

RELIGION OR BELIEF
A Gendered Perspective

The Equalities
Red Herring

The equalities strand of religion and belief is concerned with formalised belief systems that require their followers to have faith in the beliefs and practices that they encompass. The belief systems that it enshrines do not (we believe) however extend to secular, non faith-based beliefs such as political beliefs or other equalities-based beliefs such as feminism, although maybe they should. Scotland is home to a wide range of different religious and belief systems such as Christianity, Islam, Hinduism, Judaism, Sikhism, Buddhism, Humanism and Paganism all of which are covered by this legislation. Although religion and belief in Scotland is obviously diverse, there is enough commonality between how each of the individual beliefs systems work to look at how the equalities strands of religion and belief, and gender interact and impact upon one another.

The most established and powerful religions and belief systems that are active in Scotland today are broadly speaking framed within patriarchal, heteronormative structures, and religion is part of the power structure that influences the attitudes, dominant ideologies and therefore discriminations that make up our society. Indeed many states have been formed around religious patriarchies and many, many wars fought between them for their place in the patriarchal hegemonic system that decides control over resources and territory. Not least the current war in Iraq. It is this struggle between religious patriarchies in relation with the state that causes concern. In an effort to appease dissatisfied Muslim youth the Westminster government is investing heavily in the idea of social cohesion and are busy creating space for Imam's to take more control, assert more authority etc. Whilst this can be seen to empower and respect Muslim, BME men it does not empower and respect all Muslim people generally.

Because most religion is patriarchal in its structure and mirrors and supports the discriminatory beliefs that men are superior to women and that LGB and T identities are not equal (and in some expressions of religion not acceptable and therefore abhorrent) identities to the heterosexual norm, it places religion at odds with gender equality and equality for people who are LGB or T.

The sexism that underpins organised religion is most evident when one examines the position of women and the limitations placed upon women in the service of religion. Although some religions now ordain women, many still do not, and those that do have faced (or are still engaged in) conflict with both followers and people in powerful positions within the religion who do not think that women should be ordained. Even within the religions that have begun to ordain women there is what has been dubbed 'the stained glass ceiling', which prevents women from serving in the most powerful roles in the structure of the religion. In terms of women who are followers of religion, there are still obvious issues around a woman's agency over her body and the practices and behaviours that many of Scotland's religions and belief systems prohibit; birth control, abortion, the proscribed covering of hair and faces, forced marriage and the limitations placed on menstruating women, are some of the most prominent examples. The idea that an institution such as a church or mosque should be able to prohibit a woman's decision to use birth control or access an abortion for example seems to be a direct challenge to human rights and consequently the equality of women in Scotland. The view of LGB and T identities within organised religion is even more discriminatory than the enduring sexism that is faced by women, with many religions denying that LGB and T people have the right to express their identities (that is, be who they are) let alone expect equality of treatment. It is assumed that religious expressions of homophobia are the same in origin to expressions in a non-religious context; the idea that gender is fixed, is expressed through proscribed gender roles and that these gender roles explain and maintain the superiority of men over women and should not be challenged or destabilised by the practice of homosexuality or transgender identities.

Religious based discrimination and inequality does not fit into the same model of discrimination as the other equalities strands for a number of reasons. Religions (especially Christian religions in Scotland) are part of the institutional structure of our society, and it is therefore difficult to understand them as a powerless group. It is also arguable if religious discrimination in Scotland can be described as systemic and institutional in nature. Although there are still pockets of sectarianism

and Britain as a whole has seen increased rates of Islamophobia in recent years, the nature of religious discrimination seems to be too varied in content and focus to be described as either systemic or institutional. Using gender as the example, discrimination and inequality are expressed through undue power being afforded to men over women, and equality becomes possible when challenges are made to the structures and expressions of this inequality. Religions by definition are exclusive and deny the legitimacy of other religions; religious identity can be understood as involving a necessary rejection of other religions and belief systems, including non-belief. Therefore none of the religions or (non)belief systems can value one another equally and must therefore discriminate against one another as a matter of existence. The other groups and identities covered by the equalities Bill including women, LGB and T people, BME people, disabled people and people of different ages do not require that other identities are devalued for them to have equality. What is understood to be religious discrimination often sits at the crossroads where other religions and identities that do not fit with the patriarchal, heteronormative structure of religion meet. There is an obvious difference between asking for the recognition of your rights as a group and asking for the right to express opinions that discriminate against the rights of people in other identity groups. So the question for equality, religion and gender seems to be, can the religions active in Scotland accept challenges to the idea that it is acceptable to espouse sexist and homophobic prejudices in the guise of religious beliefs. And if the answer is 'yes' how will the leadership work with the women and LGB and T equalities to take action to prevent further espousal of sexist, heterosexist and homophobic views from within religious institutions.

