British Muslims –
Discrimination, Equality
and Community Cohesion

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List of Acronyms

ACAS	Advisory, Conciliation and Arbitration Service
BCS	British Crime Survey
CEHR	Commission for Equality and Human Rights
CPS	Crown Prosecution Service
CRE	Commission for Racial Equality
DfES	Department for Education and Skills
DCMS	Department of Culture, Media and Sport
DTI	Department of Trade and Industry
EOC	Equal Opportunities Commission
PIU	Performance and Innovation Unit
RRA	Race Relations Act 1976
RR(A)A	Race Relations (Amendment) Act 2000
WEU	Women and Equalities Unit

1. EXECUTIVE SUMMARY

Community cohesion is seen as a way to establish a greater sense of citizenship, through the promotion of greater knowledge, respect and contact between people from diverse cultural backgrounds. A cohesive community is one where there is a common vision and all communities have a sense of belonging, where diversity is appreciated and positively valued. This paper argues that Government policy on British minority communities, including Muslims, needs to actively promote community cohesion (and, in turn, political stability) while at the same time ensuring principles of justice. Together, these two principles can serve to promote an inclusive vision of citizenship that allows individuals to simultaneously identify themselves as members of a particular ethnic or religious group, while also feeling a sense of belonging to Britain.

While ethnically diverse, there is sufficient similarity amongst British Muslims to speak about them meaningfully as a "social group", whose membership is linked by common faith-based beliefs, sentiments, experiences and attitudes. In developing and implementing policy there may be times when it is important to recognise faith identities and Muslims as a distinct group, rather than relying uniquely on ethnic categories such as Bangladeshi or Pakistani. Of course, individual Muslims also have aspects to their sense of personal identity that are independent of this group identity. However, it is clear that religion is an important aspect of identity for Muslims and for a society to create a common vision and instil a sense of belonging, it must also recognise individuals as members of social groups that the individuals themselves consider meaningful and significant.

Citizens who feel that key legal and political institutions understand, accommodate and reflect their central concerns will have a deeper sense of identification and belonging to these institutions. However, merely recognising individuals as citizens is in itself insufficient as it ignores the group dimension. The public recognition of Muslim identity will allow individuals to feel that they are accepted by the State and in the public sphere. For British Muslims to have a sense of belonging to a wider political community, they must be able to identify with the key legal and political institutions *as Muslims*, and feel included in the public culture of Great Britain *as Muslims*. Whether this process is called accommodation, pluralism or multiculturalism is less important than the fact that it can create a stable future for Muslims in Britain.

This paper aims to explore the basis by which British Muslims should be treated as a distinct social group for policy purposes, and establish recommendations aimed at improving policy addressing the needs of Muslims as a group. In particular, it is recommended that the Government ensure that more comprehensive data is collected on the basis of individuals' religious identity, not only their ethnicity. One of the most important reasons why it is necessary to recognise Muslims as a faith-based social group

is that they, as a group, face problems of social exclusion. The Government uses the term social exclusion to describe what can happen when people or areas suffer from a combination of related problems[1] including unemployment, unfair discrimination, poor housing or high crime rates. However, it is also useful to examine more specifically the three main types of social exclusion faced by British Muslims: *exclusion through violence, economic exclusion,* and *political and public exclusion.*

Social exclusion premised on *exclusion through violence* is driven not only by hate crimes, but also by less severe incidents of harassment and intimidation, including "hate speech". The Government response to hate crimes in the post-11 September environment has been promising, with an extension of legislation to specifically cover religiously motivated crime.[2] However, a continued focus on using ethnic categories may nonetheless hamper progress in tackling hate crimes. In particular, there remains a significant gap in the mechanisms in place for inspecting key aspects of the criminal justice system for anti-Muslim prejudice. The Government response to hate speech has been to propose an extension of hate crime legislation to also cover Muslims.[3] If implemented and enforced effectively, this legislation should send a clear message that those who commit acts of violence or harassment against Muslims out of hatred of their religious identity will receive tougher penalties under criminal law.

The importance of free speech in a liberal society places legitimate limitations on the ability of the State to regulate speech. Criminal law should therefore be used in only the most extreme cases and the Government should also investigate alternative policy options. In particular, the Government should look into ways to strengthen the capacity of Muslims to enter into public debate and defend their faith in the public sphere. For example, the Government should encourage and fund initiatives to enable Muslim organisations to challenge distorted images of Muslims. In short, what is needed is more speech, rather than the regulation of free speech.

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[1] See: Office of the Deputy Prime Minister, *Tackling Social Exclusion: Taking Stock and Looking to the Future,* London, Social Exclusion Unit, ODPM, 2004.

[2] Crime and Disorder Act 1998, s. 28-32, as amended by the Anti-terrorism, Crime and Security Act (2001), s. 39.

[3] In July, the Home Secretary announced the government's intention to introduce legislation to outlaw incitement to religious hatred see: Home Office press release, 7 July 2004, available at: http://www.homeoffice.gov.uk/n_story.asp?item_id=993 [accessed 21 September 2004].

The level of economic exclusion faced by many British Muslims is examined in more detail in Chapter 3 of this report, on British Muslims and the Labour Market. This chapter focuses, rather, on discrimination law and policy, in particular in employment and training. It also addresses policy on the provision of services in the private and public sector. This is particularly important, given that a direct consequence of the economic exclusion encountered by Muslims is that they are disproportionately reliant on public and welfare services.

The Government's main response to problems of discrimination is reliance on the Race Relations Act. However, even with the transposition of the provisions of the EU Employment Directive, there is a long standing anomaly by which ethnic religious minorities such as Sikhs and Jews receive direct protection as a group, while non-ethnic religious minorities such as Muslims are given only indirect, and in some areas, no protection. The Government has announced its intention to introduce new legislation to prohibit religious discrimination in the provision of goods and services. However, there are also extra-legal measures that could be taken. For example, measures can be taken to gain a better understanding of the specific needs of Muslims in relation to key public services. Information gathered directly on Muslims as a group, as opposed to that gathered indirectly, through the lens of ethnicity, may then be used to develop more nuanced policy aimed at addressing the social exclusion faced by British Muslims.

The third type of the social exclusion encountered by British Muslims is *political and public exclusion.* This paper argues for the creation of a common public sphere able to offer a sense of belonging to both majority and minority communities, and to promote coexistence and community cohesion. To this end, both the majority and minority groups must recognise that comprises will need to be made. For the minority, this means that their private identity cannot automatically be reflected in the public sphere without some limited assimilation to the shared values that are the agreed-upon basis for a common public life. In turn, the majority will need to accept a necessary transformation of the public sphere and of public institutions, to accommodate some of the needs of minorities such as Muslims. An important role of the Government in this process is to encourage and support measures and initiatives through which the most urgent needs of Muslims, and in particular the most marginalised Muslim groups, can be accommodated. Muslim organisations also have a crucial role to play in this process.

2. INTRODUCTION

This report focuses on issues of law, politics and social policy using the usual methods of the social sciences. It is not intended to communicate the status and significance of Islam in the lives of British Muslims. Rather, it sets itself the more modest task of suggesting one way in which public policy could start to think about Muslims in the UK.

General Government policy on ethnic minorities, as well as the recent policies on "community cohesion" created since the disturbances in May 2001 in the North of England, emphasise the need for political stability.[4] This report endorses the priority given to this aim, but its main conclusions are that policy should be formulated around two poles: (1) political stability – sometimes also called "community cohesion"; and (2) principles of justice. A liberal state must, of course, pay attention to justice as "the first virtue of political institutions",[5] but, in addition, it should be able to resolve disagreements in a reasonable and politically stable way, without resorting to violence.

These two principles that guide policy serve a wider vision toward which society must strive: the guarantee of a level citizenship that allows individuals to simultaneously identify themselves as Muslims and feel a sense of belonging to Britain. If Muslims are to have an inclusive and egalitarian basis for this sense of belonging to a wider political community, they must be able to identify with the key legal and political institutions *as Muslims,* and they need to feel included in the public culture of Great Britain *as Muslims.* Whether this process is called accommodation, pluralism or multiculturalism is less important than the fact that it can create a stable future for Muslims in Britain.

Although individuals remain the paramount unit for analysis of liberal politics, it is also crucial to recognise the reality and importance of groups. This chapter argues that, when it comes to developing social policy, Muslims should at times be recognised as a social group. It goes on to identify the ways in which they can experience social exclusion as a group. The subsequent sections highlight some of the key features of social exclusion.

Section 3 deals with issues of method and sets out definitions of key concepts used in this chapter. There is sufficient similarity amongst Muslims to speak about them meaningfully as a social group whose membership is linked by common faith-based beliefs, sentiments, experiences and attitudes. However, the fact that Muslims are a

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[4] For further details see: *Minority Protection in the EU: The Situation of Muslims in the UK,* Budapest, Open Society Institute, 2002, pp. 85–87, available on the website of the EU Monitoring and Advocacy Program (EUMAP), at http://www.eumap.org/reports.

[5] J. Rawls, *A Theory of Justice,* Oxford, Oxford University Press, 1999.

social group does not preclude individual Muslims from having aspects to their sense of personal identity that are independent of their group identity.

It is important that Muslims see an accurate reflection of their sense of self in the public sphere. Citizens who feel that key legal and political institutions understand, accommodate and reflect their central concerns will have a deeper sense of identification and of belonging to these institutions. Recognition of identity by others is important for individual well-being. Failing to grant an individual recognition – or reflecting back to an individual a demeaning picture of themselves or the group from which they draw their sense of self – is a serious matter that has implications for that person's well-being and autonomy. If Muslims see their sense of identity reflected in legal and political institutions, and they see their concerns being taken seriously by these institutions, they are more likely to comply with the obligations of these institutions without feeling coerced. Therefore, in order for Muslims to feel that their concerns are being accurately reflected, it is vital that policy-makers and legal and political institutions recognise Muslims as a distinct social group.

Section 4 explores the forms of social exclusion suffered by Muslims in the UK. One reason why it is so important to recognise Muslims as a group based on religious affiliation is that they face social exclusion as a group. The Government has defined social exclusion as a short-hand term for what can happen when people or areas suffer from a combination of related problems, such as unemployment, poor skills, low incomes, unfair discrimination, poor housing, high crime, bad health and family breakdown.[6] The experience of large numbers of Muslims in the UK falls within this definition, and this results in their *involuntary* exclusion from mainstream social, political and economic institutions. More specifically, the social exclusion of Muslims is a term that captures their experience as a group that has overwhelmingly suffered in the past, and continues to suffer, from a combination of linked socio-economic problems.[7] Furthermore, after September 11, the continuing debate about Muslims and Islam in the public sphere makes Muslims in Britain a group that is particularly at

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[6] See: Office of the Deputy Prime Minister, *Tackling Social Exclusion: Taking Stock and Looking to the Future,* London, Social Exclusion Unit, ODPM, 2004, (hereafter, ODPM, *Tackling Social Exclusion*).

[7] The evidence of socio-economic disadvantage for Muslims has usually relied on data for the Pakistani and Bangladeshi community in the UK. Over 90 per cent of Pakistanis and Bangladeshis in the UK are Muslim. Together they form 60 per cent of the UK Muslim population. However, information about the socio-economic disadvantage of Muslims as a group is beginning to emerge. See: Office of National Statistics, *Focus on Religion,* London, ONS, 2004.

risk of being culturally alienated. Either their own beliefs are not represented at all in the public sphere or they are represented in ways that are distorted, inaccurate and demeaning.

In order to more fully explore the social exclusion that Muslims face as a group, it is useful to use as a reference the "five faces of oppression" defined by Young.[8] These forms of oppression can in turn be translated into three distinct types of social exclusion: exclusion through violence, economic exclusion, and political and public exclusion. Each of these forms of social exclusion is treated in more detail in the next three sections of this report.

Section 5 focuses on exclusion through violence. The response of the State to hate crimes in the post-September 11 environment has been promising, and it includes an extension of the Crime Disorder Act (1998) to specifically cover religiously motivated crime.[9] However, a continued focus on using racial and ethnic categories alone could, nonetheless, hamper progress in this area. There is a significant gap in the mechanisms in place for inspecting key aspects of the criminal justice system for anti-Muslim prejudice – at exactly the time when there is a pressing need for such processes.[10] In particular, it is necessary to think imaginatively about how to fill the gap left by the anomalous coverage of the Race Relations (Amendment) Act (2000) (hereafter, RR(A)A). One possibility is to introduce a voluntary process, which need not be as formal as a code of practice, to evaluate these agencies of the criminal justice system in relation to the impact of their policies on Muslims.

To understand a group's experience of exclusion through violence, however, it is important to widen the definition of violence to also include less severe incidents of harassment and intimidation, including hatred expressed in speech ("hate speech"). The State response to hate speech has been to propose legislation extending hate crime

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[8] See Iris Marion Young, *Justice and the Politics of Difference,* Princeton, NJ, Princeton University Press, 1990, esp. Ch. 5, (hereafter, Young, *Justice and the Politics of Difference*).

