabbani noted: 'Rushdie's book brought into the open the frustrations of a Muslim minority for whom the much-vaunted

<sup>19</sup> Charles Taylor, *Multiculturalism and the Politics of Recognition* (Princeton: Princeton University Press, 1992). See also Amy Gutman (ed.), *Multiculturalism: Examining the Politics of Recognition* (Princeton: Princeton University Press, 1994).

<sup>20</sup> See Roland Robertson and Jo-Ann Chirico, 'Humanity, Globalisation, and Worldwide Religious Resurgence: A Theoretical Exploration', *Sociological Analysis: A Journal in the Sociology of Religion*, 46 (Fall 1985), 219–42.

<sup>21</sup> See Seán McLoughlin, 'In the Name of the *Umma*: Globalisation, "Race" Relations and Muslim Identity Politics in Bradford', in Wasif Shadid and Sjoerd Van Koningsveld (eds.), *Political Participation and Identities of Muslims in non-Muslim States* (Kampen: Kok Pharos, 1996), 207–28.

<sup>22</sup> Salman Rushdie, *The Satanic Verses* (London: Viking Penguin, 1988).

<sup>23</sup> See Lisa Appignanesi and Sarah Maitland (eds.), *The Rushdie File* (London: Fourth Estate, 1989); Dan Cohn-Sherbok (ed.), *The Salman Rushdie Controversy in Inter-Religious Perspective* (Lampeter: Edwin Mellen, 1990); Manazir Ahsan and A. Kidwai (eds.), *Sacrilege Versus Civility: Muslim Perspectives on the Salman Rushdie Affair* (Leicester: Islamic Foundation, 1991).

multicultural society was a sham . . . Faced by the majority community, still overwhelmingly Christian in law and institutions if not in belief, Muslims felt powerless and unprotected.<sup>24</sup>

The dangers to wider social cohesion of significant groups of people feeling 'powerless and unprotected' had, in the 1970s, already been recognized with regard to the impact of discrimination on the grounds of 'race' and 'ethnicity'. Thus the 1975 *White Paper on Racial Discrimination* argued that: ' . . . where unfair discrimination is involved, the necessity of legal remedies is now generally accepted. To fail to provide a remedy against an injustice strikes at the rule of law. To abandon a whole group of people in society without legal redress against unfair discrimination is to leave them with no option but to find their own redress.'

That argument with regard to ethnicity began increasingly to be made by Muslim groups and organizations with regard to religion. Indeed, this very passage from the 1975 *White Paper* was quoted in the UK Action Committee on Islamic Affairs' 1993 report on *Muslims and the Law in Multi-Faith Britain: The Need for Reform*, which argued for legislation to address religious discrimination. However, reintroducing the concept of religious discrimination into public discourse with the possibility that it may have contemporary, albeit changed, relevance, rather than being something of merely historical import, was far from straightforward.

While some of the possibilities for law in this field had already, in 1992, been discussed in the Commission for Racial Equality (CRE)'s *Second Review of the Race Relations Act*,<sup>25</sup> the scope of the legislation under which the CRE operated made it difficult to develop work in this area. Whereas the case of *Mandla v. Dowell Lee* had established that discrimination against Sikhs came within the purview of the Act (on the basis that for Sikhs as well as Jews religion could be seen as a dimension of ethnic belonging), this could not easily be 'stretched', either in terms of the law or even within Muslim self-understanding to include Muslims who are not a single religio-ethnic group but include adherents of diverse ethnicity.

Nevertheless, on the pragmatic ground that there were issues of discrimination that did need tackling in some way, increasingly strong representations began to be made for the CRE to undertake work on religious discrimination. Therefore, from 1992 onwards the CRE tried to collect evidence of cases of religious discrimination. In 1994 it conducted a survey of 2,047 agencies dealing with complaints of religious

<sup>24</sup> Rana Kabbani, *Letter to Christendom* (London: Virago, 1989), 8.

<sup>25</sup> Commission for Racial Equality, *Second Review of the Race Relations Act 1976* (London: Commission for Racial Equality, 1992).

discrimination, including Race Equality Councils, solicitors, Law Centres, Citizens' Advice Bureaux, academics and religious organizations. There was only a low response rate to the survey, with the subsequent *Position Paper on Religious Discrimination* produced by the CRE noting that 'specific information was received about 38 cases of alleged religious discrimination.'

However, the Commission also noted that this relatively low reported incidence 'was not surprising given the lack of monitoring by all the agencies surveyed, and also the lack of any direct legislation on the issue'. In other words, where legal frameworks do not encourage individuals to report issues in terms of religious discrimination, they are likely to couch such issues in other terms—such as ethnicity or gender—in the hope of getting matters addressed through another route. Therefore, in October 1995, the CRE established a Project Group to further develop work in this area. Towards the end of 1996 it carried out a consultation exercise with religious communities around the UK to explore the scope of the current Race Relations legislation and to debate whether amendment to the law was needed in order to make discrimination on the grounds of religion unlawful. As an outcome of this exercise, the Commission reported that: 'The overwhelming majority of those who participated in the consultation believed there was a need for legislation outlawing religious discrimination.'

Although it would still be some time before such a recognition moved up the political and legislative agenda, there were noticeable signs of a shift on the place of religion within public policy, which prepared the ground for at least the 'thinkability' of legislation on religious discrimination. Thus, in 1996, the Inner Cities' Religious Council (which at that time operated under the auspices of the Department of the Environment, Transport and Regions, and is now within the Office of the Deputy Prime Minister) issued a leaflet and booklet entitled *Challenging Religious Discrimination: A Guide for Faith Communities and Their Advisers*. This was followed, in 1997, by the CRE's leaflet entitled *Religious Discrimination: Your Rights* that outlined, under the terms of the Race Relations Act, ways in which unfair treatment on the basis of religion could be addressed as 'indirect racial discrimination'. Debate also began on the possible inclusion of a religion question in the 2001 decennial census,<sup>26</sup> an indication of the shift on the perceived public

<sup>26</sup> See Paul Weller and Ahmed Andrews, 'How Many of Them Are There? Religions, Statistics and the 2001 Census', in *World Faiths Encounter* 21 (1998), 23–34; and P. Aspinall, 'Should a Question on "Religion" be Asked in the 2001 British Census? A Public Policy Case in Favour' in *Social Policy and Administration*, 34.5 (December 2000), 584–600.

policy relevance of religion, as a new question could only be included after establishing with a range of government, business and academic stakeholders in Census data a convincing 'business case' for the information concerned.

