



**HUMANIST & SECULARIST
LIBERAL DEMOCRATS**



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LIBERAL DEMOCRAT PRINCIPLES AND VALUES – RESPONSE

A. SUMMARY

In this response, we focus on two sets of liberal values that are of especial relevance to humanists and secularists:

- **Freedom of expression;**
- **Freedom from prejudice and discrimination based on religion or belief.**

Question 1: foundational values for Liberal Democrats

We introduce both of the above values, and call for

- **Updating of the party constitution’s preamble to reference non-religious belief;**
- **Disestablishment of the Church of England;**
- **Early legal recognition of humanist marriage;**
- **Addressing religious discrimination in state-funded schools.**

Question 12: challenges to freedom of expression

We explore freedom of expression in much greater depth, focussing specifically on

- **The Hate Crime and Public Order (Scotland) Bill, and the Law Commission’s Hate Crime review;**
- **The implications of the “Islamophobia” definition, as adopted by Federal Board in 2019.**

Question 16: dispersing power and privilege in modern Britain

We call for the party to commit to

- **Disestablishment of the Church of England**

We draw particular attention to the **Coronation Oath**, which committed the Queen to “preserve inviolably the settlement of the Church of England”, the potential this creates for a major constitutional crisis and the need for this to be addressed before the next coronation.

Question 22: hierarchies of liberal values

We briefly address some scenarios where “religious rights” that conflict with the rights of others are asserted.

B. DETAILED RESPONSE

Question 1: Which values are absolutely foundational for Liberal Democrats?

In this response, we focus on two sets of liberal values that are of especial relevance to humanists and secularists – recognising of course that there are numerous other core liberal values that our members would all share.

Freedom of expression

“We will at all times defend the right to speak, write, worship, associate and vote freely, and we will protect the right of citizens to enjoy privacy in their own homes and lives.”

Preamble to the Constitution

Humanists seek to base our moral principles on reason, rather than on revealed wisdom or absolute authority, as well as on shared human values and on respect for others. We reject dogma: all ideas and principles must be open to question. Apart from anything else, this is how good ideas may develop and how bad ideas may fall by the wayside: if we cannot challenge and test ideas, we cannot truly understand them, find their flaws and address them.

This is especially important where the mere act of arguing that an idea is flawed may cause offence.

We are especially sensitive to efforts to put restrictions on discussion of aspects of religion and belief, given the long, terrible and continuing history of repression and abuse committed in the name of defending religion – as the events in France of the last few days remind us all too forcibly.

We address these issues under question 12.

Freedom from prejudice and discrimination based on religion or belief

“...we reject all prejudice and discrimination based upon race, colour, religion, age, disability, sex or sexual orientation and oppose all forms of entrenched privilege and inequality.”

Preamble to Constitution

Secularism is, in essence, the affirmation of freedom of religion and belief and the rejection of all forms of entrenched privilege and inequality based on religion and belief.

This core statement in the **Preamble to the Liberal Democrat Constitution** therefore defines the Liberal Democrats as a party of secularism.

However, after over 30 years the wording is dated, and needs updating to reflect the progressive recognition that people whose beliefs are non-religious are as much in need of protection from prejudice and discrimination as those whose beliefs are religious, and the gradual adoption of the expression “religion or belief” into human rights and equality law, at national and international level.

There are still too many people in positions of authority who assert, and act on the basis, that non-religious belief cannot be worthy of protection or respect because it is no more than the absence of religious belief, or because only religious belief can inculcate strong moral values. The existing wording reinforces this prejudice.

The party should commit itself to full **disestablishment of the Church of England**.

The UK is generally thought of as a secular democracy, but it is hard to square this with the establishment of the Church of England, its reserved and privileged places in the legislature, its central role in great ceremonial occasions of state, and the Coronation Oath by which the Queen has sworn to uphold the authority of the Church of England. The UK cannot be a truly secular democracy, as long as its head of state is held accountable to a religious authority.

We address this issue more fully under Question 16.

The party should also be vocal in challenging discrimination by the British state on the basis of religion or belief wherever it is manifested.