[9] Crime and Disorder Act 1998, s. 28–32, as amended by the Anti-terrorism, Crime and Security Act (2001), s. 39.

[10] See the chapter of this report on Muslims and the Criminal Justice System in this report for a discussion of the low levels of confidence Muslims have in parts of the criminal justice system.

legislation to cover Muslims.[11] If implemented and enforced effectively, this could send a clear and unequivocal message that those who commit acts of violence against, and harassment of, Muslims out of deliberate and conscious hatred of their membership of their religious group deserve special penalties under the criminal law. However, the importance of free speech in a liberal society places legitimate limitations on the ability of the state to regulate speech. Criminal law should be used in only the most extreme cases where there is a risk of either physical violence or public disorder that this sort of activity should be regulated. The grievances of Muslims faced with hate speech and vilification against them as a group can also be addressed using alternative policy options. This includes, for example, investment that builds the capacity of Muslims to intervene in public discourse to be able to defend their group and faith and thereby communicate what they consider to be the truth of their religion within the public sphere. The solution to the problem of the vilification of Muslims is to enable Muslims to enter into public debate. In short, what is needed is more speech, rather than the regulation of free speech.

Section 6 focuses on economic exclusion and, more specifically, on discrimination law and policy, in particular in employment and training; and in the provision of services in the private and public sector. The Government's main response to the problems of discrimination on the basis of race is reliance on the Race Relations Act (1976) that has indirectly given protection to Muslims against discrimination in employment, education, housing and in private and public sector service delivery.[12] There was a long standing anomaly which directly protected ethnic religious minorities such as Sikhs and Jews, but gave only indirect and in some cases no protection to non-ethnic religious minorities such as Muslims. Even after implementation of EU Employment Directive Muslims *qua Muslims* (unlike Sikhs and Jews) will not be protected from discrimination in the following areas: social protection (including social security and health care); education; goods and services available to the public including housing; social advantages (such as housing benefits, student maintenance grants and loans, or benefits for senior citizens). The Government has announced its intention to introduce legislation to prohibit religious discrimination in relation to goods and services but has provided no further details.

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[11] In July, the Home Secretary announced the Government's intention to introduce legislation to outlaw incitement to religious hatred see: Home Office press release, 7 July 2004, available at http://www.homeoffice.gov.uk/n_story.asp?item_id=993 (accessed 21 September 2004).

[12] The Race Relations (Amendment) Act (2000) amended the Race Relations Act of 1976 to prohibit public authorities from discriminating on the grounds of race in carrying out their functions.

One consequence of the fact that Muslims suffer from economic and social exclusion is that they are heavy users of public and welfare services. In fact, one of the main points of contact between Muslims and the State is their experience of the State as a provider of these types of key services such as health, education, housing and welfare. Any attempt to improve the relationship between Muslims and the State, and their feeling of being respected and belonging, must therefore give this issue the highest priority. Dependency on public services carries with it the risk of being subject to intrusive authority by serve providers, who have significant power. In meeting the needs of those whom they service these public agencies often construct the needs of the user based on limited experience and information. This has the potential to lead to breaches of principles such as respect, autonomy and privacy.

The key legislative framework for ensuring that public authorities examine their policies for discrimination is the RR(A)A, but this does not directly cover Muslims as a group. Still, there are other measures that could be taken that would not involve reform of the legislation. The starting point must be a better understanding of the specific needs of Muslims in relation to key public services. The Social Exclusion Unit has recognised that Government policy is dramatically failing to reach Pakistanis and Bangladeshis and that there may be need to change policy in this area.[13] Better information, and research that targets the faith needs of these communities directly, rather than indirectly, may reveal problems in policy that the Government previously has not realised, due to officials' insistence on using race or ethnicity as the most appropriate categories for analysis.

Section 7 addresses political and public exclusion. This paper argues for the creation of a common public sphere, one that is neither neutral between cultures nor a perfect mirror for personal identity. This common culture will be influenced by a process of renegotiating between the diverse cultural groups within a political community. In order to develop "a sense of belonging" that remains attentive to both the majority and the minority, and to generate a common public culture within which different groups co-exist, the parties involved must make compromises and adjustments. For the minority, this means that their private identity cannot automatically be reflected in the public sphere without some limited assimilation to the shared values that are the agreed-upon basis for a common public life. For the majority, this re-negotiation carries with it significant costs. These costs will be an inevitable outcome of attempts to transform the public sphere and institutions – from exclusively reflecting the dominant culture, towards a common culture that also seeks to accommodate some of the most urgent needs of minorities, such as Muslims.

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[13] ODPM, *Tackling Social Exclusion,* p. 19.

To achieve this kind of inclusion, legal and political institutions must show that they take the needs and concerns of Muslims seriously. This debate needs to be conducted within mainstream institutions, where negotiation with other groups and the majority can take place. Clearly, Muslims will need to make concessions and compromises in their demands. The same is true of majority institutions and structures, which will need to accommodate some of the key demands of Muslims. Accommodation through a recognition of some aspects of the needs of Muslims could ensure a greater coalescence between the experience of individual Muslims in their daily lives, where many are guided by Islamic legal rules, and their experience of majority legal and political institutions. This kind of accommodation provides freely chosen normative guidance in the lives of Muslim citizens, by allowing key institutions to recognise certain Muslim norms as important. The result may be a higher degree of willing co-operation and identification with these institutions and, therefore, more political stability. Muslim communities' institutions need to use this insight as the starting point for their own analysis. Most importantly, Muslim institutions must acknowledge that the values of liberal democracy and constitutionalism are non-negotiable, and demands for accommodation must accept these core liberal constitutional values as paramount.

The response by many Muslims to the misrepresentation of Islam has not been to enter the public space with their preferred version but, instead, to argue for restraints on speech. This response underestimates the value of freedom of speech and its priority in a liberal democracy. A subtle political and cultural solution may be more effective than legal regulation. While a liberal state may hesitate before regulating speech, in a situation where a vulnerable minority group is faced with persistent vilification, the State can legitimately respond by using non-legal remedies. British Muslims can reasonably lobby institutions like the Department of Culture, Media and Sport (DCMS) to take their interests more seriously. Government resources can help Muslim communities build the capacity needed to intervene in the public sphere and the media, so that Muslims can redress distortions that prevail. Equally important is State support for cultural projects that allow Muslims to express themselves in variety of ways – not only through political, social and economic speech, but also through cultural forms, such as art, music and literature. Freedom of thought and conscience, as well as the availability of public and private resources for developing and disseminating culture, provide Muslims with a unique opportunity for self-development and communication. A DCMS consultation and policy paper on the way in which arts and culture can contribute to cohesion in

communities sets out the criteria for supporting communities in this way.[14] This work needs to be revived in the specific context of Muslims.

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[14] Department for Culture, Media and Sport, *Culture at the Heart of Regeneration – Consultation Paper,* London, DCMS, 2004, available on the DCMS website at http://www.culture.gov.uk/global/consultations/2004+current+consultations /cons_culture_heart_regeneration.htm (accessed 1 November 2004), (hereafter, DCMS *Culture at the Heart of Regeneration*).

3. TOWARDS COMMUNITY COHESION: RECOGNISING MUSLIMS AS A SOCIAL GROUP

This section argues that the recognition of Muslims as a social group is a key aspect of achieving community cohesion between the minority Muslim communities and the majority. Community cohesion is a term that has been used in Government documents and policy, and the Government gives value to greater community cohesion because it can contribute to a number of important objectives.[15]

Community cohesion is seen as a way to promote greater knowledge, respect and contact between various cultures, while establishing a greater sense of citizenship. A cohesive community is one where:

1. there is a common vision and all communities have a sense of belonging;

2. the diversity of people's different backgrounds and circumstances is appreciated and positively valued;

3. those from different backgrounds have similar life opportunities; and

4. people from different backgrounds develop strong, positive relationships in the workplace, in schools and within neighbourhoods.

This section argues that, if a society seeks to create a common vision, instil a sense of belonging and develop strong relationships, it must recognise individuals as members of social groups that the individuals themselves consider meaningful and significant. This public recognition of identity is important, because it allows individuals to feel that they are accepted by the State and the public sphere. Merely recognising individuals as citizens – the traditional liberal approach to the problem of minorities – is no longer sufficient, because it ignores this group dimension. An appropriate theory for addressing minority needs must take into account not only individual identity but also group affiliations that have importance for an individual's sense of self-respect. The work on social groups that has been done by Iris Marion Young provides a useful way to link the idea of community cohesion to traditional liberal concern with minorities.

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[15] Home Office, *Community Cohesion,* summary from the official Home Office website, available at http://www.homeoffice.gov.uk/comrace/cohesion/index.html (accessed 25 October 2004), (hereafter, Home Office, *Community Cohesion*).

3.1   Muslims as a "Social Group"

The vexed question about whether or not, for the purposes of law and policy, Muslims should be considered as a racial/ethnic group – and related debate about a commonly accepted definition of what constitutes a "religion" – should not prevent recognition that, in practice, people can, and do, undertake definitions of Muslims as a group. Ordinary social science analysis meaningfully uses terms to describe groups defined by, for example, gender, age, race/ethnicity, nationality or class. However, although the *central* meaning of the distinguishing characteristic of membership of any social group may be clear, some *marginal aspects* of the definition may be less apparent. It may, therefore, be difficult to decide whether a particular individual is a member of a given group.

Because this paper focuses on policy analysis and recommendations, theoretical definitions of social groups, such as those of Young or others, are less important than functionalist and pragmatic considerations. Definitions of race, class and even gender break down in the face of difficult cases.[16] It seems reasonably clear that groups are a social phenomenon. Individuals often do associate with those with whom they share a cultural, social, religious or other affinity. According to Young, social groups are more than just a collection of individuals, they fundamentally shape the way in which individuals define themselves and the way in which they are viewed by others. A particular social group is differentiated from others by certain practices, cultural norms and ways of life. Each member of the group has an affinity with other members, due to shared experiences and ways of life that encourage them to associate with one another. Group identification often arises in contrast to, and in dialogue with, other groups, in other words, as a response to difference. The encounter of differences in experience between distinct groups can heighten this identification, despite the fact that each group is a member of the same society or political community.[17] It is possible to speak meaningfully about groups that organise themselves in a way that allows us to refer to them as social groups, whilst at the same time recognising the importance, and perhaps primacy, of individuals within a liberal political community.

Muslims share with other religious groups the fact that their association with one another is based around certain common beliefs that can be defined as "faith-based"

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[16]   For example, Professor Modood notes that the category "Muslim" is "as internally diverse as 'Christian or Belgian' or 'middle-class', or any other category helpful in ordering our understanding of contemporary Europe; but just as diversity does not lead to the abandonment of social concepts in general, so with that of 'Muslim'". T. Modood, "Muslims and the Politics of Difference", in *Political Quarterly,* 2003, p. 100.

[17]   See Young, *Justice and the Politics of Difference,* esp. p. 43.

beliefs. Faith-based narratives are a key aspect of social regulation for these sub-communities. Moreover, faith-based forms of knowledge characteristically determine a minority's own criteria of validity, competence and application. For the individual, they define what can and should be said and done. Legitimacy is provided by the fact that people within that tradition listen to the narratives, recount them, give them authority and use them as the basis for their beliefs and conduct.[18] In addition, these normative criteria provide the background context for the exercise of choice in a wide range of matters that concern the individual. Commitments of faith may be critical, not only in their impact on the pragmatic choices about what to do and how to act, but also in their impact on the whole range of aesthetic and emotional experiences of the agent.[19] In these ways, a feature of faith is its influence on the motivations and inner states of consciousness, which guide belief and conduct in important areas of the life of Muslims.

It is a central premise of this paper that Muslims are a group whose membership is determined according to common faith-based beliefs, sentiments, experiences and attitudes. In short, there is sufficient similarity amongst Muslims to allow us to speak about them meaningfully as a social group. For some time, academic research has indicated that religion has become a more significant marker of identity than ethnicity for Muslims in the UK.[20] The Home Office *Citizenship Survey* (2001) also indicates that, for Muslims, religion is a more important aspect of identity than ethnicity, and is second only to family.[21]

Identifying Muslims as a social group does not determine the issue of how social policy should respond to this reality. It also does not mean that individual Muslims do not have their own distinct way of expressing their faith and sentiments. Nor does it mean

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[18] J. F. Lyotard, *The Postmodern Condition: A Report on Knowledge,* Manchester, Manchester University Press, 1986, pp. 18–23.

[19] See the discussion in: C. Taylor, "Self-interpreting Animals", in *Human Agency and Language, Philosophical Papers, Vol. I,* Cambridge, Cambridge University Press, 1985, p. 45, (hereafter, Taylor, *Self-interpreting Animals*).