In 1997, the Runnymede Trust (a voluntary sector body with long experience of race relations) moved the terms of the debate quite significantly with the publication of a report by the Commission on British Muslims and Islamophobia entitled *Islamophobia: a Challenge for Us All*. Through both its title and its contents, the report introduced into public discourse the notion that, alongside shared dynamics of discriminatory experience, there may also be particularities of Muslim experience signalled by the word 'Islamophobia'. As the report itself explained, this word 'was coined in the late 1980s, its first known use in print being in February 1991, in a periodical in the United States.'<sup>27</sup>

The periodical referred to was *Insight* of 4th February 1991, from which the first use of 'Islamophobia' was cited in the Oxford English Dictionary (from March 1997), which gave it as a substantial reason for the USSR's reluctance at the time to relinquish its hold on Afghanistan. The *Islamophobia* report goes on to explain:

The word is not ideal, but is recognisably similar to 'xenophobia' and 'europaophobia', and is a useful shorthand way of referring to dread or hatred of Islam—and therefore to fear or dislike of all or most Muslims. Such dread and dislike have existed in Western countries and cultures for centuries. In the last twenty years, however, the dislike has become more explicit, more extreme and more dangerous. It is an ingredient of all sections of our media, and it is prevalent in all sections of our society. Within Britain it means that Muslims are frequently excluded from the economic, social and public life of the nation... and are frequently victims of discrimination and harassment.

The publication of this report both reflected and contributed to a key moment in which concerns originally articulated by Muslims passed over into a wider shared public, political and legal debate. Such wider reception and engagement was necessary if the initial mobilization of those striving to 'establish an identity of their own' was to make a successful transition into the phase of what Robilliard called the 'struggle for equality' as religious minority citizens. At least this is the case if that struggle aims to pass beyond angry complaint and achieve change within

<sup>27</sup> Commission on British Muslims and Islamophobia, *Islamophobia: A Challenge for Us All*, (London: Runnymede Trust, 1997), 1.

a liberal democratic society where majoritarian approaches mean that a broad consensus is usually necessary for practical implementation of legislative change.

At the same time, in order for change, especially legislative change, to occur, it is often necessary to do more than effect a shift in political debate—Governments can also require justificatory evidence. In 1992, the CRE's *Second Review of the Race Relations Act, 1976* had argued that, 'a law against religious discrimination should be given serious consideration'. The Home Secretary at that time, Michael Howard (quoted in the CRE *Position Paper on Religious Discrimination*), replied: '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.'

Although it marshalled some evidence, *Islamophobia: a Challenge for Us All* was the report of a *Commission* rather than of a *research* project. Until the end of the 1990s, although Muslim organizations endeavoured to submit such evidence to Government,<sup>28</sup> no systematic research supported by Government itself had been undertaken into the possibility of religion being an axis of discrimination in its own right. In 1998, however, the Home Office issued a tender for such a research project on the nature and extent of religious discrimination in England and Wales.

### III. DISCRIMINATION AGAINST MUSLIMS: FINDINGS FROM EMPIRICAL RESEARCH IN ENGLAND AND WALES

During 1999–2001 an interdisciplinary research team based at the Religious Resource and Research Centre of the University of Derby carried out the Religious Discrimination in England and Wales Research Project. The project commenced in April 1999 and made its final report to the Home Office in October 2000, which the Home Office published on 23rd February 2001 under the title, *Religious*

<sup>28</sup> See, for example, Islamic Human Rights Commission, *Anti Muslim Discrimination and Hostility in the United Kingdom* (London: Islamic Human Rights Commission, 2000).

*Discrimination in England and Wales.*<sup>29</sup> Prior to this, the research team had, in January 2000, also published a more discursive and analytical *Interim Report*.<sup>30</sup>

At this point, it is necessary to note that the project was criticized from a number of Muslim sources. For example, when reporting on the commissioning of the project, the Muslim newspaper *Q News* (13 July, 1989) spoke of ‘the Government’s “inside-job” in the appointment of a university department to head the project’ and of the government leaving itself ‘open to the accusation that it is reserving “jobs for the boys”’.

Although the commissioning of the project was done through an open advertisement and tendering process, this criticism illustrates how the project often involved walking something of a political and publicity tightrope, suspended between community expectations, scientific research methodologies, the political context, the staff and perspectives of the Home Office’s Research, Development and Statistics Directorate, and ever-present media interest. The project’s terms of reference were determined by the Home Office, which set the following objectives:

- To assess the evidence of religious discrimination in England and Wales, both actual and perceived.
- To describe the patterns shown by this evidence, including: its overall scale, the main victims, the main perpetrators, and the main ways in which the discrimination manifests.
- To indicate the extent to which religious discrimination overlaps with racial discrimination.

<sup>29</sup> Paul Weller, Alice Feldman, Kingsley Purdam *et al.*, *Religious Discrimination in England and Wales, Home Office Research Study 220* (London: Research Development and Statistics Directorate, The Home Office, 2001). Also available at the Research Development and Statistics Directorate’s section of the Home Office web site: <http://www.homeoffice.gov.uk/rds/pdfs/hors220.pdf>. Printed versions are available on request from [publications.rds@homeoffice.gsi.gov.uk](mailto:publications.rds@homeoffice.gsi.gov.uk).

<sup>30</sup> Paul Weller and Kingsley Purdam *et al.*, *Religious Discrimination in England and Wales, Interim Report, January 2000* (Derby: University of Derby, 2000). This reviews the historical background, describes the current religious diversity of Britain, and provides information on anti-discrimination legislation in the UK and a number of other countries. An ‘Executive Summary’ of the *Interim Report* was also published.

