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## A cast-iron case for a secular society



**Nick Cohen**  
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Anti-discrimination legislation once aimed to ensure that society treated citizens equally. By removing irrelevant criteria, the law allowed the victims of prejudice to receive the same rights as everyone else.

When the Commission for Racial Equality investigated racism in the building industry, it said that a man's skin colour was irrelevant to whether he would make a good worker. A black bricklayer should have the same opportunities as a white bricklayer. Today's supporters of homosexual adoption say that the sexuality of a couple is irrelevant. If they can show they would make good parents, they should have the same rights to adopt as everyone else. The argument among economists about the gender pay gap is, at root, an argument about relevance as well. Are women paid less because they take time off to have children or because of misogynist employers' irrelevant prejudices?

Now politicians, judges and the godly are trying to turn religion into an equal opportunities cause. The language sounds the same as in the 20th century, but the consequences could not be more different. Instead of fighting for equality, they are demanding special treatment and the social fragmentation that goes with it.

Last week, Mr Justice Silber ruled that Aberdare Girls' School in South Wales had been guilty of racial discrimination when it excluded Sarika Watkins-Singh for insisting on wearing a religious bracelet. It was a trivial case, which made you wonder about the dogmatism of both sides and the quality of their lawyers. The school could have given way - the bracelet was little more than a slim band. Watkins-Singh's parents could have accepted that they had a duty to uphold the authority of the teachers. Still, for all the pettiness, Mr Justice Silber's judgment was remarkable for his inability to recognise that a just society should treat people equally. He didn't rule that all the girls at Aberdare had the right to wear bracelets, just Watkins-Singh, because she was its only Sikh pupil.

So imbued with discriminatory thinking have politicians and judges become that they are shocked when citizens ask for equality before the law. When the hapless Ed Balls was at the Treasury, the Plymouth Brethren told him that they and their more fundamentalist offshoot - the Exclusive Brethren - were the victims of religious prejudice at the hands of that unlikely source of bigotry, the tax authorities.

Both sects believed that God decides when you died. To their members, compliance with the state's requirement to take out an annuity at 75 forced them to second-guess God by blasphemously betting on the date of their deaths.

The obliging Balls created an alternative pension scheme and then spluttered when pensioners of all faiths and none saw his generous loophole and shifted large sums of money through it. He seemed to think he could legislate for one group without the law applying equally to everyone.

If he did not have the strength of principle to stand up for equality, he ought to have had the wit to realise that the Plymouth Brethren may not have been as devout as they appeared. If you sincerely believe that an omnipotent God controls every aspect of your life, you place your fate in his hands. You do not ask accountants to lobby ministers for tax-efficient changes to pension law.

The same lack of seriousness applies to others who shout that they are the victims of religious discrimination. Watkins-Singh was not a perfect example because the law treats Sikhs and Jews as racial as well as religious groups. But before her, Lillian Ladele persuaded an employment tribunal that it was discriminatory for Islington Council to require her to perform her duties in a register office. She objected to organising gay civil partnerships solely on the religious grounds that she was an evangelical Christian who regarded homosexuality as a sin. When the tribunal found for her, it not only endorsed homophobia and ruled that religion took priority in a register office - where gay and straight couples go to escape religion - but failed to see a glaring inconsistency.

If Ms Ladele thought homosexuality sinful, she should not have wanted to work for an institution that organised 'gay weddings'. The same objection applied to the Muslim checkout staff at Sainsbury's who refused to scan alcohol. If the sale of alcohol was as offensive to their religious principles as they claimed, they would no more want to work for a company that sold wine than a pacifist would want to join the SAS.

The old questions about equality and relevance come back with a vengeance in these cases. The courts offer no protection to workers who have no religious reasons for their homophobia. Employers are still free to fire them just as teachers in South Wales are still free to send home girls who want to wear bracelets because they look pretty. However, the law is intervening to stop employers taking the same action against religious workers even though they are unwilling to do their jobs properly.

I wonder how far the judiciary and the government are prepared to go before they realise the absurdity of their actions. The Exclusive Brethren tells its members not to watch television. If the BBC refused to hire one of their number on the reasonable grounds that he had never seen a TV programme, would it be guilty of religious discrimination? Believers in some versions of Orthodox Judaism hold that women can't be witnesses in religious cases.

Muslim believers in sharia say that the testimony of a Muslim woman or non-Muslim man is worth only half as much as evidence from a Muslim man. If Orthodox Jewish and Wahhabi Muslims stand by these principles in an interview, would the law officers be guilty of religious discrimination if they said they were unfit to be judges in an English court?

The way out of the mess is for the state to commit itself to secularism; to offer full religious freedom, while striving to keep religion out of the public sphere. Leaving all considerations of principle aside, secularism is the only ideology that can make a multifaith society work. The alternative is a future of competitive religious grievance and unremitting vexatious litigation.

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