[20] See, for example: L. Archer, *Race, Masculinity and Schooling: Muslim boys and education,* Maidenhead, Open University Press, 2003; and J. Jacobson, "Religion and Ethnicity: duel and alternative sources of identity among young British Pakistanis", in *Ethnic and Racial Studies* 20(2), 1997.

[21] M. O'Beirne, *Religion in England and Wales: findings from the Home Office Citizenship Study 2001,* Home Office Research Study 274, London, Home Office, 2004, p. 20, available at http://www.homeoffice.gov.uk/rds/pdfs04/hors274.pdf (accessed 16 October 2004).

that individuals are not able to transcend or reject their identity as Muslims. Furthermore, and most crucially for this chapter, the fact that Muslims are a social group does not preclude individual Muslims from having aspects to their sense of personal identity that are independent of their group identity as Muslims.[22]

It is also worth pointing out that there are no clear rules that allow us to distinguish between different types of social groups. There is, and often will be, a considerable overlap between criteria such as race, ethnicity, national origin and religion. It can be difficult, on a theoretical level, to clearly demarcate social groups based on ethnicity from those based on religion. For example, it is hard to decide whether it is nationality or religion that best defines the identity of some Pakistani Muslims. For this reason, a pragmatic approach is needed. As a matter of practice, it will be more appropriate if law and policy does not place too great an emphasis on these fluid categories. So that, for example, access to important legal rights and public/social/economic goods should not be dependant on the rigid application of abstract definitions. Rather, what is more important is to identify the value of recognising the way in which certain individuals define themselves as part of a social group that can reasonably be defined and identified. This argument has a special importance in the context of Britain's Muslims, who have been denied direct access to important legal rights and public goods because of the view that, unlike Sikhs or Jews, Muslims are not an ethnic or racial group.[23]

So, does it matter whether the self-identification of Muslims is accurately reflected in law and politics? This paper argues that it matters very much that Muslims see an accurate reflection of their sense of self in the public sphere. It also seems to matter to Muslim community groups, who, for over a decade, have been asking the Government to recognise Muslims as a distinct category.[24] Moreover, it can be argued that recognition of Muslim identity can enhance political stability, community cohesion and principles of justice.

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[22] See: Young, *Justice and the Politics of Difference,* p. 45.

[23] See discussion below.

[24] Interviews with representatives of Muslim organisations, such as the Muslim Council of Britain and City Circle confirm these demands. Moreover, representative media, such as *Muslim News* and *Q News,* confirms that Muslims are keen to be recognised as a distinct group for the purposes of legal and political decision making.

3.2   Political Stability and Community Cohesion

As indicated above, community cohesion is a key part of the Government's strategy towards minorities generally and Muslims in particular. Community cohesion has a number of aims, including fostering a sense of citizenship and belonging amongst minority groups and encouraging contacts between the majority and the minority communities. The Government's strategy focuses on issues such as political leadership, regeneration, employment, sports and culture, youth, policing, education and the media.[25] These issues are addressed in the main body of this report and in the sections that follow.

Here it is worth noting the process through which individuals can develop a meaningful sense of community and belonging. Common meanings and beliefs are embedded in contemporary social ways of life, and they often help constitute the social and political culture – the community – and its institutions.[26] These meanings and beliefs cannot be understood by merely noting their impact on, or importance for, individual agents. They are not just shared beliefs and attitudes of all the individuals in a society. They also form the basis for an appreciation of social practices and institutions that cannot be understood as anything but communal. The common meanings that sustain law and legal institutions are the basis for community. People have to share and participate in a language and understanding of norms that allows them to talk about these institutions and practices.[27]

If we accept the view that there is a stronger, constitutive, relationship between law and social practices, then law is not only connected to the community in that it attends to communal values. This view suggests that law actually has an important function to play, not only in reflecting, but also in creating and sustaining, social life and shared values. Moreover, the impact of legal and political institutions on life is not neutral. This alternative view also suggests that there is a causal relationship between private individual identity and public institutions. Citizens, who sense that key legal and political institutions understand, accommodate and reflect their central concerns will feel a deeper sense of identification and belonging to these institutions.

According to this analysis, the role of law and legal/political institutions goes beyond that of regulating disputes. Law functions as an institution that constructs behaviour,

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[25] See: Home Office, *Community Cohesion.*

[26] See: M. Malik, "Faith and the State of Jurisprudence", in *Faith and Law: Essays in Legal Philosophy,* Oxford, Hart Publications, 2000, (hereafter, Malik, *Faith and the State of Jurisprudence*).

[27] See: Taylor, *Self-interpreting Animals.*

gives it sense and meaning, and influences the self-interpretation of beliefs and conduct of participants. This complex social function assigns to law and its institutions an important public role, as a bank of collective wisdom and as a public "ritual".

3.3   The Recognition of Identity

Another feature of contemporary liberal culture that is relevant to our discussion of community cohesion is the "politics of identity". This idea focuses attention on a number of recurring themes in contemporary political writing. It rejects an atomistic picture of individual freedom as radical detachment and recognises an important link between individual freedom and identity, on the one hand, and social practices and community, on the other. Two consequences follow from these connections. First, an important source of the well-being and self-respect of an individual arises out of their sense of who they are – through their identification with important beliefs, groups and attachments. Second, where these beliefs, attachments and groups are denigrated, this in turn undermines the sources of self-respect and well-being of the individual.

Key aspects of identity are formed in dialogue with the other people who are a significant presence in our lives. The resulting importance of values like respect and recognition makes issues of identity and group membership vital for the public sphere.[28] The link between recognition by others and individual well-being raises the stakes in the "politics of identity" debate. Failing to grant someone recognition – or giving that person incorrect recognition – can cause damage to the well-being of the individual. This moves the "politics of identity" debate from the private to the public sphere.

If recognition by others is important for individual well-being, then the failure to grant recognition – or the decision to reflect back to an individual a demeaning picture of themselves or the group from which they draw their sense of self – can be categorised as a serious matter. It has consequences for the well-being and autonomy of individuals.[29] Where the State and its institutions are implicated in creating and sustaining this distorted image, there is a strong argument suggesting that the requirements of respect and recognition have been breached.

A strategy that recognises Muslims as a social group may ensure the development of a common vocabulary in law and politics that has a deeper meaning for Muslims and

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[28] For a discussion of the untenability of Rawls' distinction between private and public reasons for action, see: J. Finnis, "Natural Law Theory and Limited Government", in R. George (ed.) *Natural Law, Liberalism and Morality,* Oxford, Clarendon Press, 1996, p. 9.

[29] See: Malik, *Faith and the State of Jurisprudence.*

that they develop in conjunction with all other British citizens. This will facilitate the process of encouraging Muslims to feel a sense of identification with key legal and political institutions, especially where these institutions recognise and accurately reflect their key concerns as Muslims. This sense of identification with legal and political institutions can provide Muslims with a basis for a sense of belonging to a political community that they can share with other citizens. This process has the potential to generate a sense of belonging to local and national communities,[30] and, therefore, it can foster a greater level of community cohesion and national political stability. Recognition of their existence as a social group may also ensure that the self-identification of citizens as Muslims is accurately reflected in legal and political institutions, thereby satisfying Muslims' right to the recognition and respect that are part of what it means for a liberal state to treat citizens as autonomous and free. It is critically important that mainstream, rather than fringe institutions, provide this public space for recognition.

If Muslims see their sense of identity reflected in legal and political institutions, and see that their concerns are taken seriously by these institutions, they are more likely to comply with the obligations of these institutions without feeling coerced. The prospect of a greater convergence between the experience of individuals in their daily and practical lives and their experiences of normative legal and political institutions – and therefore of meaningful identification and a higher degree of willing co-operation with these institutions – would justify such an effort.

The argument of this section of the report is that it is time to reconsider the current orthodoxy of placing Muslims into racial categories. Such a change has been a longstanding and key demand of Muslim organisations, and it has been reiterated in interviews carried out with a range of Muslim representative organisations, such as the

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[30] For a more detailed discussion of the way in which this process could work see: A. Mason, "Political Community, Liberal-Nationalism and the Ethics of Assimilation", in *Ethics* 109(2), 1999, p. 261. See also: M. Malik, "Minority Protection and Human Rights", in Campbell, Ewing and Tomkins (eds.), *Sceptical Approaches to Human Rights,* Oxford University Press, Oxford, 2001.

Muslim Council of Britain (MCB) and City Circle.[31] Both organisations, and other Muslim commentators, were emphatic in their conclusion that, if Muslims are recognised as a distinct group by legal/political institutions, and for the purpose of policy design, it would encourage Muslims to feel that their concerns were being accurately reflected, and it would thereby strengthen identification with these institutions.

Indirect indicators, such as race or ethnicity, are an insufficient and inaccurate way of analysing and accommodating Muslims as a social group. If we concentrate solely on ethnicity, we can make critical errors in analysis and miss important information that can only be captured when we use faith/religion as a category. This is not to say that there is no overlap between race and faith/religion, or to deny that, in some cases, one can act as an indicator for the other. The previous analysis merely sets out the argument in favour of a policy shift in our approach in relation to certain distinct areas of analysis. Abstract objections such as "how do we define religion" are less helpful than taking a pragmatic approach that recognises that Muslims are the largest religious minority group in the UK. This will inevitably raise important questions about their distinct needs, not only as political citizens, but also as workers and consumers of public and private services.

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[31] Interviews with the Muslim Council of Britain (MCB) and the organiser of the City Circle, London, March 2004. MCB is the largest umbrella organisation, with affiliates from across the country representing a diverse range of members of the Muslim community, including women and ethnic minorities within the Muslim community. City Circle is a body that was founded by a group of Muslim professional men and women who organise lectures that are open to Muslims and non-Muslims. City Circle also does grassroots work within the Muslim community.

4. COMMUNITY COHESION AND SOCIAL EXCLUSION

Section 3 pointed out that there are overwhelming reasons to recognise Muslims as a distinct social group and category for policy analysis. Such recognition would, it is argued, make a considerable contribution to Muslims' sense of citizenship and belonging, thereby fostering community cohesion. Another important factor for ensuring stable communities is reducing social exclusion, which acts as a way of alienating particular social groups, such as Muslims, and acts a barrier to their integration within mainstream society. This section takes up social exclusion as the criteria that should be used to evaluate the status of British Muslims as a particular social group. Section 4.1 sets out a definition of the term social exclusion and examines its relevance for Muslims in Britain.

It is worth noting here that the study of groups raises particular challenges for traditional liberal political theory, which finds it difficult to incorporate groups rather than individuals into discussions about rights and justice. The usual standard that is demanded from a State in its treatment of citizens is the requirement of justice. In this case, justice is usually taken to mean individual justice, in the form of individual human rights or civil and political liberty. However, it is possible to take an alternative view, which emphasises justice for a group.

Young identifies a number of criteria, which she refers to as "the five faces of oppression", that allow us to evaluate whether or not a group is "oppressed".[32] These criteria can be summarised in the following way. *First,* a group is oppressed if it suffers systematic violence, in which members of the group are targeted and experience violence because they belong to that group. *Second,* a group is oppressed when its members experience exploitation due to the transfer of the results of their labour to another social group. For example, unskilled or marginal workers in a poorly paid profession are low paid compared with those in a more privileged employment positions. *Third,* a group is oppressed when it experiences marginalisation, such as when its members are either excluded or expelled from useful participation in the economic, political, cultural and institutional life of a society. *Fourth,* a group is oppressed if it lacks power over its own

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[32] See: Young, *Justice and the Politics of Difference,* ch. 2.

ability to control participation in economic or political activity (powerlessness). *Fifth,* a group is oppressed if it experiences cultural alienation.[33]

Young's five criteria provide an invaluable benchmark for evaluating the legal and political status of Muslims in Britain. We can translate these categories into the vocabulary that the Government and policy-makers themselves use to analyse these issues: the paradigm of "social exclusion".[34] Young's first criterion, systematic violence, is equivalent to "exclusion through violence" and will be addressed in Section 5 of this report. The phenomena of marginalisation, exploitation and economic powerlessness will be treated under the term "economic exclusion", which is covered in Section 6. And cultural alienation and political powerlessness are addressed as "political and public exclusion" in Section 7. These three main categories – exclusion through violence, economic exclusion and political and public exclusion – together capture most of the sources of oppression and social exclusion that are problematic for minority groups like British Muslims.