The most immediate way in which the parliamentary party can demonstrate its commitment to ending discrimination will be to come in force to support the [Marriage \(Authorised Belief Organisations\) Bill](#), for **early legal recognition of humanist marriage**. It is highly symbolic that the bill was introduced on 21st October by Rehman Chishti, who had been the Prime Minister's Special Envoy for Freedom of Religion or Belief until the previous month, and we welcome the involvement of Wera Hobhouse and Daisy Cooper as co-sponsors of the bill. The bill's second reading is scheduled for 15th January next year.

Finally, **religious discrimination in state-funded schools** continues, directly restricting the choices of hundreds of thousands of children, and is being extended by the current government. This is the area where reform would have the greatest impact on the largest number of citizens.

Question 12: What are the main challenges to freedom of expression in modern society?

“5. Community

We believe in the right of people to live their lives as they wish, free to say what they think and to protest against what they dislike, regardless of who disagrees with them, free of a controlling, intrusive state and of a stifling conformity. A free society that glories in diversity is a stronger society. Societies, governments, bureaucracies and corporations work best when the beliefs and maxims of those at the top can be challenged and disproved by those below. Open societies learn and evolve; closed societies stagnate and fail.”

“10.2: Liberal Democrats’ style, whether in government, in our local communities or within our own party, is to be this: ...tolerant of differences and open to new thinking; pluralist, aware that we have no monopoly of wisdom; ...honest, not afraid to put forward unpopular policies; thoughtful, not dogmatic; and, finally – and perhaps most characteristically – free thinking, unimpressed by authority and unafraid to challenge the status quo.”

Consultation Paper 141: Liberal Democrat Principles and Values

These two statements are, as much as anything else, a rejection of dogma, which is a principle or set of principles laid down by an authority as incontrovertibly true. Any proposition that cannot be challenged without attracting a sanction is dogma.

Humanists seek to base our moral principles on reason, rather than on revealed wisdom or absolute authority, as well as on shared human values and on respect for others. We reject dogma: all ideas and principles must be open to question. Apart from anything else, this is how good ideas may develop and how bad ideas may fall by the wayside: if we cannot challenge and test ideas, we cannot truly understand them, find their flaws and address them.

This is especially important where the mere act of arguing that an idea is flawed or false may cause offence.

There is no universal human right not to be offended, and wherever such a right is recognised and enforced freedom of religion and belief dies along with freedom of expression; blasphemy law has a dark and bloody history, and still constantly claims new victims wherever it is enforced, whether by the state or by zealots.

We defend the right to express one’s religion or belief, but also to question, criticise or even ridicule the religions or beliefs of others – including humanist beliefs.

We also believe it is fundamental that the right to freedom of expression, like all rights, has to be universal: it should protect those who express highly illiberal viewpoints just as much as those that Liberal Democrats would endorse, and even when the expression of those viewpoints is not temperate or rational:

“Free speech includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative. Freedom only to speak inoffensively is not worth having.”

Liam McArthur MSP, LibDem Scottish Justice Spokesperson, quoting Lord Justice Sedley

We also believe that freedom of expression cannot be meaningful if expressing the wrong viewpoint, or expressing it in the wrong way, may result directly in loss of your livelihood.

We think of the McCarthy witch hunts, in which loss of career was one of the main weapons used to pressure American citizens to cooperate with the House Un-American Activities Committee (HUAC), and to punish anyone believed by the committee to have communist sympathies. Liberal Democrats see HUAC as a deep

stain on the history of the USA, even though we do not for a moment share the faith in communist regimes of many of HUAC's victims.

We think also of authoritarian regimes, including historic communist governments but from both ends of the political spectrum, under which political dissidents are routinely punished with loss of livelihood (along with other far worse punishments).

There is an increasing and deeply worrying determination among some supporters of minority rights to try to destroy the livelihoods of people who express strong views that offend them.

Only this week there is [the case of Kevin Price](#), a Cambridge councillor who resigned from the City Council in protest against the words, in a motion tabled by the Liberal Democrat group, "Trans women are women. Trans men are men. Non-binary individuals are non-binary", in a motion tabled by the Liberal Democrats, as well as expressing opposition to other aspects of trans rights, and then faced from trans rights campaigners within Clare College, where he worked as a porter, for him to resign or be suspended from his job.

