Fitness to Practise Forum 17 September 2008

Handling and Purchasing of Religious Books

Introduction

The purpose of this report is to outline a set of practices HPC's adjudication function should follow in relation to procedures on the taking of Oaths and Affirmations in hearings, specific to catering for the diverse range of beliefs followed in the United Kingdom.

The UK has a wide and diverse range of people living within its borders, encompassing many different ethnicities, cultures and belief systems. In turn many people from these backgrounds are key stakeholders of the HPC's (Health Professions Council) fitness to practise process including registrants, witnesses, support parties, representatives, and staff. It is therefore key that the Hearings team ensures it does all it can to facilitate needs and requirements of all parties involved in the fitness to practise process.

Guidance for this report was taken from Chapter 3.1 of the *Equal Treatment Bench Book*, created and followed by the UK Courts in relation to practices on this issue. The chapter outlines research on the practices of the various religions making up UK society and sets out guiding principles and practices to follow when undertaking oaths and declarations in line with various religious practices.

Findings

It is typically acknowledged that the world's five largest religions are Christianity, Islam, Non-religious, Hinduism and Buddhism.

The Human Rights Act, 1998 places a duty on all public authorities not to discriminate on the grounds of religion in regards to Convention rights, including freedom of religion. This also includes non-religious beliefs.

The Oaths Act 1978 permits witnesses the choice between swearing an oath and making a solemn affirmation. Both are considered equally valid in legal terms. As far as the law is concerned, the degree to which a witness considers their conscious bound by the procedure (whether oath or affirmation) is the criterion of validity, (*R v. Kemble* [1990] 91 Cr.App. R. 178 (emphasis added)).

The Hearings team currently asks in each notice of hearing if any special religious requirements are needed. If a party indicates a preference to swear an oath on a particular scripture that is not available, they are encouraged to bring their own copy to the tribunal. Witnesses are presented with a choice between

taking an oath or affirmation before they enter the tribunal room. If a witness indicates their wish to swear an oath, they should be informed of the different scriptures available. Great sensitivity is required when a witness indicates a preference to swear an oath on a holy scripture of a faith if it is not available. It is good practice for that person to then take the affirmation.

Each religion has different practices that need to be handled with sensitivity and respect. This includes practices relating to handling scriptures and how oaths are to be administered. The most common wording of an oath is: *"I swear by* [substitute name of God] *that the evidence I shall give shall be the truth, the whole truth and nothing but the truth."* The most common wording for making an affirmation is: *"I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth."*

Recommendations

The following recommendations are suggested for consideration and approval:

- HPC to follow the practices of the Courts within its own hearings process.

- HPC to have copies of the most common scriptures as they are most likely to be requested by registrants and witnesses attending FTP hearings. FTP already holds several Holy Scriptures of different faiths.

- Hearings Officers to become familiar with how to handle various scriptures, to ensure no offence is taken when administering the oath.

- HPC to have copies of the various wordings of the different oaths to be administered according to their scriptures and how these oaths are to be administered.

- Notices of hearings should include a statement requesting registrants or witnesses to indicate if they have any preference for a particular holy scripture and further advise them to bring a copy of this scripture to the hearing if their choice is not available.

Conclusion

Following the recommendations set out above would contribute to ensuring that the FTP process is fair and sensitive to the requirements of all stakeholders involved.

Decision

The Forum is asked to discuss the report and recommend that the Committees approve the recommendations outlined above.

Background information

None

Resource implications

None

Financial implications

Minimal

Appendices

Attached copy of Chapter 3.1 of the Equal Treatment Bench Book.

Date of paper

29 July 2008

Chapter 3.1
Discrimination on the basis of belief or non-belief

Key points

- Awareness of a person's beliefs or non-belief is an integral element of being aware of equal treatment issues.
- Realising that a judge and other court personnel take notice of matters relating to an individual's belief system helps create an atmosphere of trust and reduces alienation.
- No assumptions should be made about an individual based soley on dress or appearance.
- Religious and other beliefs, or non-belief, are often a key element of a person's identity.

3.1.1 Religious diversity

The UK is a diverse society with people of many beliefs and some with none. The pre-eminence given to race and minority ethnic community formations in public policy has meant that, until recently, religion and belief systems have been largely missing from the discourse on equality. It is now recognised that belief (alongside ethnicity, gender and sexuality) matters to people profoundly as a source of positive identity.

Many people do not believe in God. Others abide by sets of beliefs that are not religious in nature, for example secularists and pagans.

Ethnicity and religion

When compared to the provision on race the law does not provide comprehensive protection from discrimination or incitement to hatred on grounds of religion, belief or non-belief. As this chapter is written, measures are promised 'to tackle those who incite religious hatred'. While the details of the draft legislation are not known, it is likely that it will include discrimination on the basis of non-religious belief, and on the basis of non-belief.

The interrelationship between ethnicity and religion is complex.