- To identify the broad range of policy options available for dealing with religious discrimination.<sup>31</sup>

Thus the scope of the project was not restricted to the experience of Muslims only. Under its terms of reference it examined unfair treatment on the basis of religion across the full spectrum of the contemporary religious plurality of England and Wales,<sup>32</sup> including majority Christian experience, and the minority experience of all groups including Pagan traditions and New Religious Movements. However, there can be little doubt that the research was commissioned primarily in response to the pressure on Government to respond particularly to Muslim concerns about discrimination and the lack, outside of Northern Ireland, of available legal instruments for dealing with it.

The project's findings were based primarily upon the results of a postal questionnaire survey of 1,830 religious organizations throughout England and Wales, of which 300 were Muslim organizations,<sup>33</sup> as well as upon interviews and discussions undertaken in the four localities of Blackburn, Cardiff, Leicester, and the London Borough of Newham. In terms of the empirical findings of the project, a consistently higher level of unfair treatment was reported by Muslim organizations than by most other religious groups. This was both in terms of the proportion of respondents indicating that some unfair treatment was experienced, and also in terms of the proportion of Muslim respondents indicating that these experiences were 'frequent'.<sup>34</sup>

<sup>31</sup> Weller, Feldman and Purdam, *et al.*, *Religious Discrimination in England and Wales*, v.

<sup>32</sup> The religions covered in the research include Bahá'í, Buddhist, Christian, Hindu, Jain, Jewish, Muslim, Sikh, Zoroastrian, New Religious Movements and Pagans, and 'others'. It should also be noted that the project was not commissioned to undertake primary research on Northern Ireland or Scotland (in relation to which a general literature and comparative review was undertaken), but only in England and Wales. While there may, in fact, be some commonality of experience among Muslims in all four countries of the UK, the religious contexts of Scotland and Northern Ireland also have distinctive dimensions.

<sup>33</sup> This included 154 national Muslim organizations, 1 Muslim regional organization, and 145 Muslim local organizations.

<sup>34</sup> The project's findings with regard to Muslims specifically are recounted in more detail in Paul Weller, Alice Feldman and Kingsley Purdam, 'Muslims and Religious Discrimination in England and Wales', in Jamal Malik (ed.), *Muslims in Europe: From the Margin to the Centre* (Münster: LIT Verlag, 2004), 115–44. This paragraph and the following eight paragraphs and table draw upon that text by kind permission of the co-authors of the chapter and of its publishers.

Questionnaire respondents were asked for their personal view of how 'serious' their experience was of various aspects of discrimination and unfair treatment, including ignorance, indifference, hostility, verbal abuse, physical abuse, damage to property, policies of organizations, practices of organizations, and media coverage. Respondents were asked whether experience of these areas was 'not at all serious', 'very serious' or 'quite serious' (there was also a 'don't know' option). Only a minority of Muslim respondents said each issue was 'not at all serious' and Muslim respondents were more likely than those from other religions to identify 'very serious' problems in nearly every area. The following table sets out Muslim responses to these questions:

Type of unfair treatment	very serious	quite serious	not at all serious	don't know	Total number of responding organizations (100%)
Ignorance	42%	44%	5%	9%	66
Indifference	30%	45%	13%	12%	60
Hostility	37%	47%	8%	8%	60
Verbal abuse	35%	40%	13%	13%	63
Physical abuse	28%	38%	16%	18%	61
Damage to property	30%	36%	19%	16%	64
Organization policy	16%	43%	16%	25%	63
Organization practice	21%	43%	16%	21%	63
Media coverage	48%	38%	5%	9%	66

That chapter was in turn based upon findings published in Paul Weller *et al.*, *Religious Discrimination in England and Wales*. The other members of the project team included Marie Parker-Jenkins, Ahmed Andrews, Anna Doswell, John Hinnells, Sima Parmar and Michele Wolfe, together with (at various stages in the project) Karen Rowlingson, Martin O'Brien and Lynne Kinnerley. Contributions to the project final report were made by Ahmed Andrews, Anna Doswell, John Hinnells, Marie Parker-Jenkins, Sima Parmar and Michele Wolfe. However, the views expressed in this article and arising from that research are those of the author of the article alone. They are therefore not necessarily those of the authors of the project reports, or of the Home Office, nor do they reflect Government policy.

A large majority of Muslim respondents regarded ignorance as a 'very serious' or 'quite serious' problem. Other evidence (reported below) indicates that the very high concern in respect of media coverage was also, in large part, related to a perception of ignorance and bias in the media. Muslims were also the most likely to identify hostility, verbal and physical abuse and damage to property as 'very serious' or 'quite serious' problems.

Alongside the question of the seriousness of discrimination and unfair treatment in particular areas of social life, respondents to the postal survey were also asked whether, in the past five years, problems in areas outlined above had become 'more frequent', 'less frequent', 'stayed the same' or 'don't know'. Between the religions surveyed, there was a fairly clear differentiation of responses, running from those who thought things were generally getting worse to those who detected improvements in every area. Muslim respondents were the most likely to think that problems had grown worse (and in this connection it is important to note that the research was conducted before September 11th 2001). The majority of Muslim respondents thought hostility, verbal abuse and unfair media coverage had all become more frequent. Views on indifference, and organizational policy and practice were fairly evenly divided. For other problems, those who thought unfair treatment was becoming more frequent consistently outnumbered those thinking it was becoming less so.

The project findings also suggested that discrimination is more likely to be experienced in some areas of life than others: those most often highlighted in the postal survey and local interviews were education, employment, and the media. In general, the voluntary sector emerged as slightly better in the views of respondents than either the public or private sectors. The postal survey also gave some fairly consistent indications about the role played by the attitudes and behaviour of individuals compared with organizational policies and practices.

For every religious tradition, but especially for Muslims, questions about the media tended to draw claims of unfair treatment from more organizations than questions about other areas of life covered in the survey. The attitudes and behaviour of journalists and presenters and the coverage given to particular religions were seen as sources of unfairness, with relatively more Muslim organizations saying that this unfairness was 'frequent' rather than 'occasional'.