4.1   Muslims and Social Exclusion

"Social exclusion" is a term that is often used as political rhetoric. However, because it is used with such consistency in the Government's agenda on minorities in general, and British Muslims in particular, any work on policy design for Muslims in Britain must

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[33] See: Young, *Justice and the Politics of Difference,* ch. 6. Young defines cultural alienation as the experience among one group that (a) they cannot identify with the dominant meanings in their society and (b) they feel that the perspective of their own group is either stereotyped, or distorted, rendered invisible within the dominant discourse of the public culture of their community. It is the co-existence of both these feelings that contributes to cultural alienation and makes it such a powerful source of oppression for a group. This oppressed group feels culturally alienated because it is invisible within the public culture and public dominant discourse in the society. Paradoxically, when the group's experiences are included within the public domain, they are stereotyped or distorted in a way that is demeaning for the group.

[34] For an analysis of the shift in the Government's use of terminology, from equality to social exclusion, see: H. Collins, "Discrimination, Equality and Social Exclusion", in *Modern Law Review,* 2003.

take social exclusion seriously as a starting point for analysis.[35] Significantly, the term "social exclusion" is used to discuss Europe-wide action.[36] Domestic and EU documents make it clear that there is concern for groups who are socially excluded, because they have been effectively prevented from participating in the benefits of citizenship and mainstream society. Economic deprivation is one factor, but not the only relevant one, used to define social exclusion. Other factors include: poor educational opportunities, bad housing and membership of a disfavoured minority group.

Social exclusion is a complex phenomenon. It is multi-dimensional, and can pass from generation to generation. Social exclusion includes poverty and low income, but it is a broader concept and encompasses some of the wider causes and consequences of deprivation. The Government has defined "social exclusion" as a short-hand term for what can happen when people or areas suffer from a combination of related problems, such as unemployment, poor skills, low incomes, unfair discrimination, poor housing, high crime, bad health and family breakdown.[37]

The experience of large numbers of Muslims in the UK falls within this definition of social exclusion. Muslims encounter *involuntary* exclusion from mainstream social, political and economic institutions. More specifically, saying that Muslims are subjected to social exclusion captures their experience as a group of people who have overwhelmingly suffered in the past, and continue to suffer, from a combination of related problems. Compared to other faith communities, Muslim men and women in Great Britain had the highest rate of reported ill health in 2001. A total of 13 per cent of Muslim men and 16 per cent of Muslim women described their state of health as "not good" compared to around eight per cent for the population as a whole. Taking into account age structures, Muslims also had the highest rates of disability.[38] Compared to households of other faith groups, Muslim households are the most likely

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[35] See: Office of the Deputy Prime Minister, *Preventing Social Exclusion,* London, Social Exclusion Unit, ODPM, March 2001.

[36] Decision No. 50/2002/EC of the European Parliament and the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion, OJ L10/1, 12 January 2002.

[37] See: ODPM, *Tackling Social Exclusion.*

[38] ONS, *Focus on Religion,* p. 8.

to be situated in socially rented accommodation, to experience overcrowding[39] and to lack central heating.[40] Compared to other religious groups, Muslims had the highest proportion of people in the working-age population without any qualifications. The unemployment rate of Muslims is three times that of the population as a whole.[41]

Fear of crime and the risk of being a victim constitute particularly acute aspects of social exclusion. Evidence from the 2000 *British Crime Survey* (BCS) shows that ethnic minorities run greater risks of crime than White people. This situation reflects the fact that minority populations are concentrated in large cities, in particular in conurbations where the crime risks are high for everyone, regardless of ethnicity. The 2000 BCS also found that people from ethnic minorities worry more about crime than White respondents, a finding that held up even when taking into account the sort of area in which respondents lived and their direct and indirect experience of crime. Furthermore, an analysis of the survey found that "worry about crime was particularly salient among Bangladeshis and Pakistanis".[42] According to the survey, "Pakistanis and Bangladeshis, in particular, are more likely than others to say that they felt 'very unsafe' at night, both in their homes and walking alone in their neighbourhood".[43]

4.2 The Impact of September 11

The situation of Muslims in Britain before September 11 was characterised by poverty and alienation, which in some cases create the risk of social isolation.[44] Alexander notes that, even prior to September 11, Muslim young men had emerged as the new "folk

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[39] Overcrowding is measured by "occupancy rating". This relates the actual number of rooms to the number of rooms "required" by members of the household (based on a relationship between them and their ages). A household with a rating of -1 or less can be considered to be overcrowded.

[40] ONS, *Focus on Religion,* p. 9.

[41] See chapter in this report on British Muslims and the labour market.

[42] A. Clancy, M. Hough, M., R. Aust, and C. Kershaw, *Crime, Policing and Justice: The Experience of Ethnic Minorities. Findings from the 2000 British Crime Survey,* Home Office, Research Study 223, London, Home Office, 2001, p. xii, (hereafter, Clancy et al, *Crime, Policing and Justice*).

[43] Clancy et al, *Crime, Policing and Justic,* p. 90.

[44] See, for example: N. M. 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.

devils" of popular and media imagination and were represented as the embodiment of fundamentalism.[45] Since September 11, international events have ensured that the British Muslim community has become the focus of public attention. The coverage given to the "war on terror" and the Al Qaeda movement has generated an ongoing debate about Islam and the status of British Muslims.[46] The predominant paradigm for the public discourse surrounding Islam and Muslims is one of security issues and the "war on terror".

There are legitimate security concerns that have to be acknowledged in any reasonable debate on the post-September 11 situation. It has to be recognised that the State will have to undertake heavier policing of the Muslim community, similar to the heavier policing of the Irish community that existed during the period of attacks by the Irish Republican Army in the UK. However, one of the consequences of the overlap in the public discourse on Islam/Muslims and violence/terrorism is that it will contribute to reinforcing existing prejudice against Muslims within Britain.

Although some sections of the media and the State have acted responsibly in attempting to distinguish the war against terrorism/Al Qaeda/bin Laden and Afghanistan, on the one hand, from Islam and British Muslims, on the other, there is a clear risk that this ongoing public discourse will have a negative impact.

More specifically, the situation is likely to result in negative stereotypes, which may manifest themselves in individual attitudes and conduct in a number of different ways. First, there can be greater violence and harassment by perpetrators who specifically target Muslims, or those perceived to be Muslims, and make them victims of systematic violence.[47] Second, there is a risk of increased discriminatory treatment, and perception of discriminatory treatment, of Muslims by law enforcement agencies, such as the police, Customs and Excise, immigration officials, and the Crown Prosecution Service. This problem will exacerbate already difficult relationships between these agents of the State and Muslim communities, and it is of particular importance given

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[45] C. Alexander, *The Asian Gang: Ethnicity, Identity, Masculinity,* Oxford, Oxford University Press, 2000.

[46] See: The Runnymead Trust, *Islamophobia: A Challenge for Us All,* available at http://www.runnymedetrust.org/publications/pdfs/islamophobia.pdf (accessed 24 October 2004).

[47] Jørgen S. Nielsen and Christopher Allen, *Summary Report on Islamophobia in the EU after September 11 2001,* Vienna, EUMC, May 2002. Available on the website of the EUMC at http://eumc.eu.int/eumc/material/pub/112001/Synthesis_report-en.pdf (accessed 1 November 2004).

the reality of heavier policing of Muslim communities as part of the "war on terror". Third, these negative stereotypes may result in an increase in discriminatory attitudes and conduct by individual actors and institutions in the public and the private sector, especially as anti-Muslim prejudice is a growing strand of racism.[48] A recent study explored the impact of September 11 on discrimination and racism on different religious and ethnic groups. It noted that non-Muslim groups, such as Sikhs and Hindus, had experienced increases in racism and discrimination since September 11, but Muslims still had the greatest risk of being victims of racism and general discrimination. The study found that religion is more important than ethnicity in indicating which groups are more likely to experience racism and discrimination post-September 11.[49]

Muslims are concentrated in some of the poorest sections of society, and they are therefore disproportionately high users of public services. The way in which these stereotypes may affect the delivery of appropriate public services is of particular importance in this analysis. Furthermore, negative images of Muslims result in the formation of prejudiced attitudes, which are manifested as hate speech against Muslims. The combination of these factors only serves to add to the pre-September 11 position of Muslims as a socially excluded group.

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[48] The PSI study in 1997 suggested that anti-Asian (which is used as the category from which to extract anti-Muslim attitudes) are a significant aspect of discriminatory attitudes towards ethnic minorities. See: T. Modood, R. Berthoud, J. Lakey, P. Smith, S. Virdee and S. Beishon, *Ethnic Minorities in Britain: Diversity and Disadvantage,* London, Policy Studies Institute, 1997. See esp. pp. 129–135 and p. 134, Table 4.34, for details of "Views on which racial, ethnic or religious group faces most prejudice today", which includes categories of Muslim. See also T. Modood, *Not Easy Being British: Colour, Culture and Citizenship,* Trentham Books, 1992.

[49] L. Sheridan, *Effects of the Events of September 11th 2001 on Discrimination and Implicit Racism in Five Religious and Ethnic Groups,* Leicester, University of Leicester, 2002.

5. EXCLUSION THROUGH VIOLENCE

This section focuses on how the use of systematic violence against a group is one cause of their exclusion and oppression. Clearly, cases of physical violence, such as hate crimes, fall within this category, but Young's definition of violence also encompasses "less severe incidents of harassment, intimidation, or ridicule simply for the purpose of degrading, humiliating or stigmatising a group member".[50] This definition, therefore, includes hatred expressed in speech ("hate speech"). Moreover, Young's analysis argues that it is less the acts themselves and more the social context that surrounds them that adds to their gravity as a source of oppression. Some of these social factors include the fact that the violence is systematic in nature and is a social practice that all the parties know will happen again –

> "[…] the daily knowledge shared by all members of oppressed groups that they are liable to violation, solely on account of their group identity. Just living under such a threat of attack on oneself or family or friends deprives the oppressed of freedom and dignity, and needlessly expends their energy".[51]

Finally, a critically important aspect of Young's definition of violence is her insight of the way in which cultural imperialism intersects with violence. The "culturally imperialised" may reject the dominant viewpoint and attempt to assert their own subjectivity, or try to point out that their cultural difference may put the lie to the dominant culture's claim to universality. The dissonance generated by such a challenge to the hegemonic cultural viewpoints can also be a source of irrational violence.[52] Much of the chaos in the confrontation between "fringe" Muslim organisations and those on the far right who react to Islam with xenophobia would fall within this category. However, the resulting clash also has consequences beyond these two fringe groups.

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[50] See: Young, *Justice and the Politics of Difference,* p. 61.

[51] See: Young, *Justice and the Politics of Difference,* p. 62.

[52] See: Young, *Justice and the Politics of Difference,* p. 63.

5.1   Hate Crimes

There is evidence of racially aggravated crime motivated by hatred of Muslims in both the pre-[53] and post-September 11[54] period. The response of the State to this phenomenon has been promising. Pre-September 11, racially aggravated crime was a criminal offence, but, as a non-ethnic religious minority, Muslims were not specifically protected by legislation. After September 11, the Home Secretary, in December 2001, introduced within anti-terrorism legislation[55] an extension of the Crime Disorder Act (1998), which specifically includes religiously motivated crime.[56] The British Government has, therefore, acted very responsibly in relation to protecting its Muslims citizens in this area.

Between December 2001 and March 2003, there were 18 successful prosecutions for religiously aggravated offences, of which ten involved Muslim victims.[57] In 2002, a Crown Prosecution Service inspection found that the seriousness of racially motivated offences was routinely reduced, because the racial element of the crimes was not

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[53]   See: *Labour Research,* Vol. 80, no 10, October 1991, which concluded that there had been an increase in the levels of racial violence specifically targeting Muslims during the first Gulf War in the early 1990s. For a discussion of these issues, see M. Malik, "Racist Crime", *Modern Law Review,* 62, 1999, p. 409.

[54]   European Monitoring Centre on Racism and Xenophobia, *Anti-Islamic reactions within the European Union after the recent acts of terror against the USA: A collection of the EUMC of country reports from RAXEN National Focal Points (NFPs),* Vienna, EUMC, 10 October 2001. Available on the EUMC website at http://eumc.eu.int/eumc/material/pub/112001/Initial-Report-041001.pdf (accessed 15 October 2004). This EUMC report summarises the UK position on anti-Islamic violence in the post-September 11 period. The UK evidence is submitted by the Commission for Racial Equality (CRE) and confirms verbal and physical attacks on Muslims and their property.

[55]   Anti-Terrorism, Crime and Security Act (2001), s. 39.

[56]   Crime and Disorder Act (1998), s. 28-32.