- Ethnic groups are often multi-religious. Indians, for example, may be Hindus, Muslims, Sikhs, Christians or members of other belief systems or may have no religion or belief.
- Religious practice can cut across ethnic groups, for example Muslims can be Albanian, Bangladeshi, Bosnian, Chinese, Indian, Indonesian, Iraqi, Malaysian, Nigerian, Pakistani, Somali, Turkish, English, Irish, Scottish or Welsh.
- Ethnic and religious identities can also coincide: both Jews and Sikhs are recognised as ethnic groups under the Race Relations Act 1976 (RRA).
- A large minority of British people of all ethnic groups have no religious belief. Some adopt non-religious life stances, such as humanism or secularism.

Internal diversity

To add to the complexity, each religion has a considerable internal diversity of traditions, movements, cultures and languages.

- There are many variations within minority religions and beliefs, and within non-belief, just as within Christianity, where Black-led churches have joined traditional Christian groups.
- The religious practices of members of minority ethnic communities may emphasise characteristics of their area of origin, manifesting a complex combination of belief and practice, as well as their own cultural and religious allegiances.

Thus, although we can speak of distinct religions and faith communities, there are often many overlaps.

- Many Africans, for instance, may be Muslim or Christian, but they are also living their lives in a distinctly African cultural manner.
- The same goes for people from South Asia, where different religions have co-existed for millennia, and where differing forms have developed over time.

Cultural differences within any one group may also involve distinctions on the basis of age, gender and social status. Finally, individuals will differ in their adherence to and practice of their religious beliefs. Some may identify themselves as religious (or may be reluctant to dissociate themselves from a religion) for cultural reasons. There is no typical Hindu, Muslim or Sikh, and yet we have to make some simplifying assumptions to convey an idea of the basic principles of the religious traditions in a work of this kind.

Systems of belief and non-belief in the UK

The entries in Appendix V at the end of this part include some of the main belief systems that are present in the UK: Bahaism, Buddhism, Christianity, Hinduism, Indigenous traditions, Islam, Jainism, Judaism, Rastafarianism, Sikhism, Taoism and Zoroastrianism, as well as a description of some systems of non-religious belief, such as secularism and humanism, and non-belief, that is, atheism and agnosticism.

Each of the religious entries follows a set format for the sake of clarity, but in fact not all religions place the same emphasis on each of the dimensions of faith as laid out in the appendix. Some religions place a central importance upon one scripture, such as Christianity, Islam and Judaism. Others revere a number of scriptures equally, such as Hinduism and Jainism, whilst others are not so scripture-based, such as the Indigenous traditions. For some faith traditions, rites of passage are central (e.g. Christianity, Judaism and Zoroastrianism) whilst for others rites of passage (apart from birth and death) are culturally important rather than ritually significant (e.g. Hinduism, Islam, Jainism and Taoism).

For some (e.g. Christianity and Sikhism) communal rites and places of worship are central to religious practice. For others, whilst communal worship is important (e.g. the attendance of Friday congregational prayers at a mosque for Muslims), the performance of the daily prayers is more significant to determine the degree of faith adherence. In some religions there are variations, such as Zoroastrianism, where the emphasis varies according to different branches of the religion. For others, individual prayer and communal worship play equivalent roles.

For some faith traditions, ritual purity, which may or may not be connected with gender as such, is very significant (e.g. Hinduism, Jainism, Judaism, Islam, and Zoroastrianism), whilst for others it plays no part.

Relevance of some ritual traditions within different faith groups

FAITH GROUP: BAHA'IS
SCRIPTURES: Is there only one central scripture of ritual importance? No
RITUAL PURITY: Is there an emphasis on ritual ablutions? No
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Cultural

FAITH GROUP: BUDDHISTS
SCRIPTURES: Is there only one central scripture of ritual importance? No
RITUAL PURITY: Is there an emphasis on ritual ablutions? No
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Cultural

FAITH GROUP: CHRISTIANS
SCRIPTURES: Is there only one central scripture of ritual importance? Yes
RITUAL PURITY: Is there an emphasis on ritual ablutions? No
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Religious

FAITH GROUP: HINDUS
SCRIPTURES: Is there only one central scripture of ritual importance? No
RITUAL PURITY: Is there an emphasis on ritual ablutions? Yes
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Cultural

FAITH GROUP: INDIGENOUS TRADITIONALISTS
SCRIPTURES: Is there only one central scripture of ritual importance? No
RITUAL PURITY: Is there an emphasis on ritual ablutions? Yes
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Religious

FAITH GROUP: JAINS
SCRIPTURES: Is there only one central scripture of ritual importance? No
RITUAL PURITY: Is there an emphasis on ritual ablutions? Yes
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Cultural

FAITH GROUP: JEWS
SCRIPTURES: Is there only one central scripture of ritual importance? Yes
RITUAL PURITY: Is there an emphasis on ritual ablutions? Yes
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Religious