Religious organizations with a high proportion of members from minority ethnic groups (including Muslim organizations) were much more likely than other groups to report unfair treatment in such areas as immigration, policing, and prisons. In policing, prisons, immigration, health care, social services, and transport, the attitudes and behaviour of staff were seen by organizations from most religions as a more frequent

source of unfair treatment than organizational policies, although Muslim respondents, especially, felt that policies were also at fault.

Survey respondents recorded small but persistent differences between policy and practice, most noticeably in areas such as social services and policing, where practice attracted rather more claims of unfair treatment than policy. Muslim respondents were the most likely to indicate that practice was worse than policy. Ignorance and indifference towards religion were of widespread concern amongst research participants from all religious groups, including Muslims. Ignorance and indifference do not, of course, in themselves constitute discrimination, but in organizational settings they can contribute towards an environment in which discrimination of all kinds (including 'unwitting' and institutional discrimination) are able to thrive.

In the local interviews, those who actively practised their religion often said that they were made to feel awkward and that they experienced pressure to conform. They claimed that other people based their views on pre-conceived ideas and stereotypes and seemed to neither know nor care about the things that are central to the experience of those for whom religious identity constitutes an important, or the key, aspect of their lives.

Although there had been considerable media interest following the project during 1999–2001, the project's report ultimately received little media coverage. This may have been due in part to the serious outbreak of foot-and-mouth disease among cattle in the UK that preoccupied media attention in the week that the final report was published. Also there had been a change of responsibilities within the Home Office, with David Blunkett succeeding Jack Straw, under whose tenure of office the research had been initiated. However, in parallel to the publication of the report of the research project, the Home Office did also publish a report by Bob Hepple QC and Tufyal Choudhary that focused specifically on the legal options for dealing with religious discrimination.<sup>35</sup>

Since that time there have, of course, been additional major developments in both domestic and international contexts that have had a substantial bearing upon the position of Muslims in UK society. The summer 2001 urban disturbances in the northern mill towns<sup>36</sup>

<sup>35</sup> Bob Hepple and Tufyal Choudhury, *Tackling Religious Discrimination: Practical Implications for Policy-Makers and Legislators*. Home Office Research Study 221 (The Home Office: London, 2001). Also available at: <http://www.homeoffice.gov.uk/rds/pdfs/hors221.pdf>

<sup>36</sup> N. Ahmed, F. Bodi, R. Kazim and M. Shadjareh, *The Oldham Riots: Discrimination, Deprivation and Communal Tension in the United Kingdom* (London: Islamic Human Rights Commission, 2001).

brought a graphic reminder of the 1975 *Race Relations White Paper*, warning that when a group of citizens feel that their basic self-understandings are not being adequately addressed by public policy, then social exclusion, marginalization and disaffection emerge. The involvement of young Muslims in these urban uprisings underlined the urgency of addressing the social position of many Muslims, while the later reports on these disturbances by two inquiry groups<sup>37</sup> brought about a new conceptual and policy repertoire for the political framing of such issues, and engagement with them, in terms of 'social cohesion'.

Between the events of summer 2001 and the reports upon them, however, stood the seismic impact of the events of September 11th 2001, their immediate aftermath in the invasion of Afghanistan, and their outworking in the invasion and continuing occupation of Iraq.<sup>38</sup> The contents of Humayun Ansari's Minority Rights Group International report on *Muslims in Britain* reflects this further shift in context, with the following passage graphically highlighting some of the experiences that arose from 9/11 and its aftermath:

Muslim adults and children were attacked, physically and verbally. They were punched, spat at, hit with umbrellas at bus stops, publicly doused with alcohol and pelted with fruit and vegetables. Dog excrement and fireworks were pushed through their letterboxes and bricks through their windows. They were called murderers and were excluded from social gatherings. One woman in Swindon was hospitalised after being beaten with a metal baseball bat; two Cambridge University students had their headscarves ripped off, in broad daylight, outside a police station; Saba Zaman, who, in July 2001, had her scarf pulled off and two of her ribs broken in Tooting, London, was stopped and searched by the police three times in two weeks following the terrorist attacks in the United States of America. In west London, an Afghan taxi driver, Hamidullah Gharwal, was attacked shortly after 11th September, and left paralysed from the neck down. Sikh men, whose beards and turbans created the impression that they were Muslims, were also abused. Vandals attacked mosques and Asian-run businesses around the country. Nine pigs' heads were dumped outside a mosque in Exeter.

<sup>37</sup> Ted Cantle and The Community Cohesion Team, *Community Cohesion: A Report of the Independent Review Team Chaired by Ted Cantle* (London: The Home Office, 2001); and John Denham and the Ministerial Group on Public Order and Community Cohesion, *Building Cohesive Communities: A Report of the Ministerial Group on Public Order and Building Cohesive Communities* (London: The Home Office, 2001).

<sup>38</sup> See National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (London: W.W. Norton and Company, 2004).

Many mosques were said not to have reported attacks because of fear of reprisals.<sup>39</sup>

The European Monitoring Centre on Racism and Xenophobia produced a *Summary Report on Islamophobia in the EU after 11 September 2001*, written by the UK-based authors, Chris Allen and Jørgen Nielsen of the University of Birmingham's Centre for the Study of Islam and Christian-Muslim Relations. Based on an overview of country reports provided by EMUC's RAXEN network of National Focal Points in each of the then 15 countries of the European Union, the report identified a rise in what it called 'ethnic xenophobia', and which it saw as being 'distinctly separate from the xenophobia that exists within both Islamophobia and indeed...anti-asylum seeker sentiment...'<sup>40</sup> Such 'ethnic xenophobia' was linked with a 'greater perceived threat of the enemy within, and an increased sense of fear and vulnerability both globally and locally'. Within all this, 'expressions of Islamophobia' found justification in what the report identified as a 'catalytic justification' with regard to 'both latent and active prejudices'.<sup>41</sup>

Also, in the period following the submission of this article for publication, there has been the impact of the London Transport bombings and attempted bombings of July 2005. It is, as yet, too soon properly to assess the long-term or even medium-term impact of these events and of the Government and wider societal responses to them. While it would be irresponsible to pass over these events without comment, an adequate exploration of what they entail would require a separate article. Preliminary indications (to which I return in the concluding section of this paper) are that the effects upon the position of Muslims in the UK are likely to be quite substantial.