Hate Crime and Public Order (Scotland) Bill, and the Law Commission's Hate Crime review

The [Hate Crime and Public Order \(Scotland\) Bill](#), now working its way through the Scottish Parliament, initially demonstrated a willingness to criminalise speech or behaviour that is "threatening, abusive or insulting" and is judged to be "stirring up hatred", without any clarification of the meanings of the highly subjective terms "abusive or insulting", and without essential free speech protections that are built into existing Scottish and UK legislation:

- that there must be an intention to stir up hatred, or recklessness about such an outcome, and that the speech or behaviour must be likely to "cause a reasonable person to suffer fear or alarm"
(Criminal Justice and Licensing (Scotland) Act 2010, clause 38);
- and that the legislation should not restrict "discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents."
(Racial and Religious Hatred Act 2006, clause 29J).

The draft legislation has already had initial revisions in response to strong objections from a remarkably widespread of groups, including both the National Secular Society and Humanist Society of Scotland.

However, even after these initial changes, "... the 'stirring up' offences put forward by the Scottish Government led to serious, widespread and legitimate concerns about their impact on freedom of expression." ([Liam McArthur MSP](#), Scottish LibDem Justice Spokesperson).

Even Lord Bracadale, the retired senior judge whose review of hate crime legislation led to the bill, [has made clear his view](#) that the bill needs to include effective provisions protecting free speech, and that such provisions need to relate not only to religion and belief but also all other protected characteristics.

The fact that there has been widespread opposition to the bill as drafted, and that the Scottish Justice Secretary is gradually yielding after determined initial resistance, is encouraging.

However, the fact that the legislation was initially drafted with such disregard for fundamental freedom of expression considerations is deeply alarming.

We need to be able to protect vulnerable groups, whilst also protecting the freedom to challenge ideas and even to subject ideas to ridicule, insult or abuse.

Here the terminology of the Racial and Religious Hatred Act is particularly useful: the provisions protect even the strongest expressions of antipathy and even abuse directed at “particular religions or the beliefs or practices of their adherents.” They protect abuse directed at beliefs and practices, but not abuse directed at the people who hold those beliefs and practices.

Hate crime law should protect people; it should never seek to protect ideas.

As the current [Law Commission review into Hate Crime laws in England and Wales](#) progresses, Liberal Democrats need to be alert in ensuring that the mistakes that have been made in relation to the Scottish bill are not repeated.

David Starkey investigation

There is also the recent case of Dr David Starkey and Darren Grimes, placed under criminal investigation on 25th September, only abandoned a month later, for the public order offence of stirring up racial hatred after Grimes published an interview in which Starkey said “Slavery was not genocide, otherwise there wouldn't be so many damn blacks in Africa or in Britain, would there? An awful lot of them survived...”

Starkey’s assertion relied on the common understanding of the term “genocide” as the attempted extermination of an ethnic or racial group, in whole or in part. Whether the term would also cover the ruthless subjugation and exploitation of a national, ethnic or belief group for primarily economic purposes is the subject of legitimate academic debate. He was not arguing that slavery is ethically defensible; he was not denying that it breaches the [Universal Declaration on Human Rights \(Article 4\)](#).

The comments were unquestionably expressed in a manner that was pretty much bound to cause offence, his choice of words was both clumsy and grossly insensitive and it was open to the interpretation that he would have preferred fewer people to have survived, but there was no substantive evidence whatsoever to suggest that this was the case, or that he intended to stir up hatred.

The case matters, not because David Starkey is in any way a noble and admirable person, or because his remarks could add anything useful to the sum of human knowledge, but because freedom of expression is meaningless unless it covers the right to be wrong, and to say things that may cause deep offence:

“Freedom of expression constitutes one of the essential foundations of [a democratic] society, one of the basic conditions for its progress and for the development of every man. Subject to paragraph 2 of Article 10 [of the European Convention on Human Rights], it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’”.

[European Court of Human Rights judgement, Handyside vs UK, para.49\)](#)

Liberal Democrats must defend freedom of expression in this country, even in relation to views that we may abhor; otherwise, we are in far weaker position to defend the rights of those abroad who come under threat for expressing liberal viewpoints, or to defend our own rights to freedom of expression under an illiberal future government: we cannot defend bridges that we have allowed to be burned.

Freedom of Religion and Belief: the “Islamophobia” definition

It's also critical to recognise that the principle of allowing beliefs, maxims and cultural practices to be challenged is as relevant and important within the Liberal Democrats as it is within broader society.