FAITH GROUP: MUSLIMS
SCRIPTURES: Is there only one central scripture of ritual importance? Yes
RITUAL PURITY: Is there an emphasis on ritual ablutions? Yes
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Cultural

FAITH GROUP: RASTAFARIANS
SCRIPTURES: Is there only one central scripture of ritual importance? Yes
RITUAL PURITY: Is there an emphasis on ritual ablutions? No
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Cultural

FAITH GROUP: SIKHS
SCRIPTURES: Is there only one central scripture of ritual importance? Yes
RITUAL PURITY: Is there an emphasis on ritual ablutions? Yes
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Cultural

FAITH GROUP: TAOISTS
SCRIPTURES: Is there only one central scripture of ritual importance? No
RITUAL PURITY: Is there an emphasis on ritual ablutions? No
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Cultural

FAITH GROUP: ZOROASTRIANS
SCRIPTURES: Is there only one central scripture of ritual importance? No
RITUAL PURITY: Is there an emphasis on ritual ablutions? Yes
DIETARY TABOOS: Is there some practice of occasional abstinence from certain foods or fasting? Yes
RITES OF PASSAGE (Except birth and death): Are rites of passage more cultural than religious, apart from ordination? Religious

Determining credibility

We must be wary of assuming that any one written text renders us authorities on the different belief systems: it cannot, and nor could it, since practices vary between individuals, and increasingly so as society becomes more heterogeneous. Quite often in the court room context we will come across individuals who claim that a particular practice is essential to their faith. Whether it is or not may be too difficult a question to determine and arguably not for us to decide. What is within our jurisdiction is the question of credibility and we may be able to determine the extent to which a particular individual is bound by what they say is essential to their religious practice. As judges, of course, we strive to fulfil our judicial oath to do right and ensure justice to all, irrespective of creed, class or religious and/or ethnic background.

3.1.2 Systems of belief and non-belief in England and Wales

In the 2001 Census, 71.6% of respondents (37 million) stated their religion as Christian, while 15.5% (9.1 million) stated they have no religion and a further 7.3% (4.2 million) did not respond to the question. Some 3.1% of England's population and 0.7% of the Welsh population give their religion as Muslim, making this the most common religion after Christianity. Some 8.5% of London's population give their religion as Muslim; 4.1% are Hindus and 2.1% are Jewish. It can be observed that:

- White Christians remain the largest single group by far (7 out of 10 people).
- The second largest group is of those professing no religious belief. It is also worth noting that over 7% of the population did not respond to the question, whether from a position of non-religious belief or for other reasons.
- 71% of Black people and 52% of those of mixed backgrounds said they were Christian.
- Among other faiths the largest groups were Pakistani Muslims (658,000), Indian Hindus (467,000), Indian Sikhs (301,000) Bangladeshi Muslims (260,000) and White Jews (252,000).
- 45% of Indians were Hindu, 29% Sikh and 13% Muslim.
- 92% of both the Pakistani and Bangladeshi groups were Muslim.
- There was variation by ethnicity among those saying they had no religion: over half of Chinese people and a quarter of those with mixed backgrounds said this.

3.1.3 Discrimination on the basis of belief or non-belief

Discrimination on the basis of belief or non-belief is a serious problem which contributes to the marginalisation and social exclusion of groups and individuals, and it ranges from

violence and bullying to prejudice against a person because of their real or perceived belief or non-belief. Prejudice also manifests itself in the signals sent out, intentionally or not, in the way in which the needs of a person are ignored or overlooked, for example in accessing public services. Many publicly funded faith schools, for example, will not admit the non-religious, even when those of other faiths are admitted. The risk of unemployment also varies significantly according to religious identity.

Northern Ireland legislation

The Northern Ireland Act 1998 prohibits discrimination and requires public authorities to promote equality of opportunity 'between persons of different religious belief' in the course of carrying out their duties. Furthermore, a public authority in Northern Ireland must have regard to the 'desirability of promoting good relations between persons of different religious belief' in carrying out its functions. However, in England and Wales, the development of equality provisions in respect of religion or belief are sporadic and piecemeal.

The Human Rights Act

The Human Rights Act 1998 places a duty on all public authorities, including courts, not to discriminate on the grounds of religion in respect of Convention rights, including the freedom of religion (section 6, Article 9 and Article 14). In this context, 'belief' has been interpreted as including non-religious beliefs and the lack of religious beliefs.

The right to manifest one's religion and belief is not unfettered, however, and limitations are allowed in the interests of public safety and for the protection of the rights and freedoms of others.

'As enshrined in Article 9 (art. 9), freedom of thought, conscience and religion is one of the foundations of a "democratic society" within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic safety, which has been dearly won over the centuries, depends on it.' Kokkinakis v Greece [1994] 17 EHRR 397, para 31.

What constitutes a racial or ethnic group?