#### IV. WHAT'S IN A NAME? TERMINOLOGY, CONCEPTUALIZATION, POLICY AND LAW

The Religious Discrimination in England and Wales Research Project's *Interim Report* included an attempt to analyse and differentiate the various forms of discrimination on the grounds of

<sup>39</sup> Humayun Ansari, *Muslims in Britain* (London: Minority Rights Group International, 2002), 4.

<sup>40</sup> Chris Allen and Jørgen Nielsen, *Summary Report on Islamophobia in the EU after 11 September 2001* (Vienna: European Monitoring Centre on Racism and Xenophobia, May 2002), 7.

<sup>41</sup> *Ibid.*, 44.

religion.<sup>42</sup> This stance was taken on the working assumption that there are likely to be *generic* phenomena and dynamics associated with discrimination on the basis of religion that are likely to cross the experience of all affected religious groups.

It was also recognized that ‘religious discrimination’ could only ever be a convenient ‘shorthand’ umbrella term for a range of types of discrimination experienced and that some *differentiation* between these types was needed in order to inform the evolution of policy responses that would be appropriate to specific issues. For example, attitudes of *prejudice* may necessitate a primarily educational response—although law can also play a part in terms of its symbolic as well as operational effects in marking out the limits of what is acceptable and unacceptable. By contrast, *direct discrimination*, cannot be tackled by education alone—recourse to law and the operational restraints and effects deriving from it may be critically important to any effective response. On this basis, the project identified the following dimensions of unfair treatment on the basis of religion:

1. *Religious prejudice*: This is attitudinal. While it might not result in discriminatory behaviour, it can certainly wound individuals, and can form a basis for exclusion.
2. *Religious hatred*: This occurs when ‘religious prejudice’ becomes solidified into a settled attitude of mind and will, is then sometimes clothed in a specific ideological justification, and can often result in violent behaviour.
3. *Direct religious discrimination*: This is deliberately unfair and exclusionary action based on religion.
4. *Indirect religious discrimination*: This is the exclusionary consequence of unexamined practices or procedures that may not be informed either by prejudice or intent directly to discriminate, but which nonetheless result in unfair treatment and exclusion due to their not taking a changed social and religious context into account.
5. *Religious disadvantage*: This is experienced by any religious group that exists outside of the privileged alignments that, within a range of European societies, exist between a particular religious group or groups and the state.
6. *Institutional ‘religionism’*: This admittedly somewhat inelegant neologism was coined by analogy with ‘institutional racism’,<sup>43</sup> in order to signify the

<sup>42</sup> Paul Weller and Kingsley Purdam *et al.*, *Religious Discrimination in England and Wales, Interim Report*, 7–10.

<sup>43</sup> Sir William Macpherson, *Inquiry into the Matters Arising from the Death of Stephen Lawrence on 22nd April 1993 to date, in order Particularly to Identify the Lessons to be Learned for the Investigation and Prosecution of Racially Motivated Crimes, 24th February 1999*, Cm 4262-I (London: The Stationery Office, 1999). This report identified ‘institutional racism’ in the Metropolitan Police.

complex and systematic combination of two or more of the above dimensions.

When the project's *Interim Report* was published it was criticized by a number of Muslims for not being specific enough about 'Islamophobia' as a particular kind of religious discrimination affecting the largest religious minority in the UK. However, there is good reason for approaching issues of religious discrimination primarily in *generic* terms. In part this is for reasons of principle—discrimination is discrimination whoever it affects and by whoever it is perpetrated, including by religions themselves. In part it is also for pragmatic reasons—if research findings are to lead to an effective policy response (particularly one including legal measures), then, given that the general approach in the UK (in contrast, say, to legal traditions in India and elsewhere) is to have universally applicable law rather than special laws for particular groups, the issues involved may not be presented as a case of 'special pleading' by one group for 'special treatment'.

To give inadequate weight to the *generic* characteristics of religious discrimination is to run the risk of being blind to the fact that there is nothing that prevents at least the possibility, given certain circumstances, of *any* group becoming perpetrators of unfair treatment on the basis of religion. The dynamics involved in such treatment are, in principle, no respecter of persons or groups or religions. Therefore to frame the issue primarily in terms of religious discrimination is to underline that it is the responsibility of all groups, of good governance in society, and in the ultimate interests of all, to tackle this phenomenon whenever, wherever, and under whatever guises it appears. However, giving due weight to its generic features *then* allows, by means of comparison and contrast, a greater possibility of identifying and addressing any features specific—in either extent or kind—to the experience of particular religious groups or communities.

This can also be argued in parallel with regard to anti-Semitism which is, of course, itself deeply embedded in the European psyche,<sup>44</sup> especially following the trauma of the holocaust of European Jewry. There may also be some sense in which the Muslim adoption of the terminology of 'Islamophobia' is both in deliberate emulation and sometimes also in counterpoint to this. In terms, though, of the European experience, while anti-Semitism is almost completely built on pseudo-science, fantasy and fabrication about the supposed power that Jews in Europe have never

<sup>44</sup> See The Runnymede Trust, *A Very Light Sleeper: The Persistence and Dangers of Antisemitism*, (London: Runnymede Trust), 1994.

actually wielded, in the case of Islamophobia it is informed by an actual history of military conflicts between territories associated with the House of Islam and those associated with Christendom.

The historical reality of military conflict, and the fact that in the contemporary world there have also been high profile attacks such as those in the USA in 2001, Madrid in 2004, and London in July 2005 that are explicitly associated with individuals and groups who understand themselves as having acted in this way in the name of Islam, needs to be stated carefully so as not to run too great a risk of misunderstanding. But it is the case that the historical locus in military conflict, and also the association of Islam with recent actions that have been calculated to cause terror in the major cities of states that are seen by many Muslims as having embodied Islamophobia in their foreign policies and military actions, makes aspects of the inheritance of Islamophobic imagery more complex to challenge in societies where Muslims are in a minority.