[57]   There were also two Sikh victims, two Hindu victims, one Jewish victim, one Jehovah's Witness victim, one Christian victim and one victim whose religion was not stated. Crown Prosecution Service, *Racist Incident Monitoring Scheme: Annual Report 2002–2003,* London, CPS, 2003.

considered.[58] In 2003, the Crown Prosecution Service produced guidance on prosecuting cases of racially or religiously motivated crimes.[59] A follow-up inspection in 2004 found that police identification of racist incidents had improved, as had staff commitment to the Racist Incident Monitoring Scheme. There were also notable improvements in engagement with minority communities. However, there remained a significant proportion of cases in which the racial element to the charges were reduced inappropriately.[60] The Attorney General's powers to challenge unduly lenient sentences were extended in October 2003, to include racially and religiously aggravated offences, following a recommendation by the Crown Prosecution Inspectorate. In March 2004, following an appeal by the Attorney General, the Court of Appeal increased the sentence for offenders for racially aggravated violence.[61]

Despite these advances, however, some further efforts should be made to encourage law enforcement agencies to pursue criminal charges in cases of religiously aggravated crime. Law enforcement officers, such as police and prosecutors, have discretion in these matters. Therefore, some effort needs to be made to ensure that any potential increase in prejudice against Muslims within the general population does not manifest itself in discriminatory conduct by law enforcement agents within the criminal justice system. It is important to consider the treatment of Muslims by the police, the priority that the system gives to prosecuting anti-Muslim hate crimes and the treatment of these issues by judges and juries. While the Home Office and the Department for Constitutional Affairs are making a serious effort to deal with the risk of anti-Muslim discrimination of this type, pressure should be maintained to ensure more progress in the successful implementation and enforcement of hate crime legislation and policy.

There are a number of concrete changes that should be made to facilitate this process. In particular, a continued insistence on using only racial categories could hamper progress. For example, in the training of police officers, Crown Prosecution Service personnel and

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[58] HM Crown Prosecution Service Inspectorate, *Thematic Review of CPS Casework with a Minority ethnic Dimension,* London, HMCPSI, 2002.

[59] Crown Prosecution Service, *Guidance on Prosecuting Cases of Racist and Religious Crime,* London, CPS, 2003.

[60] HM Crown Prosecution Service Inspectorate, *A Follow Up review of CPS Casework with a Minority Ethnic Dimension,* London, HMCPSI, 2004, p. 7.

[61] Attorney General's Chambers, "Hate crime data show confidence building efforts are yielding results", Press-release, 6 April 2004, available on the website of the Attorney General at http://www.lslo.gov.uk/pressreleases/rims_comment_06_04_04.doc (accessed 1 November 2004).

judges, anti-discrimination training that focuses on discrimination based on colour or race/ethnicity alone will fail to capture the reality of the post-September 11 context, and could allow stereotypes about Muslims to persist. The key issue is that the criminal justice system generally, and hate crimes legislation in particular, must be enforced in a way that is fair, just and reinforces confidence in the system. If hate crimes legislation is implemented and enforced effectively and strategically, it can send a clear and unequivocal message that those who commit acts of violence and harassment against Muslims, out of deliberate and conscious hatred of the membership of this religious group, deserve a special penalty under criminal law.

There is a significant gap in the mechanisms in place for inspecting key aspects of the criminal justice system for anti-Muslim prejudice, at exactly the time when there is a pressing need for such processes. The Commission for Racial Equality (CRE) has specific responsibilities to ensure that local authorities implement their duty under the RR(A)A, Section 71, to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. However, this duty does not cover non-ethnic religious minorities, such as Muslims. In relation to racial and ethnic religious minorities, the CRE document, *A Framework for Inspectorates*, of July 2002, gave detailed guidance on "inspecting for the duty". The term "inspecting for the duty" is used to describe the monitoring of various inspectorates (e.g. those relating to police or prisons) that ensure that public institutions are meeting the required standards. Since the introduction of the RR(A)A, Section 71, one of the features that these inspectorates evaluate is whether or not these institutions are meeting their statutory obligations to eliminate unlawful discrimination and promote equality of opportunity and good race relations between persons of different racial groups. There have been grassroots meetings with criminal justice agencies, and in one case, there was a request to re-draft a Race Equality Scheme where it failed to comply with the Section 71 duty in relation to racial minorities.[62] The fact that Muslims are not specifically included within the "inspecting for the duty" process is unfortunate. It is necessary to think imaginatively about how to fill in the gap left by the anomalous coverage of the RR(A)A in relation to non-ethnic religious minorities such as Muslims.

5.2   Hate Speech

Another way in which prejudice against a particular group manifests itself is through an increase in hate speech. This can consist of expressions of pejorative views about Islam

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[62] Phone conversations with employees at the Commission for Racial Equality. The calls took place in April 2004 as part of this research.

and Muslims in private speech. But the problem is more serious when such views are expressed in public speech. Publicly expressed hate speech against Muslims can incite certain individuals to specific acts of violence against Muslims and their property. An example of this kind of hate speech would be a leaflet at a political rally that says: "Kick a Muslim today!". Hate speech may also involve vilification of Muslims through statements such as: "Muslims are a violent group".

The importance of free speech in a liberal society places legitimate limitations on the ability of the State to regulate hate speech. In particular, there is a critical difference between hate speech directed against Muslims and legitimate criticism of Islam. Proposed legal responses include calls for an extension to the laws on blasphemy and calls for regulation using criminal law, in the form of legislation prohibiting incitement to religious hatred.

The extension of the law on blasphemy may not be an appropriate response to the problems of hate speech against Muslims. Because blasphemy legislation is a particularly blunt way of regulating free speech, the usual liberal objections to prohibiting free speech are especially relevant in this context. Arguably, Muslims in a liberal democracy must respect these principles. Moreover, definitions are difficult to establish. In relation to a complex theology such as Islam, it might be very difficult to answer the question of whether or not a specific statement is blasphemy. Despite these obstacles, the Muslim Council of Britain and other organisations have campaigned for the extension of the law prohibiting blasphemy, so that it includes Muslims.

In July 2004 the Home Secretary announced the Government's intention to introduce legislation to outlaw incitement to religious hatred.[63] A particular problem for incitement legislation is the fact that prosecutions are dependent on the permission of a member of the Government, the Attorney General. In order to reassure Muslims that their speech is not being uniquely targeted for prosecution by the State, the Government may want to consider *inter alia:* (a) publishing a clear code of practice that outlines the factors relevant to the exercise of the discretion of the Attorney General; and (b) asking the Attorney General to submit a full report, with a summary of the figures and an explanation, to one of the House of Commons Select Committees (e.g. the Home Affairs Select Committee) or the Joint Committee on Human Rights.

Within a liberal democracy, criminal law is perhaps the most coercive way in which the State restricts individual freedom. Therefore, criminal law should be used in only the

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[63] Home Office, "Sideline the Extremists – Home Secretary", Press-release, 7 July 2004, available on the Home Office website at http://www.homeoffice.gov.uk/n_story.asp?item_id=993 (accessed 1 November 2004).

most extreme cases, where there is a risk of either physical violence or public disorder. In most cases, the grievances of Muslims faced with hate speech and vilification of their group are more appropriately addressed using extra-legal policy options. These options could include, for example, investment that builds the capacity of Muslims to intervene in public discourse, so that they can defend their group and faith and communicate what they consider to be the truth of their religion in the public sphere. Thus, the solution to the problem of vilification of Muslims is to enable Muslims to enter into public debate. In short, what is needed is more speech rather than the regulation of free speech.

6. ECONOMIC EXCLUSION

The earlier sections of this report established that social exclusion and economic deprivation and exclusion are a reality for large numbers of Muslims in Britain. This section concentrates on issues relating to employment, training and public services. There are many cases in which the fact that someone is Muslim is not relevant in the workplace. Concern with discrimination should not lead us to ignore the importance of ensuring that the workplace and the public sphere have neutral spaces, where individuals can come together as persons and where issues of race or faith are irrelevant. However, there are certain key needs that Muslims will have because of their faith. Despite the need for common and neutral space in the public sphere, these differences are relevant to any discussion of the economic exclusion of Muslims whether in employment, education or access to private and public services.

The phenomenon of economic deprivation can be summarised as exploitation, marginalisation and powerlessness.[64] Government initiatives by the Social Exclusion Unit, the Performance and Innovation Unit (PIU) and individual Government departments have all considered the nature of the specific and persistent economic disadvantage of Pakistanis and Bangladeshis,[65] who are disproportionately unemployed or involved in low-paid forms of employment. Employment and education are addressed in more detail in other chapters of this report. The focus of this section is more specifically on discrimination law and policy, in particular in employment and training, and in the provision of services in the private and public sector. However, it is also worth noting that there are limits to the use of the anti-discrimination law, which, like all forms of legal regulation, is necessarily complex, reactive and does not deal in a proactive way with the deep structures of inequality faced by Muslim communities.[66] Supply-side investment measures that target deprivation in the Muslim community should be a critical focus for attention, alongside anti-discrimination law, which controls the demand-side of the behaviour of key actors, such as employers.

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[64] See: Young, *Justice and the Politics of Difference,* ch. 6.

[65] 90 per cent of Pakistanis and Bangladeshis in the UK are Muslim. Together they constitute 60 per cent of Britain's Muslim population.

[66] On the need for reform of UK discrimination law, see: B. Hepple, M. Coussey, and T. Choudhury, *Equality: A New Framework – The Report of the Independent Review of the Enforcement of UK Anti-Discrimination Law,* Oxford, Hart Publishing, 2000.

6.1   Discrimination in Law and Policy

The Government's main response to the problems of discrimination based on race or religion is reliance on the Race Relations Act (1976), which has indirectly given Muslims protection against discrimination in employment, education, housing and private and public sector service delivery. However, there was a long-standing anomaly in that ethnic religious minorities, such as Sikhs and Jews, were protected directly, while non-ethnic religious minorities, such as Muslims, received only indirect protection, and in some cases no protection.

This gap between the nature of the protection extended to different types of religious minorities has been partially filled by the implementation of EU-wide legislation that prohibits religious discrimination in employment and training and that directly covers Muslims.[67] As a result of these regulations, Muslims are protected from discrimination in employment and working conditions, including dismissals and pay; vocational guidance and training; and membership of, and involvement in, employers' or workers' organisations or professional bodies – for example, trade unions and professional bodies, like the Law Society or British Medical Association. However, unlike Sikhs and Jews, Muslims are not directly protected from discrimination in the following areas: social protection, including social security and health care; education; goods and services available to the public, including housing; and social advantages, such as housing benefits, student maintenance grants and loans, or bus passes for senior citizens.

Several measures have been taken to support the implementation of the new EU directive. For example, the Advisory, Conciliation and Arbitration Service (ACAS) issued guidelines for employers on meeting the requirements on religion and belief regulations. The Department of Trade and Industry (DTI) has funded several faith community organisations, including several Muslim organisations, so that they can disseminate information about the new rights. However, there remains a lack of legal aid and institutional support for individuals bringing claims before employment tribunals. In effect, the Government is informing people about their new rights without providing them with the support necessary to enforce these rights.

A critically important gap in the present scheme for legal protection is the role of enforcement agencies, such as the CRE. At present, racial and ethnic religious minorities fall within the jurisdiction of the CRE. They are therefore given critically

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[67] The Employment Equality (Religion or Belief) Regulations 2003 (SI 2003/1660) came into force on 2 December 2003. The regulations are intended to implement the European Union's Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

important support, through campaign work, investigations of discriminatory practice and guidance with individual litigation. This level of support from an enforcement agency is especially important, because the remedy for a breach of race relations legislation is usually in Employment Tribunals, where there is no legal aid to assist applicants. In October 2003, the Government announced its intention to establish a single Commission for Equality and Human Rights (CEHR). This body is unlikely to be up and running until 2006, at the earliest. Once established, however, the CEHR would have responsibility for the enforcement of legislation covering discrimination based on faith or religion.

Short of legislative reform, there are also alternative strategies that the Government and other non-government actors can undertake. In the face of clear evidence showing higher poverty and unemployment in the Muslim community, the Government should consider whether it is appropriate to launch a sustained campaign, in conjunction with business, aimed at shifting the culture and attitudes that act as a barrier to employing Muslims. Such an effort would demonstrate that Government Ministers and business people believe that diversity pays. Such an effort could, for example, focus on employment of Pakistani and Bangladeshi women, whose low rates of economic activity are consistently highlighted. The Home Office Citizenship Survey suggests that women are more likely to report experiences of racial prejudice. This Home Office Survey could be extended to track the experiences and treatment of religious minorities, whose differences may be visible, such as Muslim women who wear headscarves.[68] Rather than running a general campaign around race issues, the campaign could focus on the employment of women who are visibly Muslim, in particular, those who wear a *hijab* (headscarf).