In the absence of anti-discrimination legislation, faith groups have sought to bring themselves under the protection of the RRA. Some religious groups, such as the Sikh and Jewish communities, have won protection against direct and indirect discrimination by emphasising the extent to which they also constitute ethnic groups (see Mandla v Dowell Lee [1983] 2 AC 548 and Seide v Gillette Industries Ltd [1980] IRLR 427). On the other hand, Muslims, Rastafarians and Jehovah's Witnesses have been held not to constitute racial or ethnic groups (see Tariq v Young, case 247738/88, EOR Discrimination Case Law Digest 2; Crown Suppliers (Property Services Agency) v Dawkins [1993] ICR 517; Lovell-Badge v Norwich City College of Further and Higher Education 39 EOR Discrimination Case Law Digest 4).

Indirect racial discrimination also provides protection for some members of religious groups. For example, it may provide protection for Pakistani and Bangladeshi Muslims

where the discrimination comes from a person belonging to another ethnic group. However, the limitation of using indirect race discrimination to tackle religious discrimination is highlighted in the decision of the tribunal in Safouane v Bouterfas (1996). In that case, the two Muslim complainants were dismissed for performing their obligatory prayers during their breaks. The tribunal held that the acts to bar them did not constitute indirect racial discrimination because the applicants belonged to the same North African ethnic Arab community as the respondents.

Muslims do not qualify as an 'ethnic group' as defined by the RRA 1976. However, the Runnymede Trust and numerous academics have identified the phenomenon of prejudice against Muslims, termed Islamophobia: 'the emotive dislike of the Islamic religion as a whole, rather than of its extreme manifestations; or rather ... the assumption that the extremes of the religion have normative status.' (T. J. Winter, Dept. of Theology, University of Cambridge, 2001.)

The Employment Equality (Religion or Belief) Regulations 2003

Regulations implementing the Equal Treatment Framework Directive (2000/78/EC) prohibit discrimination on the grounds of religion or belief in the area of employment and training. The regulations do not define religion or belief other than to exclude political beliefs. It is worth noting, however, that regulation 2 defines 'religion or belief' as any religion, religious belief, 'or similar philosophical belief'. The explanatory notes produced by the DTI to support the regulations cite atheism and humanism as possible examples of the latter, while acknowledging that 'it will be for the courts and tribunals to determine…whether a religion or belief falls within this definition.' Religious discrimination in the provision of goods, services and facilities is not directly prohibited unless a specific instance of discrimination happens to fall under the broad ambit of the HRA, which in any case only applies to public bodies.

Direct and indirect discrimination

Discrimination against a person on the grounds of their beliefs or non-belief, like other forms of discrimination, can be both direct and indirect. Direct discrimination, treating a person less favourably because of their beliefs or non-belief, can arise where actions and attitudes are based on assumptions and stereotypes.

- A faith community or belief group may be seen as a single monolithic block, static and unresponsive to new realities rather than as diverse and progressive, with internal differences, debates and developments.
- A faith community or belief group may be seen as separate, not having aims or values in common with the wider community, rather than being seen as interdependent with the wider community and sharing common values and aims.

Direct discrimination can also arise where actions and attitudes are based on assumptions and stereotypes, whether positive or negative, about members or non-members of a particular faith or belief group, rather than based on evidence about the particular individual. For example, a Muslim woman wearing a scarf may be seen as oppressed and forced to wear it, whereas a Sikh man wearing a turban may not be seen in the same way.

Discrimination can also occur because many attitudes evolved at a time when British society was not as diverse and multi-faith as it is today. Doing things 'as they have always been done' can disadvantage those who are different, instead of appreciating the 'dignity

of difference' (Rabbi Jonathan Sacks, 'The Dignity of Difference', Continuum Press (2002)). Treating everyone the same irrespective of their group identities ignores the importance of that group identity to the individual and ignores the extent to which the norms of the dominant culture and religion are embedded in social structures. Awareness of the needs of different faith groups is a precondition to accommodating those differences.

Chapter 3.2
Oaths, affirmations and declarations

Key points

- The Oaths Act 1978 permits witnesses the choice between swearing an oath or making a solemn affirmation.
- The degree to which a witness considers their conscience bound by the procedure is the criterion of validity.

The contents of this chapter should assist all judiciary and tribunal chair in:

- ensuring that sworn testimony meets all the requirements of the Oaths Act 1978;
- ensuring that the needs of all court users and witnesses are met with regard to their religious affiliation when giving sworn evidence or making declarations; and
- that witnesses who choose to affirm or swear an oath are treated with respect and sensitivity.

3.2.1 Introduction

The Oaths Act 1978 makes provisions for the forms in which oaths may be administered and states that a solemn affirmation shall be of the same force and effect as an oath. In today's inclusive multi-cultural society all citizens, whether or not they are members of faith traditions, should be treated sensitively when making affirmations, declarations or swearing oaths.