The **adoption by Federal Board of the Islamophobia definition** produced by the [All-Party Parliamentary Group on British Muslims](#), and its incorporation into the party's disciplinary codes, was of deep concern to us, precisely because it is entirely concerned with protecting beliefs and cultural practices, “expressions of Muslimness or perceived Muslimness”, from any challenge perceived to be racist, and not at all with protecting actual people: Muslims, or perceived Muslims.

Freedom of religion and belief is a fundamental principle for both humanists and secularists:

- it is about protecting the rights of individuals to express and to practice their beliefs, provided that those beliefs and practices are not imposed on others;
- it is about protecting individuals from discrimination and abuse based on their beliefs.

However, it is absolutely not about protecting those beliefs and practices from criticism; indeed, freedom of belief requires that we be able to question, criticise and challenge the religious beliefs and practices of others, just as we may challenge political beliefs that we do not share, and social customs that we consider abusive.

We must uphold and defend the right of any woman to wear a niqab – or not to wear it – but we must also be able to declare the niqab an instrument of misogyny and controlling behaviour.

Federal Board adopted the definition, but not the [associated report](#), apparently because it recognised that the report, and the “examples” of Islamophobia it included, were deeply flawed.

Unfortunately, that left an unqualified 20-word definition that is so poorly crafted and vague as to be virtually meaningless, with the result that it can be, and is, directed against any criticism of any Islamic practice or belief and is extraordinarily difficult to rebut:

“Islamophobia is racism rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness”

[APPG on British Muslims, Islamophobia report](#)

The definition has been challenged by bodies including [Humanists UK](#) and the [National Secular Society](#), organisations representing Hindus and Sikhs, and, most importantly, the two British groups representing ex-Muslims (Faith to Faithless and the Council of Ex-Muslims of Britain) and groups representing and defending victims of misogynist abuse and control within some Muslim communities (Southall Black Sisters and One Law for All). As the open letter signed by most of these bodies rightly states:

“The accusation of Islamophobia has already been used against those opposing religious and gender segregation in education, the hijab, halal slaughter on the grounds of animal welfare, LGBT rights campaigners opposing Muslim views on homosexuality, ex-Muslims and feminists opposing Islamic views and practices relating to women, as well as those concerned about the issue of grooming gangs. It has been used against journalists who investigate Islamism, Muslims working in counter-extremism, schools and Ofsted for resisting conservative religious pressure and enforcing gender equality.”

[Open letter to the Home Secretary Sajid Javid, May 2019](#)

We have also produced a briefing addressing the issues with the term and definition at length: [Islamophobia: this is not the way to tackle anti-Muslim bigotry](#).

Federal Board, in making this decision, did not bother to consult with us, as a group dedicated to championing freedom of religion and belief, or even to inform us that the definition was under consideration; we were only able to respond at the very last minute because an FB member alerted us a week beforehand.

By adopting the definition, without properly consulting or considering its implications, Federal Board played into the hands of illiberal, religiously intolerant, misogynist, anti-LGBT and anti-apostate factions within some Muslim communities.

If the party is to profess to defend freedom of religion and belief, Federal Board's decision to adopt the Islamophobia definition urgently needs to be reviewed, and the party should support efforts to focus instead on anti-Muslim behaviour, in the UK and globally: the all-too-real and often murderous prejudice and abuse directed against Muslims and those perceived to be Muslims.

Question 16: What opportunities are there to further disperse power in modern Britain? What are the main concentrations of excessive power, whether in government or the private sector?

Disestablishment of the Church of England

“We reject all prejudice and discrimination based upon race, colour, religion, disability, sex or sexual orientation and oppose all forms of entrenched privilege and inequality.”

[Preamble to the Constitution](#)

The party should commit itself to challenging discrimination by the British state on the basis of religion or belief, at every level.

In particular, it should seek to bring about an end to the Church of England’s powerful and privileged position of authority at the heart of the British state.

It is easy not to recognise how anomalous the position of the Church of England is, compared to the rest of the UK, and to the rest of the world. Scotland, Wales and Northern Ireland do not have an established Church, and there is no call for one; and no other democracy in the world gives a religious body equivalent authority, with the deeply unappealing exception of Iran.