The difficulties that thus emerge are, in many respects, a mirror image of the way in which the foreign policies and military actions of these states—in relation to Afghanistan and Iraq, Israel/Palestine, Chechnya, the former Federal Republic of Yugoslavia, and extending back into the colonial and imperial history of the nineteenth and early twentieth centuries—have made a simplistic anti-Westernism (as distinct from a more precise anti-colonialism, anti-imperialism or even anti-capitalism) so attractive to many among both the dispossessed and the ideologically committed of the Muslim world. However, as also with anti-Semitism, Islamophobia and Islamophobic images have developed a life of their own, leading to their reproduction in very diverse social, historical and political contexts, including those of both the political left and the political right.

Historically, as Richard Webster explains in his book *A Brief History of Blasphemy: Liberalism, Censorship and "The Satanic Verses"*, 'Christian fears of Islam, then, were based in part on a real perception of its military, political and cultural strength. But the tendency of Christians to demonise their enemies meant that realistic fears of Islam were increasingly overlaid with demonological fantasies in which Muslims in general, and Muḥammad in particular, were seen as satanic beings.'<sup>45</sup> These Islamophobic images charged the Prophet with being a liar and a deceiver. They also suggested that, due to the permissibility in Islam (under certain conditions) of polygamy, that the Prophet in particular and Muslim men in general have insatiable sexual appetites.

<sup>45</sup> Richard Webster, *A Brief History of Blasphemy: Liberalism, Censorship and 'The Satanic Verses'* (Southwold, Orwell Press, 1990), 37.

Finally, these images associated Islam and Muslims per se with violence and intolerance. In 1213 Pope Innocent III described the Prophet as 'the Beast of the Apocalypse'. As Webster summarized this development: 'In subsequent centuries, the view of Islam as a demonic force, and of Muhammad himself as Antichrist, became deeply established in the Christian imagination.'<sup>46</sup>

It is these kinds of images that are now often recycled in the stock of Islamophobic images, albeit in a form secularized by 'Orientalism'<sup>47</sup> in parallel to the ways in which anti-Semitism became secularized through pseudo-scientific race theories. The practical use and effects of such images, especially via their reproduction in the mass media after 9/11, led the European Monitoring Centre report on Islamophobia to identify what emerged during this period as 'the deep-seated nature of Islamophobia and xenophobia'. However, whilst highlighting the linkages between these phenomena, the report went on to stress that: 'At the same time, it is clear that these two concepts are not exactly congruent. Expressions of Islamophobia have certainly in some instances simply been a "cover" for general racism and xenophobia' but also 'there have been instances in which such expressions have been quite selectively targeted at visibly perceived manifestations of Islam.'<sup>48</sup>

Post-9/11, and especially with reference to the UK, instances have been cited in which 'anti-Muslim alliances have been formed . . . between right-wing groups and immigrant and ethnic minority groups'.<sup>49</sup> Thus, in the UK, on occasions the British National Party has 'suspended' its generally racist agenda in favour of an alliance (presumably temporary) with Sikh and Hindu militants. In the 2001 follow-up report by the Commission on British Muslims and Islamophobia, an example of British National Party literature found in Oldham in the summer of 2001 is quoted under the title of 'Winning for White Oldham: Winning for You' and ending with the challenge 'Nick Griffin and the BNP, or the pro-Muslim Labour Party? Make up your own mind and think of your family as you vote British National Party'.<sup>50</sup>

<sup>46</sup> Ibid, 79.

<sup>47</sup> See Edward Said, *Orientalism: Western Conceptions of the Orient* (Harmondsworth, Penguin, 1978).

<sup>48</sup> Allen and Nielsen, *Summary Report on Islamophobia in the EU after 11 September 2001*, 54.

<sup>49</sup> Ibid.

<sup>50</sup> Cited in Commission on British Muslims and Islamophobia, *Addressing the Challenge of Islamophobia: Progress Report, 1999–2001* (London: Commission on British Muslims and Islamophobia, 2001), 17.

However, such imagery is not only a matter of political extremes. Islamophobic imagery and attitudes can also be found amongst those who characterize themselves as political liberals and react with horror to the activities of neo-fascist groups. Identifying the problem of what might be called an 'Islamophobia of the liberal intelligentsia' which was prevalent at the height of *The Satanic Verses* controversy, Shabbir Akhtar wrote an essay published in *The Independent* newspaper (10 October, 1989), entitled 'The Liberal Inquisition'. The phrase also became the title of a chapter<sup>51</sup> in his book, *Be Careful With Muhammad! The Salman Rushdie Affair*. In its juxtaposition of two key words usually seen as incompatible, the phrase reflects what can be the Muslim experience of an ignorant, sneering journalism, sometimes found among those who would claim to be politically liberal. Indeed, many Muslims felt that precisely this kind of 'sneering liberalism', drawing uncritically on the store of anti-Islamic imagery, was embodied both in *The Satanic Verses*, and manifested in the general reaction of the Western liberal artistic and political elite to the issues highlighted by the controversy.

## V. QUESTIONS AND ISSUES FOR THE FUTURE

This section poses a number of key questions for consideration with regard to the future of how the discrimination experienced by Muslims and others might be most appropriately and addressed in the UK. In its *Statement on Inter-Religious Relations*, the Inter Faith Network for the United Kingdom noted:

The social and political context shapes the content and development of our inter-religious relations in significant ways. By contrast with the position in some countries of the European Community, in the United Kingdom the majority of members of our different faith communities share a common citizenship. This contributes a basic legal and psychological security which is important for the development of good inter-religious relations. However, racism and religious discrimination create a gap between this formal position and the actual experience of minority faith communities.<sup>52</sup>

<sup>51</sup> Shabbir Akhtar, *Be Careful With Muhammad! The Salman Rushdie Affair* (London: Bellew Publishing, 1989), 37–63.

<sup>52</sup> Inter Faith Network for the United Kingdom, *Statement on Inter-Religious Relations in Britain* (London: Inter Faith Network for the United Kingdom, 1991) para 2.