As a matter of good practice:

- the sensitive question of whether to affirm or swear an oath should be presented to all concerned as a solemn choice between two procedures which are equally valid in legal terms ;
- the primary consideration should be what binds the conscience of the individual;
- one should not assume that an individual belonging to a minority community will automatically prefer to swear an oath rather than affirm;
- all faith traditions have differing practices with regard to court proceedings and these should be treated with respect.

Guidance was given in the case of Kemble:

> We take the view that the question of whether the administration of an oath is lawful does not depend upon what may be the considerable intricacies of the particular religion which is adhered to by the witness. It concerns two matters and two matters only in our judgement. First of all, **is the oath** an oath **which appears to the court** to be **binding on the conscience of the witness?** And if so, secondly, and **more importantly, is it an oath which the witness himself considers to be binding upon his conscience?**
>
> **Lord Lane C.J. in R. v. Kemble [1990] 91 Cr.App. R. 178 (emphasis added)**

In this case a Muslim witness in the criminal trial had previously sworn an oath on the New Testament, although in the Court of Appeal the same witness swore an oath on the Qur'an. He told the Court of Appeal on oath that he considered himself conscience bound by the oath he made at the trial. He added that he would still have considered the oath to be binding on his conscience whether he had taken it upon the Qur'an, the Bible or the Torah. The Court of Appeal accepted his evidence, finding that he considered all those books to be holy books, and thus that he was conscience-bound by his oath. This is despite the fact that in Islamic jurisprudence an oath taken by a Muslim is only binding if taken on the Qur'an.

Since it cannot be assumed that every believer knows all the theological doctrines pertaining to their faith tradition, in the court room the emphasis is upon receiving the live testimony and determining the credibility of the witness on the basis of how much they consider themselves bound by the oath or affirmation. For witnesses who openly profess to be adherents of a particular faith which is scripture-based, the swearing of an oath is a profoundly solemn undertaking. Some extremely strict believers may choose to affirm instead because they believe that swearing an oath is not a procedure to be undertaken in a non-religious context, such as some Orthodox Jews for example.

3.2.2 Holy scriptures

Different faith traditions place varying emphases upon their holy scriptures in the context of their overall belief system. Many faith traditions are oral, or not based on scripture as such, while others, such as Hinduism or Jainisnm equally revere a number of scriptures. For some, there is one central text which is deemed to be the direct word of God and so signifies the actual Divine presence. For all, their books must be handled with respect and sensitivity.

Ritual purity

- Certain faith traditions insist that anyone handling a holy scripture be in a state of ritual purity.
- This ritual purity may be achieved by performing ablutions involving the use of water, or by other means (e.g. the use of incense or earth, which may not be suitable in the court room context).
- A witness may indicate the need to perform ablutions by referring to the 'need to wash' or may even specify that they need 'to wash their hands/face/feet'. An opportunity to use a washroom for this purpose should be given to the witness.
- In certain religious traditions, women who are menstruating or recovering from childbirth would be unable to obtain ritual purity and therefore may prefer to affirm rather than handle their holy scriptures. It is for this reason that it is preferable and good practice for the holy books to remain covered in a separate cloth when not in use and when being handled by court staff so as to avoid causing offence to believers. Needless to say, all handling of holy scriptures should be with the utmost respect, and no holy book should be put on the floor or thrown down.

Other practices:
- Hindu and Sikh witnesses may wish to remove their shoes.
- Jewish or Muslim witnesses may wish to cover their heads when taking the oath.

- Hindu witnesses may wish to bow before the holy scriptures with folded hands before or after taking the oath.
- Witnesses may prefer that the scripture is only touched by the right hand.

These practices should be facilitated, to enable such witnesses to consider themselves most conscience bound to tell the truth.

Great sensitivity is required when a witness indicates a preference to swear an oath on a holy scripture of a faith of which they are not an adherent because their particular holy scripture is not available in court. Even though according to the Kemble criteria that evidence might be acceptable, for the sake of clarity it is preferable that oath taking is upon the appropriate scriptures and if there is any doubt, affirmations are declared.

Good practice by court staff

- Witnesses and jurors should be presented with a choice between the two equally valid procedures of making an affirmation or swearing an oath by court staff, before they come into court .
- If they do wish to swear an oath, witnesses should be informed about the availability of diff e rent scriptures in court, in order to reassure them that asking for a particular scripture is not an inconvenience. They should not be persuaded to swear an oath on the New Testament for the sake of convenience.
- If they indicate a preference to swear an oath, witnesses and jurors should be invited to identify the holy book on which they wish to swear an oath, and if it is not available, they should be encouraged to bring their own copy of the holy scripture to court.
- If it is not possible to obtain the appropriate holy scripture, it is good practice for the witness to be invited to affirm, even if they are willing to swear an oath on the holy book of another religion.
- It must not be assumed that all minority ethnic individuals are practising adherents of their faith; many consider themselves non-practising/secular.
- Different witnesses from the same faith tradition in any one court proceeding should all be given the choice to affirm or swear an oath, and no assumptions should be made.