6.2   Provision of Services in the Public Sector

As mentioned previously, economic deprivation can be summarised as exploitation, marginalisation and powerlessness. One interesting aspect of exclusion resulting from economic deprivation is that it creates new issues from the point of view of justice. Within a welfare economy like the one that exists in the UK, a group such as Muslims,

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[68] C. Atwood, G. Singh, D. Prime, R. Creasey et al., *2001 Home Office Citizenship Survey: People Families and Communities,* Home Office Research Study 270, London, Home Office Research, Development and Statistics Directorate, September 2003, p. 42. Available on the Home Office website at http://www.homeoffice.gov.uk/rds/pdfs2/hors270.pdf (accessed 21 September 2004), (hereafter, Atwood et al, *2001 Home Office Citizenship Survey).*

who are concentrated amongst the lowest economic and social strata, is as a group disproportionately dependent on public and welfare services and institutions. In fact, a major point of contact – and one of the main sources of the relationship – between Muslims and the State is their experience of the State as a provider of the key services, such as health, education, housing and welfare. Any attempt to improve the relationship between Muslims and the State, and their feeling of being respected and belonging, must therefore give this issue the highest priority.

Interestingly, the 2001 Home Office Citizenship Survey suggests that there is a perception amongst minorities that they will be treated less well by public sector organisations.[69] The Home Office Citizenship Survey is a biennial empirical study, designed to be part of the evidence base of the Home Office's community policy area. It has two main aims: (a) to be a major policy tool, informing both the development of policy and its implementation; and (b) to provide information for Home Office performance measurement. The survey found that the organisations where many minority members expected they would get worse treatment than people of other races included: council housing departments, housing associations, local councils and the immigration authorities. It also indicated that respondents from minority groups were more likely than White respondents to say they would be treated worse than people of other races, particularly when engaging with the following organisations: police, the Prison Service, armed forces and immigration authorities.[70] Younger Black and Asian respondents, aged 16-49, were more likely than older Black and Asian respondents to feel that they would be treated worse by a range of public organisations. In addition, the survey found that members of minority ethnic groups who had previous experience with police, courts and the Crown Prosecution Service were more likely than those without such experience to say they would be treated worse than people of other races.[71]

Faith, along with other factors, such as age, gender and ethnicity, should be taken into consideration in developing appropriate service delivery. Muslims have distinct needs that must be met so they can access public services efficiently and appropriately. Taking into account the key needs of Muslims in this way is important, not only because it has the possibility of generating community cohesion through encouraging a sense of belonging for Muslims. It is also important as a matter of justice.

Those who depend on public services for their basic needs are most often subject to policies that are at risk of being patronising, demeaning and arbitrary. This type of dependency on public services also carries the risk of being subject to intrusive

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[69] Atwood et al, *2001 Home Office Citizenship Survey,* p. 42.

[70] Atwood et al, *2001 Home Office Citizenship Survey,* pp. 22–25.

[71] Atwood et al, *2001 Home Office Citizenship Survey,* ch. 3.

authority by service providers, who have large amounts of power. In meeting the needs of those whom they service, these public agencies often construct the needs of the user based on limited experience and information. There is the potential for grave invasion of important principles, such as respect, autonomy and privacy, when public officials are given the power to construct what they deem to be the appropriate needs of users of these services. Obviously, the risk that service providers will "get it wrong" is especially high when the user is from a different culture, race or religion, with distinct and different needs from mainstream society. This point is especially important in relation to Muslims, because, along with being the largest minority religion, they are a religious group with certain very distinct needs that require accommodation, including daily prayers, fasting and some degree of segregation or modesty rules for Muslim women.

The Government's main response to this challenge of delivering public services to minorities in an appropriate way is the RR(A)A of 2000 and the Race Equality Schemes that are supervised by the CRE. This is critically important legislation, which provides a proactive rather than reactive response to problems of inequality and social exclusion. Moreover, this model is more concerned with substantial equality and is therefore more appropriate as a response to the complex and deep structural problems that cause social exclusion of the Muslim community. However, unlike Sikhs and Jews, Muslims, as a group, will not be covered by the RR(A)A (see Section 1 and 71) which:

a) prohibits direct and indirect discrimination by certain public bodies (e.g. the police) in the exercise and performance of public functions;

b) places an enforceable duty on specified public authorities to take positive steps to eliminate discrimination and promote equality;

c) includes monitoring to ensure that there are minority staff represented in important public institutions who can (i) give input into policy design; (ii) provide a source for minorities, such as Muslims, identifying with key public institutions;

The main problem is that UK discrimination law defines "racial group" to include ethnic religious minorities, such as Sikhs and Jews, but excludes non-ethnic religious minorities, such as Muslims.[72] The gap caused by this omission becomes clear when examining a range of Race Equality Schemes that have been submitted to the CRE and when interviewing relevant public officials with responsibility for these issues in local

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[72] See: *Mandla v. Dowell Lee,* (1983) 1 All ER 1062 (H.L.).

authorities with a high Muslim population.[73] Although the needs of Muslims may be taken into account informally, as a matter of best practice, there is no formal recognition of these needs, nor is there any legal obligation to take these needs into account. There is a real risk that the good practice of accommodating the needs of Muslims may give way to the necessity of limiting coverage only to those groups strictly covered by the RR(A)A. This is a special risk in situations where cash-strapped public bodies have to make difficult decisions, such as which group to prioritise and who to consult in a local area. This is exactly the problem identified with a number of reports summarised by the Independent Review Team of the Home Office. These reports criticised the provision of public services in cities in the north of England.[74]

Concern about the consequences of this gap is shared with Muslim organisations themselves. The director of a key Muslim organisation providing welfare to young Muslims made this point in an interview.[75] When asked which policy reform would make the most dramatic impact to young Muslims, the director of the Muslim Youth Helpline stated that, for her clients, the key issue was ensuring that public service delivery took into account the faith, rather than ethnic, needs of Muslims. She went on to emphasise that, in her experience, young Muslims were reluctant to access services that were in the mainstream, despite the fact that some of these services were specifically geared towards Asians. Their main concern was that they related their lives and choices to their identity as Muslims, rather than their identity as Pakistanis or Bangladeshis. They wanted to be able to go to individuals and organisations that understood their faith and would not make them feel they have to apologise for being Muslims. A further point made by the director was that existing practice by organisations such as the Home Office to make statutory funding available on grounds of ethnicity and race rather than religion meant that many Muslim service providers were unable to access Government funding and were dependent on, sometimes *ad hoc*, non-statutory funding.

The persistent disadvantage suffered by Muslims in a range of areas, in particular housing, health and education, requires explanation and response. The Government

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[73] Stated in conversation and interviews with employees at the CRE and Camden Council in April 2004. Significantly, Camden Council, which has a large Muslim population, does not specifically include Muslims in its Race Equality Schemes.

[74] Community Cohesion: A Report of the Independent Review Team, para 2.20 and 2.21; see http://www.homeoffice.gov.uk/docs2/pocc2.html#youth (accessed 24 October 2004).

[75] Interview with the director of the Muslim Youth Helpline, conducted on 14 April 2004.

has denied itself a major policy lever in failing to recognise that, in many cases, public service delivery to these communities needs to focus on faith rather than ethnic identity. CRE guidance in this area has tried to compensate for some of these gaps, but there is no substitute for ensuring that the coverage of the RR(A)A is extended to Muslims. The argument that it is difficult to define a religious group or define religious needs is hard to justify, given the great success in implementing the EU legislation on religious discrimination. Of particular note is the excellent summary of the key needs of Muslims in the ACAS Code of Practice, which was drafted pursuant to this legislation.[76] There is no reason why similar guidance cannot be issued to local authorities, to supplement their work to ensure equality in the delivery of public goods and services.

Short of reform of the law, there are other measures that could be taken. The starting point should be a better understanding of the specific needs of Muslims in relation to key public services. Better information and research that targets the faith needs of these communities directly, rather than indirectly, may reveal causes that have so far been missed because of the use of race or ethnicity as indicators.

Another option is to strengthen the CRE's work in relation to delivery of public services to minorities. The CRE has always insisted that it does not have the jurisdiction to deal with matters relating to religion. Where legislation clearly prohibits regulating conduct of private employers, such reticence may be understandable. However, there are very few persuasive arguments as to why the CRE cannot take on a more robust role in ensuring that public authorities are aware of the benefits of paying special attention to religious minorities. Through its work on the Codes of Practices, supervision of the Race Equality Schemes, advice to inspectors, or informal advice, the CRE can make clear the advantages public authorities will get from ensuring that there is adequate consultation and attention to the needs of minorities such as Muslims in the design and delivery of public services. In fact, there is a good argument that, in some cases, the promotion of good race relations under the RR(A)A statutory duty requires attention to issues relating to faith and religion. In order to fill this gap, the CRE will need to update its Codes of Practice under the RR(A)A, including its Codes to the Inspectorates, to make it clear that, sometimes, public bodies need to specifically attend to the faith needs of minorities.

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[76] ACAS Code of Practice, now available in its final form at http://www.emplaw.co.uk/ (accessed 24 October 2004).

6.3   Public Procurement

It is also of critical importance that the Government and CRE recognise that the gap in race relations legislation in this area is likely to be replicated by private actors. For example, in the work done on using procurement as a way of disseminating good equality standards, the current CRE guidance fails to make it clear that, in some cases where the Race Equality Schemes are used as a guide to procurement contracts, these will fail to cover Muslims. Public procurement becomes an important issue, especially where there is an increasing transfer of public services to the private sphere. The nature of the service and users does not change, so the disproportionate use of them by Muslims remains the key issue.[77]

6.4   Provision of Services via the Voluntary Sector

As part of its work to regenerate communities and encourage neighbourhood renewal, the Government has placed great emphasis on increasing voluntary and community sector activity. The Home Office's Public Sector Agreement (PSA) VIII reflects the fact that the Government has set a target for active communities in England to "increase voluntary and community sector activity, including increased community participation, by five per cent by 2006".[78]

However, the *Home Office Citizenship Survey* reveals a number of factors indicating that Muslims will be at a significant structural disadvantage when it comes to acting as volunteers and that there are specific reasons why they are less likely to undertake civic participation. In general, the survey found that "Asian people were less likely than Black people and White people to be involved in social participation, informal volunteering and formal volunteering." In particular, "Asian women were less likely than members of other sex and ethnic groups to be involved in civic participation, social participation and formal volunteering." The survey also found that "people who had the highest levels of education, were from higher socio-economic groups, had the highest levels of household income and were in employment were, in each case, more likely than others to be involved in all types

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[77] See for example the CRE guide on procurement that fails to deal with this issue in either its text or through the imaginative use of examples: *Public Procurement and Race Equality – Guidelines for local government* (www.http://www.cre.gov.uk/publs (accessed 15 October 2004).

[78] See Statement of Purpose and Aims of the Home Office, available on the website of the Home Office at http://www.homeoffice.gov.uk/inside/aims/ (accessed 24 October 2004).

of voluntary and community activities".[79] Muslims fall within the lowest levels for all of these indicators.

It is also noteworthy that, in the context of established voluntary sector activities, there is a long-standing tradition for Christian and other faith-based institutions to provide the infrastructure for involvement. It may be that Muslims will not feel able to access the existing structures and so become involved in voluntary and community services.[80]

For all these reasons, it is essential that the Home Office pay special attention to the distinct need to build capacity within the Muslim community, thereby encouraging Muslims to be involved in active participation within their own communities. This focus should include paying special attention to the needs of Muslims, by identifying barriers to active participation, by conducting research and consultation with groups and by providing specific financial and non-financial incentives for Muslims – and especially key groups like Muslim women – to become involved in participation in their communities. Recruitment into volunteering and participation may also need to specifically focus on Muslim organisations, mosques and other community institutions within the Muslim community.

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[79] Atwood et al, *2001 Home Office Citizenship Survey,* pp. 80–87.

[80] The author is grateful to Patricia Sellick of the Oxford Centre of Islamic Studies for highlighting this point.

7. PUBLIC EXCLUSION

In the previous sections, it was argued that the recognition of key aspects of individuals' identity is important to their well being and autonomy. This section explores some of the implications of this need for recognition by Muslims in Britain. It should not be controversial to state that, at this time, Muslims are in a unique situation in Britain. As the largest religious minority, they are faced with a public culture in the national and international sphere that consistently links their religion to violence and terrorism. Despite the laudable efforts of public leaders and public institutions to maintain a distinction between Islam and violence/terrorism, the possibility remains that distorted and demeaning images of Islam and Muslims will prevail in the public sphere.

One consequence of this situation is the prevalence of prejudice and stereotypes about Muslims, which, as discussed previously in this paper, can manifest themselves in hate crimes, hate speech and discriminatory conduct. This section widens this argument by suggesting that there is also a need to consider initiatives that allow the accommodation of Muslims within the national public culture. The view set out earlier, that cultural alienation of a group can be a form of oppression and injustice, obviously provides an argument of principle to support this point. Furthermore, there are arguments of political stability that are relevant. A notion of citizenship that bases membership in a political community on a sense of belonging to public legal and political institutions is likely to be the most inclusive for Muslims.

7.1   Accommodation of Muslims[81]

Clearly, debate over whether, and how much, the interests of Muslims should be accommodated will remain an urgent issue. The way in which the interests of Muslims are accommodated is critically important for community cohesion. This section argues that, by encouraging debate about these issues between all interested parties in appropriate institutions, it is more likely that stakeholders will to generate a stable consensus, with which not only the minority Muslim community but also the majority can agree.