With the exception of what, from a mainland British perspective, is often seen as the 'backward' communalism of Northern Ireland, the UK has basically seen itself as a liberal democracy that upholds freedom of religious belief and practice in an atmosphere of general tolerance. Thus, at the height of the Rushdie affair when Shabbir Akhtar wrote in an article in *The Guardian*, that the next time there are gas chambers in Europe, there is little doubt concerning who will be inside them, this was generally seen at the time, even among many Muslims, as provocative overstatement. And it is actually the case that, compared with many countries in the world, the British and wider European situation is one that must be acknowledged to be at least relatively positive in comparison with the post-partition communalist violence of the Indo-Pakistan sub-continent and the more recent terrors of Chechnya.

However, reflecting later in his book *Be Careful With Muhammad*, Akhtar said, 'If we make allowances for the shock tactics and overlook the hyperbole in a journalistic piece written after all in the heat of the moment, the remark is not entirely without point.'<sup>53</sup> And, indeed, Akhtar's 1980s statement does look very different when read on the other side of the attempts at 'ethnic cleansing' of the established European Muslim communities of Bosnia-Herzegovina and Kosovo. As Akhtar said in *Be Careful with Muhammad*: 'The vocabulary of the Final Solution is not necessarily confined to the Germany of the Third Reich and the Jews. . . . The nasty side of human nature is never too far below the surface of civilised existence.'<sup>54</sup>

At the same time, following 9/11 in New York, the Madrid train bombings of March 2004, and the London Transport bombings of July 2005, it is impossible to cite such sentiments without also needing to engage with the implications of the kind of violence that has also been visited by a small number of those who understand themselves as Muslims upon the civilian populations of those states and societies that, in their global political stances and military actions, are seen as embodying Islamophobia. Such matters need to be stated carefully in order to, as far as possible, minimize the (unfortunately almost inevitable) risk of misunderstanding what is and is not being said.

However, the importance of attempting to say things that are difficult and cannot be reduced to simplistic headlines is something that recent events have underlined. While the historical and contemporary loci that can make Islamophobia difficult to challenge have already been noted, it is especially important at this particular juncture in British history to emphasize that these things do not abrogate the reality of the Srebrenica

<sup>53</sup> Akhtar, *Be Careful With Muhammad*, 132.

<sup>54</sup> *Ibid.*, 133.

massacres of Muslims during the breakdown of Yugoslavia, or the rise in religiously and racially-motivated attacks against Muslims in the UK following the London suicide bombings.

Thus, the continuing presence of Coalition forces, the actions of the insurgents and the ongoing loss of life among ordinary Iraqis, and the terror in the cities of Madrid and London, stimulated by these and other global events in which Muslims have suffered greatly, remain part of a searing contemporary reality that can all too easily poison the relationships between Muslims and others. The remaining question, then, is how most appropriately the 'nasty side of human nature' can be addressed: whether it is expressed in either Islamophobia or in the reaction of indiscriminate violence against the general population (including Muslims who happen to be present in the vicinity) of Western states and societies. What are the ways in which the effects of this 'nasty side of human nature' are best confronted, controlled and rolled back so that the possibility of their bursting malevolently out from under the 'surface of civilized existence' into further bouts of 'cleansing' or of 'martyrdom' are, as far as possible, reduced for the future?

In considering the issues involved, it is important to understand that there appear to be dimensions of both Islamophobia and of these more recent forms of violent reaction to it that come nearer to 'religious hatred' than to 'religious discrimination' alone. The German word for this, *Fremdenfeindlichkeit* (roughly 'animosity towards strangers') comes closest to reflecting something of the strongly visceral dimensions of hostility that can also, under certain conditions, issue in physically violent attacks, and whose roots lie in attitudes and imagery deeply embedded in history, culture and consciousness.

In seeking to understand these aspects of Islamophobia, but also perhaps of aspects of the kind of anti-Westernism that can be mobilized to provide the justification of active and passive support for events such as the Madrid and London bombings, consideration of the dynamics associated with another form of hatred for 'the other' that is also found in Europe could be illuminating. In their instructive book *Moving Beyond Sectarianism: Religion, Conflict and Reconciliation in Northern Ireland*, Joseph Liechty and Cecelia Clegg explain this deep-seated and multi-layered admixture of Protestant and Catholic religion and Loyalist/Unionist and Republican/Nationalist politics that has manifested itself all too often and with such devastating effect in the phenomenon of 'sectarianism' as found in Northern Ireland. As Liechty and Clegg put it, such an approach to 'the other' can be characterized as:

... a system of attitudes, actions, beliefs and structures at personal, communal and institutional levels

which always involves religion, and typically involves a negative mixing of religion and politics

... which arises as a distorted expression of positive, human needs especially for belonging, identity, and the free expression of difference

... and is expressed in destructive patterns of relating:

hardening the boundaries between groups

overlooking others

belittling, dehumanising, or demonising others

justifying or collaborating in the domination of others

physically or verbally intimidating or attacking others.<sup>55</sup>

Liechty and Clegg also identify what they call a 'scale of sectarian danger'<sup>56</sup> through which the conflictual 'temperature' and destructive potential of 'sectarianism' is escalated by words and by actions, starting with:

We are different, we behave differently

We are right

We are right and you are wrong

You are a less adequate version of what we are

You are not what you say you are

We are in fact what you say you are

What you are doing is evil

You are so wrong that you forfeit ordinary rights

You are less than human

You are evil

You are demonic

Such a 'scale of danger' could, arguably, be used to characterize all other forms of 'communalism' found in our world of conflicting and fractured identities, including Islamophobia in Europe and those forms of anti-Westernism that encourage and sustain terrorist actions directed against states and societies whose policies and practices are perceived as embodying Islamophobia. Since both Islamophobia and the recent forms of reaction to it are sustained and reproduced by demonizing and visceral mythologies, any attempt to deal with them only through suppression is likely to result in their breaking out again in new and

<sup>55</sup> Joseph Liechty and Cecelia Clegg, *Moving Beyond Sectarianism: Religion, Conflict and Reconciliation in Northern Ireland* (Dublin: The Columba Press, 2001), 102–3.