3.2.3 Specific practices of the different faith traditions

For more detailed consideration regarding the different faith traditions please refer to Appendix V.

The most common wording of the oath is:

‘**I swear by** [substitute Almighty God/Name of God (such as Allah) or the name of the holy scripture] **that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.’**

The most common wording for making an affirmation is:

‘I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.’

Baha'is

- May choose either to affirm or possibly swear an oath. For the Bahai their word is their bond.
- The holy scripture containing the teachings of their Guide is called the Kitabi- Aqdas.

Buddhists

- May choose either to affirm, or possibly swear an oath.
- A form of declaration to Buddhists which starts 'I declare in the presence of Buddha that . . .' is erroneous, and should be discontinued.
- Tibetan Buddhists who wish to swear an oath, should be asked to state the form of oath which they regard as binding on their conscience. (In Tibetan practice, oaths are normally taken in front of a picture of a deity, a photograph of the Dalai Lama or any Lama of the witness' practice, if taken at all.) Sometimes such a witness will take an oath by elevating a religious textbook above their head and swearing by it. If such a witness does not stipulate such a practice and does not have the appropriate book with them, they should affirm.

Christians

- May choose to swear an oath or affirm.
- Their holy scripture is the Bible most often the part that is known as the New Testament will suffice.

Hindus

- May choose to affirm or swear an oath.
- Of their many holy scriptures, the Bhagavad Gita is considered suitable for the purposes of swearing oaths.
- The Bhagavad Gita may be kept in a covered cloth, and the suggested colour is red.
- Questions of ritual purity may arise.

Indigenous traditions

- May choose to affirm or swear an oath.
- Many peoples from Africa, Native Americans, and Aboriginal peoples from Australia maintain their own traditional religious heritage. Making affirmations would be in line with this heritage.
- Some also follow other faith traditions as well, in which case they may choose to swear an oath on a holy scripture.

Jains

- May choose either to affirm, or possibly swear an oath.
- Since there are many diff e rent groupings, no single text can be specified, but some may choose to swear an oath on a text such as the Kalpa Sutra. Sometimes such a witness will swear an oath by elevating a holy scripture above their head and swearing

by it. If such a witness does not stipulate such a practice and does not have the appropriate text in court, they should affirm.
- Questions of ritual purity may arise.

Jews

- May choose to affirm or swear an oath.
- Their holy scripture is known as the Hebrew Bible or the Pentateuch sometimes also referred to as the Old Testament.
- The Hebrew Bible may be kept in a covered cloth, and the suggested colour is black.
- Jews should not be asked to remove their head coverings in court .
- Questions of ritual purity may arise.

Muslims

- May choose to affirm or swear an oath.
- Their holy scripture is known as the Qur'an.
- The Qur'an should be kept in a covered cloth, and the suggested colour is green.
- Muslims should not be asked to remove their head coverings in court .
- Questions of ritual purity may arise.

Moravians/Quakers

May choose either to affirm, or possibly swear an oath.

A suitable holy scripture is the Bible most often the part that is known as the New Testament will suffice.

Rastafarians

- May choose either to affirm, or possibly swear an oath.
- A suitable holy scripture is the Bible most often the part that is known as the New Testament will suffice.
- Rastafarians should not be asked to remove their head coverings in court.

Sikhs

- May choose to affirm or swear an oath.
- Their holy scripture is known as the Guru Granth Sahib, and a portion of it known as the Sunder Gutka may be suitable for the purposes of swearing an oath in court proceedings.
- The Sunder Gutka should be kept in a covered cloth, and the suggested colour is orange or yellow.
- Sikhs should not be asked to remove their head coverings in court.
- The form of the oath which stipulates swearing by the 'Waheguru' is not recommended since the Sikhs believe in swearing an oath before God.
- Questions of ritual purity may arise.

Taoists

- May choose either to affirm, or possibly swear an oath.
- Many Taoists in the UK are members of the Chinese community and many of them would also consider themselves to be adherents of Confucianism.
- Both Taoism and Confucianism permit the membership of and participation in the communal practices of other faith communities, so many may also be Buddhists/Christians/Muslims.
- The Taoist holy scripture is the Tao Te Ching, although those who are also practising other faith traditions may choose to swear upon their appropriate holy scripture.

Zoroastrians

- May choose either to affirm, or possibly swear an oath.
- Their holy scriptures are known as the Avesta.

Appendix III
Other forms of oath taken in court

Note: In every case the appropriate form of oath or affirmation (as set out in Chapter 3.2) precedes the words set out below.

Jurors

'...that I will faithfully try the defendant(s) and give a true verdict (true verdicts) according to the evidence.'

'...that I will faithfully try the defendant(s) whether the defendant is under some disability so that s/he cannot be tried and give a true verdict according to the evidence.'

'...that I will faithfully try the defendant(s) whether the defendant stands mute of malice or by the visitation of God (whether s/he is able to plead) (whether s/he is sane or not and of sufficient intellect to comprehend the proceedings) and give a true verdict according to the evidence.'

