

WEARING OF RELIGIOUS DRESS AND SYMBOLS

REFLECTIONS BY THE EXECUTIVE COMMITTEE OF THE INTER FAITH NETWORK FOR THE UK

This note offers a perspective from the Executive Committee of the Inter Faith Network for the UK on some of the issues which arise over the wearing in public of items of religious dress and symbols.

It offers some broad reflections on the wearing of religious clothing and symbols: the deeply held beliefs which can underlie choices about the wearing of these; the need for courteous and sensitive handling of the issues involved; and some of the factors to be taken into account in considering limits on the wearing of particular items for such reasons as security, organisational corporate identity or health and safety. It also touches on the use of religious symbols by manufacturers of clothing and jewellery. It does not offer detailed guidance on how to deal with specific issues as these often need to be dealt with according to the circumstances of the individual case. Rather, it offers an overall approach which may be found helpful in tackling them.

There can sometimes be a degree of ambiguity about the motivation for wearing a particular item of religious dress or a particular religious symbol: for example, about whether items such as crosses, crucifixes or prayer beads are sometimes worn as, in effect, little more than fashion accessories, or, in other cases, about whether the motivation is linked to the politics of identity rather than being simply the manifesting of piety or religious practice. However, for most wearers of religious clothes or symbols, the link to personal religious practice is a real and strong one and it is in that context that the following reflections are offered.

- (a) The wearing of religious dress and symbols can be an important expression of an individual's religious identity. It may reflect the wearer's understanding of the requirements prescribed in their tradition or their belief that wearing this form of dress or these symbols as a mark of their religious commitment helps to enhance their spiritual life. It may also reflect a desire publicly to affirm the identity to which these are linked.
- (b) In Britain, the expression of faith in different ways – in belief, in action, in dress – is part of this society's commitment to religious freedom. Religiously linked dress and symbols are also a visible and welcome sign of diversity within our society. They reflect distinctive teachings and traditions of the major faith communities whose followers are fellow citizens of this United Kingdom.
- (c) It is primarily for followers of a particular tradition to address among themselves issues of appropriate religious dress and wearing of symbols in the light of its teachings. Because of the reasons that people choose to wear particular items of dress or other religious symbols, criticism of their doing so can be experienced as an attack both on the individual and on the faith itself. However, those in wider society have a legitimate interest in coming to a better understanding of the issues involved through discussion of these. At the

same time, where observations are made by those from outside a particular tradition on clothes or symbols worn by its members these should always be offered with courtesy and open-mindedness and in the spirit of genuine enquiry.

- (d) In some cases there is a near universal agreement across a religious tradition about the dress requirements of that particular faith, for example in relation to the wearing by orthodox Sikhs of a turban. In other cases, such as the *niqab*, which covers the face and is worn by some Muslim women, there can be considerable internal debate within a community both about what may or may not be required and what may or may not be desirable. In yet other cases, there may be a spectrum of practice linked to different strands within a religious tradition, for example in the choice of some Christians to wear a cross, others a crucifix and yet others neither.
- (e) The view most commonly held in the UK has been that, in general, individuals should continue to be allowed to wear religious dress and symbols, if they so wish, in public as well as in private, regardless of their reasons for doing so. There has been little support for the kind of approach adopted in France, for example, where the introduction of a ban on the wearing of the Muslim *hijab* (a headscarf) and on the presence of all religious symbols in French schools and in other public institutions was introduced on the grounds that markers of religious identity should be excluded from public institutional settings.
- (f) Many employers, in both the public and private sectors, have made modifications to the uniforms of their staff, where these are worn, to enable the wearing of religious dress. For example, the regulations covering religious dress in the Armed Forces, which deal with the position in relation to different religious groups, prescribe that a Jewish male may wear a plain or patterned *yarmulke* (or *kippah* or skull cap) whenever he removes other headdress. Variations of standard uniform have been made by a variety of employers to enable the wearing of long or modest clothing which an employee wishes to wear for religious reasons. There has also been specific provision in law to exempt Sikhs from the requirement to wear crash helmets or to wear protective headgear on building sites. These adjustments and exceptions demonstrate in a welcome way a willingness in this society to accommodate religious practice where possible.
- (g) There are, however, some restrictions to the freedom to wear clothing or other items relating to a person's religion. Although legislation is now in place to prevent discrimination on grounds of religion or belief in the employment field, it remains lawful for employers to establish requirements for their employees in the area of dress where these relate to the practical necessities of the particular job, for example in the teaching field or where there are health and safety considerations, for example in manufacturing and food processing industries. Requirements of this kind should not, however, reflect any unwillingness to accept expressions of religious identity which do not in themselves pose problems for the employee in carrying out their job satisfactorily but rather the need for some compromise in balancing conflicting interests and requirements.

