Roger Trigg


Is current equality legislation a threat or a promise to religion? The inclusion in the UK Equality Act 2010 of a ‘religion and belief’ strand might have been received by the churches as a welcome acknowledgement of their legitimacy were it not for the cack-handed and conceptually inept manner in which the legislation was strung together. Moreover, the subsequent workings of the Act have so highlighted the tension between religious rights and homosexual rights that the internal tensions on gay issues in many churches have been seriously exacerbated: when the confrontation with gay rights is being pursued loudly by Christian pressure groups apparently modelling themselves on those in the USA, much domestic Christian opinion is alienated. And in the vacuum so formed, the sober examination of what is happening to religious liberty tends to go unexplored.

Roger Trigg’s book is, in this context, an oasis of thoughtfulness and reason. He does not confine his observations to the UK but ranges wide to consider international examples of the growing incoherence in public debate and legislation as Western societies struggle to make sense of what a good society might mean in an age of incorrigible plurality.

Trigg’s approach is clearly informed by his concern that religious freedom is threatened by a secular model of equality. But he does not offer a strident polemic and the over-riding impression given to the reader is one of complexity and uncertainty. Different strands of equality cannot all be handled through a single paradigm – and in the UK context, the very notion of what was originally described as the Single Equalities Bill tended to obscure this point. For all sorts of political reasons, opposition to racism and apartheid became the model on which other strands of equality were conceived but, in doing so, unresolved arguments about the nature of difference were effectively suppressed. The result has been that a social trend towards increased individualism has been both reflected in equality legislation and exacerbated by it. Whereas racial difference is no more than a social construct, over reliance on that paradigm to support an overarching rhetoric of equality has made it much harder to express experienced differences of any kind. The result is a sense that the legal and social understandings of the human person regard us all as essentially interchangeable, rather like the plastic people in the Lego set who are distinguished as male or female, Vikings or spacemen, solely by their accessories, and who all fit identically into the same spaces.
Here, of course, I am indulging in the kind of polemic which Trigg eschews. His book, however, does not restrict itself to an account of legislation and cases which have shaped the contemporary confusion about identity, difference and equality, especially in the context of religion. His conclusion, that religious identity is, indeed, under threat from a worryingly attenuated discourse of equality, seems to me to warrant a rather more analytical narrative of the state we are in than he ventures to offer. Piling example upon example, whilst cumulatively convincing, doesn't get quite far enough towards a theoretical account of what is going on.

For much of the book, Trigg is even-handed in identifying the social gains and losses that accompany different approaches to equality and religion. He is clear that the problematic generated by religious identity in a plural social context is not at all easy to resolve. But his conclusion is made more gloomy by the fact that he has so effectively shown that the problems really are deeply problematic. The implication is that religions are going to have to renegotiate their sense of identity, and perhaps modify their conception of where the boundaries of religious freedom might lie, if a sustainable settlement is to be achieved. This need not be the same as capitulation to liberal individualism, but the possibilities and hazards are not explored in this book.

It may be a sign of my own frustration with the political realities and philosophical complexities that makes me unclear who Trigg's book is aimed at. His is neither the impartial lawyerly analysis of cases nor the political philosopher's dissection of the woes of liberal individualism. He is mostly even-handed, yet ultimately unafraid to state a position. I would have liked his arguments to have been supported with a stronger social analysis so that the problem which religions pose to the liberal trade-off between equality and freedom within a plural context is understood to be deeply rooted in all our social arrangements and not confined by any means to this one category of problem.

But, to return to my opening paragraph, two audiences for whom Trigg's book ought to be compulsory reading do suggest themselves. The problem of religious rights and religious freedom within the contemporary discourse of equality is undoubtedly, as Trigg very clearly explains, profound. It is not, as some liberals within the churches suggest, one which will resolve itself when the conservative ecclesiastical dinosaurs are at last extinct. By that time, the whole religious ecosystem would have collapsed. But the stridency of those Christian groups which seem fixated on the threat of homosexuality to all they believe in also misses the point. The implicit theocratic authoritarianism which lies behind their campaigns for religious freedoms fails to see, as Trigg sees quite clearly, that some forms of religion are toxic. Such is the subjectivism