Witnesses

'...that the evidence which I shall give shall be the truth, the whole truth and nothing but the truth.'

'...that I shall answer truthfully any questions which the court may ask of me.'

Interpreters

'...that I will well and faithfully interpret and true explanation make of all such matters and things as shall be required of me according to the best of my skill and understanding.'

Children

The form of oath for any child or young person aged 14 to 17 years commences 'I promise by...'. The evidence of a child aged under 14 years is given unsworn.

Appendix IV
Relevant provisions of the Oaths Act 1978

‘A1. (1) Any oath may be administered and taken in England, Wales or Northern Ireland in the following manner:

The person taking the oath shall hold the New Testament, or in the case of a Jew, the Old Testament, in his uplifted hand, and shall say or repeat after the officer administering the oath the words ‘I swear by Almighty God that ...’ followed by the words of the oath prescribed by law.

(2) The officer shall (unless the person about to take the oath voluntarily objects there to, or is physically incapable of so taking the oath) administer the oath in the form and manner aforesaid without question.

(3) In the case of a person who is neither a Christian nor a Jew, the oath shall be administered in any lawful manner.

(4) In this section an officer means any person duly authorised to administer oaths.

2. . . .

3. If any person to whom an oath is administered desires to swear with uplifted hand, in the form and manner in which an oath is usually administered in Scotland, he shall be permitted so to do, and the oath shall be administered to him in such form and manner without further questions.

4. (1) In any case in which an oath may lawfully be and has been administered to any person, if it has been administered in a form and manner other than that prescribed by law, he is bound by it if it has been administered in such form and with such ceremonies as he may have declared to be binding.

(2) Where an oath has been duly administered and taken, the fact that the person to whom it was administered had, at the time of taking it, no religious belief, shall not for any purpose affect the validity of the oath.

5. (1) Any person who objects to being sworn shall be permitted to make his solemn affirmation instead of taking an oath.

(2) Subsection (1) above shall apply in relation to a person to whom it is not reasonably practicable without inconvenience or delay to administer an oath in the manner appropriate to his religious belief as it applies in relation to a person objecting to be sworn.

(3) A person who may be permitted under subsection (2) above to make his solemn affirmation may also be required to do so.

(4) A solemn affirmation shall be of the same force and effect as an oath.’

Chapter 3.3
Religious dress

The JSB's Equal Treatment Advisory Committee (ETAC) produced the following guidance in early 2007, drawing on the wide range of expertise available to it through its membership.

It did so conscious of the pressing need to give guidance to the judges, magistrates and tribunal members who deal increasingly with issues relating to religious dress, and in particular the wearing of the niqab in court. A further update to the guidance in December 2007 took into account a series of helpful comments from the Senior Presiding Judge, Lord Justice Leveson, designed to provide practical assistance to magistrates, particularly where there is disagreement among the panel members about the extent to which the wearing of the niqab has an impact on their approach to weighing up the evidence of a defendant or witness.

The JSB remains very interested in receiving comments on the substance of the guidance, and, as with all guidance given on issues within ETAC's remit, will have regard to those comments in reviewing and updating the material in the usual way. Any such comments should be directed in the first instance to: publications@jsb.gsi.gov.uk.

A person's religion or belief can influence the way they dress and present themselves in public. In most instances, such clothing will present few, if any, issues for judges. In practice, there are very few real clashes between the court process and different cultural practices within the UK. There is room for diversity, and there should be willingness to accommodate different practices and approaches to religious and cultural observance.

While there are other examples of religious items of clothing (the Jewish skullcap – the kippah or yarmulke – is one; the Sikh turban another), the issue of religious dress is one that is most likely to arise in relation to the niqab, or full veil, sometimes worn by Muslim women. As the niqab involves the full covering of the face, the judge may have to consider if any steps are required to ensure effective participation and a fair hearing, both for the woman wearing the niqab and other participants in the proceedings. Some useful guidance on the background to and religious significance of the wearing of different styles of Muslim headscarf can be found at http://news.bbc.co.uk/1/hi/world/middle_east/5411320.stm.

The following general guidance is designed to assist judges in relation to the matters that should be borne in mind if presented with this issue in courts and tribunals. While there are a range of different possible approaches, depending on the circumstances of the particular case and the individual concerned, the interests of justice remain paramount. In essence, it is for the judge, in any set of circumstances, to consider what difference, if any, would be made to those interests by the niqab being worn. It may well be, that after consideration, there is no necessity to take any steps at all.

A number of judges have provided helpful accounts as to how they have dealt with such situations themselves, and to which we have had regard in formulating the following guidance. It is not possible to give advice here on any specific situation. It is possible, however, to give some indication of the factors to be taken into account in different types

of case, and where the woman concerned is fulfilling different roles in the proceedings. It is worth re-emphasising that on this issue, as in so many areas of courtroom practice, there are rarely 'model answers' in terms of a response to a given set of circumstances. Judges may find it helpful to contact Circuit Community Liaison Judges or the judicial members of ETAC if they wish to discuss further any of the issues raised.