- (h) As has been pointed out in the guidance issued by the Advisory, Consultation and Arbitration Service (ACAS) on the effect of the Employment Equality (Religion or Belief) Regulations 2003, employers' dress codes which have the effect of conflicting with religious requirements may constitute unlawful indirect discrimination unless they can be justified, for example, on the grounds of health and safety. The ACAS guidance also suggests that unjustifiable policies and rules on the wearing of jewellery or on having tattoos or other markings may constitute unlawful indirect discrimination. So far very few cases have been brought before employment tribunals so there is little case law.
- (i) Just as employers are developing policies on the wearing of religious dress and symbols, so these issues are being addressed in other contexts, such as schools and institutions of further and higher education. Increasingly, higher and further education institutions are providing guidance for students (as well as for their employees) on issues of religious dress. Policy on school uniforms is a matter for school governors but the Department for Education and Skills expects schools to accommodate, within their uniform policy, the needs of different cultures, races and religions. There have been a few court cases in the recent past arising from the impact on Muslim girls of rules on school uniform and in a court case some years ago it was ruled that a school could not refuse to admit a Sikh boy wearing a turban. However, for the most part issues of this kind have been resolved after discussion and consultation with parents and with local faith community representatives.
- (j) In some contexts, because of the need to confirm a person's identity, there is a requirement for them to show their face and therefore to remove any item of clothing, such as the *niqab*, which hinders this. Examples would be when a person is crossing borders at an airport or port or appearing in court as the defendant or as a witness or when a student is needing to confirm identity before an examination. Security issues can also affect other aspects of policy on dress and the wearing of religious symbols, for example, the wearing of the Sikh *kirpan* (a small sword) at airports and on aeroplanes. Public authorities need to ensure that clear guidance is always available on requirements of this kind and that the relevant faith communities are consulted in its preparation.
- (k) Issues can also arise in other circumstances about the wearing of items which cover a person's face. There are very specific circumstances where this can present a particular problem, for example where a deaf person needs to lip read what another person says. More general concerns are sometimes expressed by people who feel that covering the face reduces or inhibits interaction between people (although others do not feel this). Such concerns need to be expressed with sensitivity. They can then be taken into account as one factor, but only one, in shaping the decisions of individuals about the wearing of this form of dress. In this context, it is worth noting that the wearing, whether by men or women, of very revealing clothing or offensive slogans on t-shirts, which are often not challenged in the same way as are aspects of religious practice, also have an impact on the way people interact with one another.

- (1) An additional issue to bear in mind is that clothing designers and manufacturers should seek to avoid the use of religious symbols or wording in clothing and footwear in ways likely to be offensive to religious believers. Examples in recent years have included a shoe company naming two new designs of leather shoes made from the hide of cows (which are seen by Hindus as sacred) after the deities *Krishna* and *Vishnu*.

These considerations point to three basic principles:

- The wearing in public of religious dress and symbols can be an important aspect of an individual's religious identity and discussion about the wearing of these should at all times be conducted in a courteous and sensitive way.
- A choice to wear religious dress and symbols should be respected wherever other overriding factors such as security or health and safety do not come into play. There are situations in which some compromise is needed. However, any restrictions - whether because of the need to establish personal identity or because of the requirements of a particular job or the wearing of a uniform in accordance with the policy of a school or other corporate body - should only be imposed where these requirements are clearly necessary and after appropriate consultation.
- Careful and sensitive handling of issues linked to the wearing of religious dress and symbols is part of the wider commitment of our society to religious freedom and to valuing diversity alongside the shared pursuit of the common good.