<sup>56</sup> *Ibid.*, 245.

more visceral forms for having been forced underground. Thus it is likely that it will be necessary to challenge such mythologies' hold on hearts and minds through educational initiatives among the general public as well as within and between various religious communities and groups.

At the same time, it is likely that both the instruments and the force of the law will be needed as at least *part* of any effective response if individual societies, the European Union and the international community are really to address Islamophobia and discrimination against Muslims while also containing the threat of violent reaction to it. Law as an instrument of policy is not sufficient, but it is irreplaceable since, as Martin Luther King Jr. put it, 'The law does not change the heart, but it does restrain the heartless'. In fact, there have been a number of recent legal developments in the UK that have been relevant to combating religious discrimination and Islamophobia. These include the incorporation into UK law of the European Convention on Human Rights and Fundamental Freedoms through the Human Rights Act, 1988 and the implementation of the Employment Equality (Religion or Belief) Regulations, 2003.

The Human Rights Act already signalled a change in which matters of freedom of religion and belief, and their manifestation in the public sphere, became entrenched in a constitutional context where previously (in the absence of a written constitution) there were no codified rights. At the same time, the Human Rights Act was concerned with the freedom of religious belief and its manifestation in the public sphere rather than with discrimination as such. It is also not applicable to individuals, and in relation to organizations, it applies only to public authorities, and to the private or voluntary and community sectors only when these may be acting on behalf of public bodies. By contrast, the Employment Equality (Religion and Belief) Regulations are of wider relevance, albeit within the restricted spheres of employment and vocational training, being applicable to all these with the exception of some limited exemptions for religious bodies themselves.

The arrival of both of these legislative developments was already known about prior to the inception of the Religious Discrimination in England and Wales Research Project. The Human Rights Act was already on the statute book in 1988, with full compliance expected by Autumn 2000. The Employment Equality (Religion or Belief) Regulations were evolved to enable the UK, through its adoption of the Amsterdam Treaty of the EU, to comply with EU Directive 2000/78/EC. This directive requires member states to take measures against discrimination on a range of grounds, including religion or belief,

in the specific field of employment and vocational training.<sup>57</sup> Thus, regardless of the findings of the Religious Discrimination in England and Wales Research Project (which, in any case, was not mandated to make policy recommendations, but only to identify policy options) there was already an obligation upon the Government to comply with requirements relating to religious discrimination.

Arguably, then, the changes to law that have occurred in recent years have come about partly due to the campaigning agency of groups within UK society, and partly also because of the UK's need to fulfil its international commitments, rather more than to the will of the UK Government to bring about change and reform on principled grounds relating to the need to combat discrimination in all its forms and across all areas of society. Nevertheless, the Government has moved to bring in legislation directed towards tackling the phenomenon known as 'incitement to religious hatred'.<sup>58</sup> Furthermore, in his keynote speech to the 2004 Labour Party Conference, the Prime Minister, Tony Blair, announced that it was now the Government's intention to bring in legislation in relation to religious discrimination more generally. Nevertheless, at the time of writing, it still remains the case that there is no general legislation covering the UK as a whole with regard to religious discrimination in the way that the Race Relations Act also covers, for example, racial discrimination in the provision of goods and services.

Finally, it needs to be re-affirmed that while the rights of religious believers are important, theirs are not the *only* rights of importance. Discrimination can also affect those who do *not* hold to a religious belief or practice as well as those who do. Thus—as in the recent measures on discrimination in employment—mechanisms for engaging with religious discrimination need to be ones that also address the rights of atheists, agnostics and humanists, in other words (in the language of the recent employment regulations) to be concerned with both 'religion'

<sup>57</sup> See Peter Cumper, 'Religious Discrimination in Britain: New Opportunities and Fresh Challenges within Employment', in Nazila Ghanea (ed.), *The Challenge of Religious Discrimination at the Dawn of the New Millennium* (Leiden: Martinus Nijhoff, 2003), 157–84.

<sup>58</sup> The proposals for this legislation—parallel to what already exists in relation to 'incitement to racial hatred'—have been particularly controversial. On the one hand, after initial reticence in some quarters, most religious groups ultimately welcomed them, although there has been continued concern that legislation of this kind might be used to inhibit the freedom to criticize religion through comedy and satire, and stifle freedom of expression generally.

and 'belief'. The recognition of both of these is, in any case, required for compliance with the European Convention on Human Rights. It is also important to recognize that the historic struggles for the rights to question and not to believe were important social gains in their own right—and they were arguably also religious gains, too, because they establish the principle of religious identity freely affirmed and owned rather than one that is merely a product of history and convention.

Therefore, also pragmatically, if religious believers wish to have their struggle against discrimination taken seriously, they need to recognize the importance of tackling *any* discrimination on the grounds of religion, for the good of all. Thus Muslims are more likely to win support for their own concerns when any stand they take against religious discrimination in the UK both is and is perceived to be a principled one on behalf of the rights of all, and not—however justified this may be in the present European context, and taking full account of the specificities of Islamophobia—one that is based only on the experience of Muslims.

Replacing an emphasis on other forms of discrimination with an explanatory framework that operates *only* with regard to religious discrimination more generally, or with *Islamophobia* more specifically, would be to run the danger of slipping into a form of religious communalism. In this, religious groups would risk distorting their core values and narrowing their vision on the basis of an undue focus on their own self-interest. The argument of this paper, as developed prior to the London Transport bombings of July 2005, has been underlined by the impact of those events—namely, that, while recognizing and tackling the existence of religious discrimination and Islamophobia, there is a pragmatic need not to over-emphasize this to the exclusion of all other considerations.

The challenge for Muslims and others is to take seriously the specific realities of what is indicated by the term 'Islamophobia'. However, taking them seriously entails a readiness to engage with issues of discrimination and exclusion as multi-layered and in their full context. It entails also recognition of the importance of overcoming *all* manifestations of what might be called 'sectarian communalism' as, in highly complex, contemporary liberal democracies such as the UK, this can impact upon the experience of all individuals, groups, and organizations within the body politic and that body as a whole.