A feeling of "institutional belonging" – an individual's sense of attachment to key political and legal institutions – and the deeper psychological needs that this fulfils, is important to both minorities and majorities. A traditional liberal model that adopts an "assimilationist/neutral" approach, and requires groups such as Muslims to give up on

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[81]   For a more detailed discussion of these issues and full reference to sources, see: Malik, *Minority Protection and Human Rights.*

their identity as Muslims altogether, will be experienced as coercive. Such a model is unlikely to serve as a source of stable identification for citizens who are both Muslims and British. The same is also true of any "exclusive" version of multiculturalism, wherein overwhelming priority is given to accommodation of the private identities of minorities, and the needs of the majority within the public sphere are ignored. This model would not foster a sense of "institutional belonging" for *both* the majority and the minority.

In short, neither the "assimilationist/neutral" model nor the "exclusive" version of multiculturalism is fully inclusive, and so neither is likely to yield the benefits of institutional identification with key public institutions. Both models ignore the possibility of a common public sphere that is neither neutral between cultures nor a perfect mirror for personal identity. This common public culture will be influenced by a process of renegotiating between the diverse cultural groups within a political community. Developing "a sense of belonging" that remains attentive to both the majority and the minority, and generating a common public culture within which different groups can co-exist, requires compromise and adjustment by all parties. For the minority, this means that their private identity cannot automatically be reflected in the public sphere without some limited assimilation to the shared values that are the agreed basis for a common public life. For the majority, this re-negotiation carries with it significant costs. These costs will be an inevitable outcome of attempts to transform the public sphere and institutions from exclusively reflecting the dominant culture towards a common culture that also seeks to accommodate some of the most urgent needs of minorities, such as Muslims.

What is needed is a debate within key legal and political institutions, to show that they take the needs and concerns of Muslims seriously. Importantly, this debate needs to be conducted in mainstream institutions, such as central and local government or the popular media, where it is possible to stage negotiation between other groups and the majority. This debate impacts on the issue of institutional identification because, when these institutions open up a dialogue about the terms of the common good, and are seen to be a focus for its provision, there are also implications for the private identity of the citizen. The well-being of the individual is linked with the success of the institution. These substantive discussions also contribute towards creating a common language of beliefs and enabling collective action, which, in turn, provide the basis for sustaining community.[82]

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[82] See also: C. Sunstein, *The Paritial Constitution,* Cambridge, MA, USA, Harvard University Press, 1993, ch. 6, for an argument in support of deliberative democracy.

Individuals cannot obtain certain types of collective public good – such as communal education or healthcare – through individual action, but they are still able to recognise these goods as valuable. Any discussion about the nature of these public goods is also a source for creating "common meanings" within a community. These common meanings cannot be understood by merely noting their impact on, or importance for, individual agents. They are not an aggregation of the shared beliefs and attitudes of all individuals in a society. Rather, they form the basis for a comprehension of social practices and institutions that cannot be understood as anything but shared and communal. A strategy that avoids debate about substantive issues of the common good carries with it the risk that citizens will find it more difficult to identify with political institutions and decision-making. They are more likely to view political community as having an "instrumental" rather than a "constitutive" status in their lives. Minorities faced with public institutions in which neither their members nor their values are adequately represented and reflected will find it difficult to view them as structures of identification.

A public debate on the terms by which Muslims will be accommodated into British society requires participation by Muslims in mainstream political institutions. If Muslims and non-Muslims debate these issues and reach a compromise, it is more likely that *both* Muslims and non-Muslims will feel institutional identification with the decisions taken and the organisations involved. Clearly, Muslims will need to make concessions and compromise about their demands. Equally, majority institutions and structures will need to accommodate some of the key demands of Muslims. This accommodation, based on recognition of some aspects of the needs of Muslims, could ensure greater coalescence between the experience of individual Muslims in their daily lives, where they may be guided by Islamic legal rules, and their experience of majority normative legal and political institutions. The result may be a higher degree of willing cooperation and identification with these institutions, and, therefore, more political stability.

A public debate on accommodation requires participation by Muslims in mainstream political institutions. The Government's commitment to citizenship and the teaching of democracy already includes discussion of the way in which concepts such as "citizenship" and "democracy" can take on a more inclusive meaning in plural liberal democracies that include Muslim minorities.[83] There are now substantive improvements in the representation of Muslims within local and national political structures. Muslims serve as councillors and MPs/candidates for the major political parties. It is also promising that the Home Office Citizenship Survey finds that:

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[83] See: Citizenship Advisory Group, "Education for citizenship and the teaching of democracy in schools", in *Final Report of the Advisory Group on Citizenship chaired by Sir Bernard Crick,* London, Qualification and Curriculum Authority, 1998.

> […] relatively high feelings of political influence expressed by people from minority ethnic groups compared with White people are a particularly interesting finding in the light of evidence elsewhere in the survey that minority ethnic people believe they are more likely than White people to experience discrimination in the provision of public services.[84]

The greater participation of Muslims in political structures is not an argument in support of quotas in representation of minorities like Muslims. Quotas and other forms of "forcing the pace" for Muslim political representation are not as urgent as a focus on ideas and issues.

Accommodation allows key institutions to recognise certain Muslim norms as important, because the institutions provide freely chosen normative guidance in the lives of their Muslim citizens. Muslim community organisations need to use this insight as the starting point for their own analysis. Most importantly, they must acknowledge that the values of liberal democracy and constitutionalism are non-negotiable, and that demands for accommodation must accept these core values as paramount. Muslim communities need to develop mechanisms for decision making that allow greater participation by a wide range of Muslims, especially those who have been previously marginalised in decision making, such as women and young people. There needs to be some recognition by decision-makers who represent Muslims that that their authority within and outside the Muslim communities derives from their acceptability to individual Muslims. The contemporary public space for developing an accommodation of the needs of Muslims – within the limits of democratic constitutionalism – provides British Muslims with some attractive opportunities.

7.2   Integrating the Concerns of Muslims into Policy Making

Policymaking by local and national institutions should: first, pay attention to the key concerns of Muslims; and, second, focus on consultation with, and inclusion of, Muslims in decision making. The key lever for ensuring that this happens, the RR(A)A, does not explicitly extend to Muslims as a group. However, another way to compensate for this gap could be changes in decision-making through civil service and local authority reform, to make these organisations more representative. The use of diversity and race equality indicators by the civil service in its assessment of the impact of policy could be extended to specifically include faith groups, such as Muslims. In particular, in key areas where Muslims are excluded – health, education, housing and employment – the relevant departments could be encouraged to pay special attention to the impact of their decision-making on Muslim communities.

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[84] Atwood et al., *2001 Home Office Citizenship Survey,* p. 19.

The Government has taken seriously some of the pressing concerns of the Muslim community. Widespread and detailed consultation on the structure and scope of the new Faith Unit at the Home Office provides Muslims with opportunities to voice their concerns and influence public decision making. Most recently, this has led to a review of the Government's interface with faith communities and a report entitled *Working Together: Cooperation between Government and Faith Communities* (March 2004).[85]

However, this approach does not fully compensate Muslims for the fact that, unlike racial and ethnic racial minorities, their concerns are not mainstreamed into the reform of the Government's decision making machinery. The Government's agenda for increasing participation in public decision making, as outlined in documents such as the White Paper *Modernising Government* (March 1999), continues to use the criterion of race, thereby excluding Muslims, and it has no mechanism to compensate for the resulting gap.[86] The issues facing individual departments and public agencies should make it clear that, instead of a narrow definition of race, it is necessary to give attention to a wider definition of diversity, which includes Muslims as a group. The Government should also encourage private business and civil organisations to follow this example and ensure the fair representation of people from all backgrounds, including Muslims. In addition, there is also need to address the gap in research and policy, as well as political leadership and responsibility, concerning this issue.

The urgency of this issue should be reflected in the information about Muslims that feeds into Government. This activity should not be limited to individual lead departments, such as the Home Office, where such concerns are clearly part of PSA Objective VI. It should also affect other parts of the Government machinery. Options for reform include: (1) coordination of research by the Social Exclusion Unit or the Policy Unit within the Cabinet Office; and (2) giving clear responsibility for this issue to one of the existing, or newly formed, Cabinet Committees, whose composition could reflect the interests of different departments in relation to this issue. For example, the Home Secretary, through the Home Office PSA Target VI, and the Deputy Prime Minister, through the ODPM/Social Exclusion Unit and, especially,

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[85] A breakdown of the UK population by religion (April 2001) is available on the Home Office website at http://www.homeoffice.gov.uk/comrace/faith/index.html (accessed 24 October 2004).

[86] *Modernising Government,* HMSO, March 1999. Available at http://www.archive.official-documents.co.uk/document/cm43/4310/4310.htm (accessed 1 November 2004).

Neighbourhood Renewal and Objective I PSA Targets, both have overlapping responsibility for some of these issues.

7.3   Promoting Speech

As was highlighted when discussing the issue of "hate speech" (see section 4.1), there are limits to the way in which the State can intervene to control the free speech of others in a liberal democracy. However, there is nothing in the free speech principle that prevents a state from recognising that it can intervene in the public sphere through non-coercive and extra-legal means, to compensate for prejudice and stereotypes that create the risk of hate crimes and discrimination.

This level of State intervention in the public sphere can serve two ends. First, it can prevent the formation of ideas and attitudes that lead to hate speech, hate crime and discrimination against Muslims. Second, it can provide a powerful tool for overcoming cultural alienation of Muslims, by making them feel that their identity as Muslims is included within national definitions of culture. For non-Muslims, the advantage of this policy is that they are provided with an antidote to the usual discourse on Islam and Muslims, a discourse that often focuses on political issues, like international events, the war in Iraq and the Middle East and terrorism.

Some types of words and images that represent Islam and Muslims cause specific and recognised harm. The Government has accepted the argument for legal regulation of messages that specifically incite hatred of Muslims and cause a risk of public disorder or harm to Muslims. The Government has announced an intention to introduce legislation to prohibit incitement to religious hatred. This will provide a mechanism to address speech that incites religious hatred. However, consideration should also be given to the possible responses to speech that falls short of incitement. A subtle political and cultural solution may be more effective than legal regulation.

While a liberal State may hesitate before regulating speech, it can legitimately respond by using, other than legal, remedies when a vulnerable minority group is faced with persistent vilification. British Muslims can reasonably lobby institutions, such as the Department for Culture, Media and Sport (DCMS), to take their interests more seriously. Resources can be made available to facilitate capacity building within Muslim communities, to help them intervene in the public sphere and the media, so they can redress the distortions that prevail. Equally important is national State support for cultural projects that allow Muslims to express themselves in variety of ways, not only through political, social and economic speech, but also through cultural forms, such as art, music and literature. Freedom of thought and conscience, as well as the availability

of public and private resources for developing and disseminating culture, provide Muslims with a unique opportunity for self-development and communication.

The debate on the legitimacy, extent and nature of Muslim public participation in liberal politics must pay special attention to the benefits, as well as the burdens, of public participation. Participatory politics is a reciprocal process, in which the ability to influence works both ways. Under current political conditions, there are opportunities for religious groups to use their freedom to engage in public life and discussion – which are among the greatest virtues of liberal politics – and so influence individual and public conceptions of the common good. At one level, this is simple participation in existing democratic political processes in an effort to bring about the common good of *the whole* political community. However, there is nothing to prevent Muslims from conveying a more distinctive message that is specific to Islam. They can make a unique and invaluable contribution to the marketplace of ideas in contemporary liberal multicultural societies. This requires a move away from the type of politics that prefers the safety of what Tom Stoppard's recent trilogy calls "the Coast of Utopia".[87]

Social criticism, when it is done well, is neither elitist nor parochial. It is not something that is limited to specialists, but is rather an activity that all Muslims naturally do, and should, embrace. And social criticism is not limited to any one community. Muslim community institutions need to consider more measures to speak in language and concepts that have a universal appeal, not only to "insiders" but also, and especially, to "outsiders". They also need to be part of the mainstream participatory, democratic process, to contribute not only to the "Muslim good" but also to the common good.

This process can be facilitated by Government policies. There are two aspects to this type of policy. First, there should be a clear policy to support public-sphere intervention that challenges distorted images of Muslims. This can be done by both Muslims and non-Muslims. Second, policies to promote representation in culture, media and sport require positive intervention by national and local organisations with responsibility for arts and culture, such as local authorities and the DCMS. Again, the DCMS and other funding bodies, like the Arts Council, are responsible for the strategy for funding, monitoring and evaluation of projects relating to culture, media and sport. Thus, the DCMS has a pivotal role to play in supporting community cohesion and creating a positive role in accommodating Muslims in the public sphere. Obviously, the lead for community cohesion work must come from the Home Office, but the DCMS can also pay special attention to the specific needs of Muslims as a faith rather than ethnic group.

