

Terrorism and Places of Worship
Home Office Consultation
November 2005

RESPONSE FROM THE CATHOLIC BISHOPS' CONFERENCE
OF ENGLAND & WALES

We agree with the government that addressing the problem of terrorist activity and its roots within communities in the UK today is very important. We also agree that communities themselves need support from government and others; and we welcome the government's commitment 'to explore ways in which communities can be supported to address the problems of radicalisation and extremism in their midst.'

The problem of alienation and extremism of some young people in particular is linked to poverty, racism, and social exclusion; but a religious element can give a complex added dimension. Such alienation can be addressed in a variety of ways by government – e.g. community economic development, community cohesion strategies, education, political and inter-religious dialogue and legislation.

The government is trying to address all these areas, but its counter-terrorism strategy tends to be focused almost solely on new legislation with increased police powers. The danger in this emphasis is that it could unduly curtail genuine civil liberties and so be counter-productive, and could give rise to a corresponding increase in the "felt" alienation which is often a significant factor in nurturing terrorism.

When people turn to terrorism they cross a line. If they seek to use their religion to justify terrorism, or receive encouragement from others to do so, that is unacceptable and society must protect itself both from those who incite terrorism on the pretext of religion, as well as from those religious extremists who would carry it out.

The question, however, is whether these proposals are either necessary or desirable in the circumstances in the UK now in order to provide this protection. In our view they are not necessary and are likely to be counter-productive.

Proposed legislation

We appreciate that the proposed legislation, giving the police the power to apply for and the courts the power to grant *requirement orders* and *restriction of use orders*, is intended as a measured response to a potentially serious if relatively rare problem.

We note the fact that the legislation is meant to be used only as a last resort, after other approaches have failed.

We also note that the proposals contain two stages, the first laying an obligation on the religious community and only after that resorting to enforcement by the police.

Finally, we note the proposal that both a *requirement order* and a *restriction of use order* would require the decision of a court.

These aspects notwithstanding, however, it seems to us that the proposals are misconceived for a number of reasons:

- **The need for legislation is highly questionable.** If the problem which the proposals address was a relatively common phenomenon, there might be a need for legislation of some sort. There are approximately 3000 Catholic Churches in England & Wales. Even at the height of the troubles in Northern Ireland, with an extensive Irish Catholic community living here, and with terrorist actions taking place in our cities, there was no perceived need for such powers. The Terrorism Bill creates new criminal offences regarding the encouragement of terrorism. The powers of the Charity Commission to regulate charities are being increased by the current charities Bill. Both these new laws will bolster the powers of the state in relation to the great majority of places of worship which are owned by charities. At the very least, there is a strong argument for waiting to see whether these new laws will provide the protection needed in the rare circumstances envisaged.

- **The proposals are a disproportionate response.** For the authorities to be involved in action affecting places of worship directly impinges on freedom of religion. That freedom, enshrined in Article 9 of the Human Rights Act, can only legitimately be curtailed by proportionate action justified under the terms of the Article. We have grave doubts that the proposals are proportionate in the circumstances.

- **They give the police and the courts an inappropriate responsibility.** In order to apply for a *requirement order*, the police would have to form a reasonable belief about what was happening within a place of worship. This would necessarily require some gathering of evidence and in itself could be a very intrusive process. In addition, there would be a danger of the police, and eventually the courts, being put in a position of deciding what is and is not legitimate worship, theology and teaching. The consultation argues that “prosecution can prove difficult where it is unclear which individual is causing the problem”. No doubt this difficulty arises in a number of situations for the police and security services. But if it requires them to undertake further investigative work to identify the key people who are causing the problem, surely this must be done rather than resorting to the exercise of draconian powers against a place of worship. There is a risk that those exercising a malign influence on zealous young people would simply carry on doing it somewhere else.

- **Such legislation could be counter-productive.** The legislation, by its very existence, might be counterproductive and increase a sense of alienation amongst some people. It might also encourage people of various political and religious persuasions to make complaints to the police about what was happening in places of worship, motivated by racial antagonisms or political or religious differences.

Insofar as the threat of terrorism could arise from the misuse of places of worship, the communities concerned must be helped to find their own most appropriate ways of addressing it. This will include the very difficult and long term task of entering into dialogue with those who encourage or actively hold extreme views. It will sometimes also include confronting extremists in their own communities. In either case, in our view these particular proposals are most unlikely to be helpful and may undermine the process.

Archbishop Peter Smith
10th November 2005

Appendix - Sacred Places

There are almost 3000 Catholic Churches in England & Wales. They are ordinarily owned by the local diocese, which is usually a charitable trust, and subject to Charity Law and the Charity Commission.

They are covered by Canon Law (Canons 1205 - 1211) and are consecrated as sacred places for worship. The dedication of a church is reserved to the local Bishop or someone delegated by him, it is done by a specific ritual, and a document is drawn up to record the dedication. One copy is kept in the church and one in the diocesan office.

In a sacred place only those things are permitted which serve to exercise or promote worship, piety and religion. Anything out of harmony with the holiness of the place is forbidden. The Bishop may, for individual cases, permit other uses, provided they are not contrary to the sacred character of the place.

Sacred places are desecrated by acts done in them which are gravely injurious and give scandal to the faithful when, in the judgement of the local Bishop, these acts are so serious and so contrary to the sacred character of the place that worship may not be held there until the harm is repaired by means of a specific penitential ritual.

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