It is difficult to understand what greater equality for religious groups would mean in practice. Religions are top heavy in terms of how they are structured and where the power lies. For example, there have been many protests amongst a variety of religions and religious leaders in this country in recent years around the issue of ordaining women. Half of the people who follow these religions are in all probability women so it feels unlikely that they are all against the idea of the ordination of women, yet it is difficult to hear

the opinions of people who are followers of a religion because the dialogue is primarily between powerful men within the religion. Inequality is rooted in power and voice – women constitute half of society and do not hold half of the power and have significantly less voice in our society, and this is reflected in how religious institutions work. Despite our increasingly secular society religion is still a powerful voice in the political arena and has the ability to influence the lives of those who do and do not adhere to the beliefs that it presents. Would women and LGB and T people have a greater voice if religion was given greater equality in our society or would they benefit from a greater voice for secular ideas and a limiting of the power and voice of religions that discriminate against women and LGB and T people? It could be argued that the inclusion of religion and belief into the equalities Bill supports some of the inequalities of power that the Bill is trying to redress, and how to resolve this conflict of equalities is a key to creating a Bill that does not undermine its own aims.

The interaction between religion and State is also problematic when viewed from a human rights perspective. Although religion can be placed uncomfortably into an equalities debate, its infringements on the other groups that face discrimination (especially women and LGB and T people) and the fact that religions are chosen, multiple and at odds with one another makes placing it within a human rights agenda awkward. So, for example, when the Lord Chief Justice recently mooted the idea that Sharia law should be accommodated by UK law in recognition and respect for people living their lives in Britain as Muslim, the human rights implications for women and for LGB and T people were significant. Religious tribunals, such as those based on Sharia law used in the Muslim community or Beth Din courts in the Jewish community, are not altruistic neutral bodies, they have a religious agenda by which they are guided and which they intend to uphold through their rulings. When part of that agenda discriminates against women and LGB and T people, it can only limit both the equality and human rights of women and LGB and T people who come into contact with them. Linked to this is the provision of charitable work that is funded by the State and undertaken by religious organisations. In terms of

equality and human rights, both funding and legislation need to create State provision that is all encompassing and non-discriminatory. When this provision is provided by religious organisations that may be underpinned by discriminatory views towards women, LGB and T people and people of other religions there is an obvious conflict. Although the problems around equality and the funding of the third sector by the State are most apparent in the example of religious based organisations, there has historically been issues in this area with all of the equality strands and the equalities Bill could provide the arena in which these issues could be discussed and equalities wide funding standards could be established.

If religion and belief are to be included in the Single Equality Act there has to be some way of allowing the challenges that its inclusion causes the equality of gender and LGB and T identity to be worked out in the practice of using and challenging the legislation. Although it is worrying to think that the equalities Bill could be weakened in terms of how it is applied to women and LGB and T people to accommodate the stances of the prevailing religions in Britain today this need not be the result. It is arguable that all legislation of this nature is written with loopholes to allow for necessary discrimination (such as the loopholes written into the Race Relations Act that allow specialist services to support specialist needs with the most racially appropriate people), and it is not the existence of the loopholes that is the issue but how the loopholes are used (and potentially abused) in practice. The Single

Equality Act needs to be rigorous in creating an open and healthy debate between the religion and belief and gender and LGB and T equalities strands to make sure that the interpretation of these loopholes bridges the gaps between these equalities strands and does not further push them apart. Related to this idea is the question of whether or not all religions are going to be held accountable to the Single Equality Act; if they are not it is difficult to understand how (or indeed why) they are to be included in it, especially in light of the problematic discriminatory attitudes towards LGB and T people discussed in this paper.

Although this paper highlights serious reservations about how religion and belief will fit into the Single Equality Act with regard to the protection and furtherance of the equality of women and LGB and T people, it is important to note that it is accepted that there should be legislation that stops discrimination against people because of their religion or belief system. However, this could be done independently of the Single Equality Act, so that its efficacy is not undermined by the multitude of loopholes that will be required to enable its inclusion.

There is no intention to discriminate against religion and belief by suggesting that it does not fit easily within the combined Single Equality Bill, just the belief that candid dialogue that brings such issues to the fore can only improve equality for all groups at risk from discrimination.

The Equalities Red Herring