The party’s policy of abolishing the House of Lords seats reserved for Church of England bishops is well established and oft-repeated, but, as far as we’re aware, there has been no statement of party policy on broader disestablishment of the Church since Autumn 1990, when Conference passed the following motion:

“This Conference calls for disestablishment of the Church of England”.

Policy motion: “Church of England”, Autumn 1990.

That is the text of the motion, in full. After thirty years, this policy is overdue for reaffirmation – and a little more detail might not go amiss.

We comment here on the monarch’s dual role as Head of the State and of the Church of England, because this is where the authority of the Church compromises the authority of the state, where conflict could arise and where the party needs to have policy in place.

The monarch as Head of the Church of England, and the Coronation Oath

“Will you to the utmost of your power maintain the Laws of God and the true profession of the Gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law? Will you maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will you preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges, as by law do or shall appertain to them or any of them?”

Elizabeth II’s Coronation Oath, 2nd June 1953

The Coronation Oath is not just of huge symbolic significance.

The UK cannot be a truly secular democracy, as long as its head of state is herself bound by oath to uphold the authority and privileges of the Church of England and to maintain its doctrines.

There is a major conflict here: how should the Queen respond if a British parliament passes legislation to bring about the removal of any of the Church’s “rights and privileges” – most obviously, the reserved places for the Bishops in the House of Lords?

If the Church were to object, or if the Queen were to believe that she could not breach her Oath by signing the legislation, a major constitutional crisis would ensue, which would most likely be resolved by the legislation being abandoned, the Church giving way, or the Queen abdicating.

As long as the monarch’s Coronation Oath remains binding, this could clearly be a serious block on meaningful reform of the House of Lords.

It therefore become an immediate and pressing issue when the Queen does step down – and we cannot know how soon that will be. We need to have policy already in place for when that day approaches.

Quite simply, if the next monarch is to be the head of the Church of England, that role should be entirely separate from their role as head of the British state, should not form any part of the Coronation Oath and must not in any other way bind them in the performance of their role as head of state.

Question 22: “Do you support a particular hierarchy of liberal values – in other words are there particular elements of our philosophical heritage which you think should always prevail over others in the event of a conflict?”

We are particularly concerned here with conflicts, perceived or real, between “religious freedom” and the rights of others.

“Religious freedom” is sometimes used as an alternative term to “freedom of religion or belief”, but is also very strongly associated with aggressive efforts by some religious groups, particularly Christians in the USA, to assert that their rights trump the rights of other groups where these come into conflict.

There are certainly scenarios in which the apparent rights of different groups may be hard to untangle, as the Ashers Bakery “gay cake” legal case demonstrated. Ashers refused to accept an order for a cake with the message “Support Gay Marriage”, on conscience grounds, and were sued for discrimination on the grounds of sexual orientation. The original judgement against the bakers was confirmed by the court of appeal but then overturned by the UK’s Supreme Court, on the grounds that the refusal was based on the cake’s message, not on the sexual orientation of the customer.

However, it is far more common for claims to be made to rights that do not actually exist; for example:

- There is no right not to be offended, and no right to incite violence or hatred towards other people; we’ve explored this under Question 12.
- There is no right to have one’s beliefs respected; this would directly conflict with the rights of others to express their own beliefs. The right is to express one’s beliefs, not to demand respect for them.
- There is no right to discriminate against others in the provision of goods and services, on the grounds of conscience, except where the goods or services are inherently religious; a religious body cannot be required to perform a religious ceremony that conflicts with their beliefs; however, Ashers Bakery would not have had any right to refuse to bake their cake because the customer was gay; a registrar of civic weddings (which are not religious ceremonies) has no right to refuse to officiate at the weddings of same-sex, mixed-race or mixed-religion couples.
- Finally, there is no parental right to have one’s children taught by the state to follow the parents’ religion or belief, as is often asserted by traditionalist religious authorities. Parents have the right to bring up their children in their own religion or belief (up to the point where the child is capable of making their own decisions), and to involve their children in worship and religious instruction. But they cannot not have any right to impose this as an obligation on the state. State-funded schools should be a neutral ground where all children are taught about religion and belief, gradually giving them the tools to make their own choices, as they mature, about what they believe. A state-funded school teaching that one religion or belief is true, rather than any others, is discriminating against the followers of all other religions or beliefs and breaching their right to bring up their children in their own religion or belief.