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[87] For Tom Stoppard's most recent reflections on the role of ideas in politics, see his trilogy of plays: *Voyage, Shipwreck* and *Salvage.* See also: Tom Stoppard, *The Coast of Utopia,* London, Faber and Faber, 2002.

The Social Exclusion Unit's recent work in this area, summarised in their report *Policy Action Team 10: A Report to the Social Exclusion Unit,* sets out some of the DCMS's guiding principles in the area of social exclusion and community cohesion. These principles helpfully describe the aims of the DCMS as "valuing diversity" and argue for the need to connect policy in this area to the causes of social exclusion of certain groups.[88] This provides a useful starting point for analysis of the way in which the work of the DCMS can assist in overcoming social exclusion in the Muslim community.

More specifically, it is suggested that the use of arts, culture and sport to overcome social exclusion in this particular social group should pay attention to the following policy levers, which are relevant for analysis: project evaluation, longtitudinal surveys of community needs, local authority cultural strategies, the DCMS's sports strategy, Bursay schemes[89] to promote young talent, and monitoring and follow-through policy. The DCMS should use its sponsoring agreements with its sponsor bodies as a way of setting targets for the inclusion and use of facilities by Muslims.

Organisations such as the Department for Education and Skills (DfES), the DCMS, the Arts Council, Sport England and local authorities need to develop and publish concrete action plans to promote opportunities for arts and sport amongst Muslim communities, use of facilities by Muslims and measured outcomes relevant to their needs. This may help compensate for the previously mentioned gaps left in the Race Equality Schemes established in these organisations – gaps caused by the failure to cover Muslims in the RR(A)A.

There are several examples that serve to illustrate how special attention to faith can make a difference to analysis. For example, attention to the needs of Muslims may reveal that the use of lottery money and distribution as a way of facilitating arts and culture projects is inappropriate, as Muslims are unable to access these resources due to Islam's injunction against gambling. There should be a way to compensate Muslims and their organisations, as well as other religious groups who may face similar restrictions, for this exclusion. Another example may be a need to make explicit the fact that not only those from racial and ethnic minorities but also those who frame their projects according to faith, such as Muslims, can apply for Arts Council funding. At the moment, the criteria for Arts Council funding refers to issues of race and ethnicity, thereby not directly encouraging groups such as Muslims to apply for funding within

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[88] Department for Culture, Media and Sport, *Policy Action Team 10: A report to the Social Exclusion Unit,* London, DCMS, 13 September 2004. Available on the ODPM website at http://www.socialexclusionunit.gov.uk/downloaddoc.asp?id=216 (accessed 1 November 2004).

[89] Financial aid to needy students.

the paradigm of projects that focus on faith rather than race issues. Further examples might include the special needs of some Muslim women in accessing sport facilities, due to religious principles on separation and modesty.

In its consultation and policy paper on the way in which arts and culture can contribute to cohesion in communities, the DCMS usefully set out criteria for supporting communities in this way.[90] This work needs to be revived in the specific context of Muslims. There are examples of good practice in this area at a local level: Many local projects, such as mounting exhibitions on Islamic Art and the recent Shakespeare and Islam season at the Globe Theatre, show the way in which different types of art form can contribute towards a more positive debate about Islam. However, these *ad hoc* local initiatives are insufficient to compensate for national coordinated action in this area. A national Festival of Islam, a series of arts events based throughout the UK, would provide an opportunity to present the history, art and culture of Islam as a civilisation and make an invaluable contribution towards a number of goals of this paper.

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[90] Department for Culture, Media and Sport, *Culture at the Heart of Regeneration – Consultation Paper,* London, DCMS, 2004. Available on the DCMS website at http://www.culture.gov.uk/global/consultations/2004+current+consultations/cons_culture_heart_regeneration.htm (accessed 1 November 2004).

8. RECOMMENDATIONS

8.1   Recognising British Muslims as a Social Group

1. The Government should recognise Muslims as a social group for the purposes of legal and political decision making. For example, research, monitoring and legal remedies should reflect the fact that Muslims have a distinct faith identity, which they often cite as their pre-dominant source for self-identification.

Better Information about Muslims

2. The Government, especially the Home Office and the Social Exclusion Unit, should take steps to ensure more frequent and comprehensive data collection, disaggregated not only by ethnicity but also by religion, where it is important to capture the specific and common experiences of Muslims. It should consult with relevant groups on:

   - whether there are any advantages in supplementing the category of ethnicity with that of religion/faith, through a voluntary question, whether all data should be tagged in this way and whether, if not all areas are appropriate for this disaggregation, some areas should be prioritised;

   - whether there is a need for (i) more frequent and targeted surveys and/or (ii) occasional large surveys that are representative of the entire population and specifically address non-ethnic religious minorities' needs;

   - whether there are any advantages in supplementing ethnic categories with religion for work done at the small-area level to specifically target local initiatives;

   - how to compensate for incomplete information because the question about religion is voluntary; and how to guard against the misuse of data on religion/about Muslims.

8.2   Addressing Exclusion through Violence

Strategic enforcement of hate crime legislation

3. The Government should ensure that legislation on hate crimes is used strategically, to criminalise the most serious and culpable forms of racist conduct of those who undertake criminal acts motivated by conscious religious hatred.

4. The Government should ensure the appropriate training of law enforcement officers about policing issues arising out of "religious" hate crimes.

5. The Government should ensure that there is careful supervision of the exercise of discretion by law enforcement agencies in relation to this type of criminal power.

6. The Government should ensure that law enforcement agencies are monitored, supervised and held accountable to an independent body that includes *inter alia* members of the Muslim community and other faith communities.

7. Agencies in the criminal justice system, such as the police or Crown Prosecution Service, should ensure that training, development of codes of practice and consultation recognise that dealing with issues relating to "racism" or "race discrimination" will not always be appropriate to challenge anti-Muslim prejudice. Specially tailored training, monitoring and consultation should be provided to ensure that the specific and distinct needs of the Muslim community – and the specific risk of anti-Muslim prejudice tainting the exercise of discretion – are taken into account.

8. Work should be done by, *inter alia*, the Home Office, the Association of Chief Police Officers and the Metropolitan Police Authority, to inform and discuss issues relating to policing of the Muslim community.

9. The Home Office should consider including guidance on hate crimes against Muslims, with analogous guides for other religious minorities, such as Jews, in its guidance for Crime and Disorder Partnerships.

Building capacity to respond to hate speech

10. A particular problem is the fact that prosecutions are dependant on the permission of a member of the Government (the Attorney General). In order to reassure Muslims that their speech is not being uniquely targeted for prosecution by the State, the Government should consider *inter alia:*

   • publishing a clear Code of Practice that outlines the factors relevant to the exercise of the discretion of the Attorney General; and

   • asking the Attorney General to submit a full report, with summary of the figures and an explanation, to one of the House of Commons Select Committees (e.g. the Home Affairs Select Committee) or the Joint Committee on Human Rights.

11. The Government should encourage and fund initiatives that aim to build the capacity of Muslims to intervene in public discourse. This could include partnerships with the media and positive action to encourage and facilitate

Muslim employment in the media. Such proactive measures could be supplemented by reactive measures and work by the Press Complaints Council, OFCOM and public broadcasters to pay attention to the special risks to Muslims of hate speech.

12. The Department for Culture, Media and Sport (DCMS), OFCOM and the Press Complaints Commission may want to consider that, in extreme cases, there may be a need for regulation of the most extreme forms of hate speech against Muslims (e.g. via a voluntary code of practice against vilification of high risk minority groups such as Muslims) by these stakeholders.

8.3   Addressing Economic Exclusion

Combating discrimination in law and policy

13. The Government should consider harmonising the protection available to all religious minorities, both ethnic and non-ethnic, by extending protection from discrimination to cover these additional areas through new equality legislation.

14. The Government should, in its review of a change in the work of enforcement agencies such as the CRE and the Equal Opportunities Commission, pay special attention to the gap in this area and ensure that there are interim measures in place to help groups like Muslims build capacity and enforce their rights under the new legislation. This can be done through funding organisations to disseminate information about rights and the new Advisory, Conciliation and Arbitration Service Code of Practice. In addition, the Government should also consider funding to certain key Citizens Advice Bureaus in areas with high Muslim populations, to run campaigns to make workers aware of their rights.

15. The Government should encourage organisations such as the TUC to take up issues relating to rights of Muslim workers in employment.

16. The Women and Equalities Unit, and organisations such as the Equal Opportunities Commission, need to ensure that they now move beyond their meetings and consultations with Muslim women and develop an action plan with deliverable results and outcomes on the needs of this visible and vulnerable group.

17. The Government and the Women and Equalities Unit should develop campaigns specifically addressing non-discrimination and equality for Muslim women, who are at special risk of multiple discrimination, due to gender, race

and religion. The campaigns should aim to raise their participation in public life and the economy.

Combating discrimination in private and public sector service provision

18. The Government – via the Commission for Racial Equality, the Social Exclusion Unit, the Department for Trade and Industry or the Confederation of British Industry – should undertake research and consult widely with industry, employers and the Muslim community, in order to determine the key areas in which Muslims suffer a disadvantage due to their faith in enjoying private services.

19. The Home Office and the Social Exclusion Unit should undertake consultation and research on the needs and delivery of public services to the Muslim community, in order to supplement the work of the Commission for Racial Equality and local authorities in relation to race, under the RR(A)A.

20. The Government should instigate a pilot scheme around key issues, such as service delivery in education, employment or housing. Such a pilot study could mirror the type of issues raised in Section 71 of the RR(A)A, but should target consultation and policy design specifically towards issues of faith/religion.

21. The Commission for Racial Equality should ensure that guidance to public authorities makes clear the advantages in ensuring that adequate consultation and attention is given to the needs of minorities, such as Muslims in the design and delivery of public services.

22. The Government should, as a priority, review its policy – and also that of the Commission for Racial Equality – on public procurement, to ensure that it deals effectively with the concerns of Muslims. It may be necessary to make clear in these cases that the term "race" will not capture the whole range of data, groups and concerns that need to be considered. The term "diversity", or a wider definition of "equality" may be suggested as an alternative to "race," to ensure protection of Muslims as a group and to address their specific concerns.

23. The Government should revise guidance on the award of subsidies for investment, such as the Regional Selective Assistance, to include the term "diversity" rather than "race".

8.4   Addressing Political and Public Exclusion

Encouraging accommodation of Muslims

24. The Government should ensure it is fully informed about the specific needs of Muslims in the public sector. All consultation documents should compensate for the fact that references to race will not be a sufficient indicator to gather specific information about the needs of Muslims.

25. The Muslim community, and organisations such as the Muslim Council of Britain, should develop procedures and methods for full participation, to inform the Government about the most pressing and urgent needs and demands of Muslims.

26. The Muslim community, and organisations such as the Muslim Council of Britain, should make more clear and effective efforts to ensure that marginalised groups of Muslims, such as women and people with disabilities, are fully involved in decision making within the Muslim community.

27. The Government should specifically support marginalised groups of Muslims, by giving funding for organisations and by ensuring that funding for Muslim organisations is made conditional on the inclusion of these marginalised groups in projects.

28. The Government should consider reform of the way in which information and decision making about Muslims is coordinated. The Home Office has lead responsibility in this area. Options for reform include:

   • coordination of research by the Social Exclusion Unit or the Policy Unit within the Cabinet Office; and

   • giving clear responsibility for this issue to one of the existing or newly formed Cabinet Committees.

Promoting speech

29. The Government should support intervention in the public sphere, to challenge distorted images of Muslims by:

   • capacity building within the Muslim community, including giving support for media scholarships for Muslims or for organisations that are involved in the dissemination of accurate information about Islam and Muslims;

   • including guidance in the Codes of Practice of organisations/regulators such as Ofcom; and

- providing remedies and redress via cooperation with agencies such as the Press Complaints Council, when there has been specific and significant hate speech in the media.

30. The Department for Culture, Media and Sport should take the lead – while working with the Department for Education and Skills, the Arts Council, Sport England and also local authorities – to develop and publish Action Plans to promote access to, and opportunities for, arts and sport amongst Muslim communities, including promoting their use of facilities and measured outcomes relevant to their needs.

31. The Department for Culture, Media and Sport should consider support and funding for a national Festival of Islam. Such a festival would compensate for the disproportionate and distorted presentation of Islam as being linked to political terror and violence. It could also act as a lever to challenge anti-Islamic stereotypes, before they become entrenched into prejudiced attitudes about Muslims that lead to hate crimes, hate speech and discrimination. Finally, it could make an invaluable contribution towards community cohesion and overcoming cultural alienation by allowing British Muslims to feel that their identity and source of self-respect are being given public space and recognition.

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