It is important to acknowledge from the outset that for Muslim women who do choose to wear the niqab, it is an important element of their religious and cultural identity. To force a choice between that identity (or cultural acceptability), and the woman's involvement in the criminal, civil justice, or tribunal system (as a witness, party, member of court staff or legal office-holder) may well have a significant impact on that woman's sense of dignity and would likely serve to exclude and marginalise further women with limited visibility in courts and tribunals. This is of particular concern for a system of justice that must be, and must be seen to be, inclusive and representative of the whole community. While there may be a diversity of opinions and debates between Muslims about the nature of dress required, for the judicial system the starting point should be respect for the choice made, and for each woman to decide on the extent and nature of the dress she adopts.

Different roles

As in all walks of life, the justice system should encourage practices which will enable as many people as possible to participate and engage with judicial processes as effectively as possible in whatever position, whether as witnesses, complainants, jurors, judicial office-holders, advocates or court staff. Each situation should be considered individually in order to find the best solution in each case.

Essentially, any consideration concerning the wearing of the niqab should be functional; that is, on the basis that the niqab prevents a person from seeing a woman's face. The primary question that needs to be asked by any judicial office holder before coming to a decision is: What is the significance of seeing this woman's face to the judicial task that I have to fulfil? How does being capable of observing her facial expressions impact on the court's decision-making, given her particular role in the proceedings? A distinction can be made, therefore, between situations where this may be useful or important (for example, when assessing the evidence of a witness, particularly whose evidence is in dispute), situations where it is essential (for example, for purposes of identification), and other situations where it may not be of any relevance (for example, arguably, for court clerks or ushers).

As a judge. It is where the woman concerned is providing the 'face' of justice - as a judge, magistrate or tribunal member – that the question of the 'transparency of justice' might be said most obviously to come into play. Is the constituency which is served by the courts entitled to see the person dispensing justice? In reality, it will be rare for a set of circumstances to arise in which another judicial office-holder is called upon to make a decision on this point. Questions relating to the appointment of judges and the terms under which they hold office are matters for the Lord Chief Justice or other appropriate members of the senior judiciary, to whom the matter should be referred if the question arises.

As a juror. There may be circumstances where a judge has to hear a challenge for cause on the inclusion of a woman wearing the full veil as a member of a jury. The judge may feel the challenge justified and excuse her from serving on that jury, with the proviso that she may serve on another where no such challenge is made. Here, the decision must depend to a degree on the view of the parties to the particular case. But caution needs to

be exercised, as in all such challenges, that there is a genuine and legitimate basis for such a challenge, based on the particular circumstances of the case. There may well be situations in which such a juror would be welcomed by the parties, or one party at least, as having some insight which may be relevant to the task of the jury in the case.

Steps are under way to enable the JSB to give guidance on what judges should say in summing up to a jury, where one of the witnesses or the defendant is wearing a niqab.

As a victim or complainant. The primary aim is, as stated before, to ensure a fair hearing. What needs to be considered, therefore, is: What is required to enable a woman wearing a niqab to participate in the legal process, to facilitate her ability to give her best evidence and to ensure, so far as practicable, a fair hearing for both sides? It should not automatically be assumed that any difficulty is created by a woman in court, in whatever capacity, who chooses to wear a niqab. Nor should it ever be assumed without good reason that it is inappropriate for a woman to give evidence in court wearing the full veil. Where, for example, the case involves domestic abuse or the possible abuse of her children, the judge may consider it contrary to the interests of justice to make her choose between giving evidence to secure a conviction and wearing the full veil.

Generally speaking, a woman who wears a niqab would do so because it enables her to participate in a public space, such as a court. In situations where a fair hearing may require a woman to remove her niqab, or where she feels she may be able to participate more effectively without her niqab, however, there are a whole variety of special measures available to the court (e.g. live link, screens, clearing the public gallery) that may be considered. The most appropriate course will depend on the issues in the case. As with any consideration of the permitted special measures in a criminal or family case, this is a point on which a decision should ideally be reached after discussion at a preparatory or preliminary hearing, rather than at a final hearing in open court.

As with all practices, the response must be thoughtful and sensitive. If having considered the nature of the case, the nature of the evidence and the prevailing circumstances, it is the view of the judicial office holder that he or she cannot properly ensure fairness or record the evidence fully in a way that will do justice to the case, then careful consideration will need to be given to asking the woman concerned whether she would remove simply that part of the veil that covers the main part of her face. It should be fully explained what the difficulty is, and why the judge considers that he or she will be in difficulty in properly fulfilling the judicial decision-making task and in ensuring fairness to all sides. Having given that explanation, one option might be to allow a short adjournment to enable the woman concerned to seek guidance or advice or possibly to enable her to attend court differently attired, or perhaps for the court to be cleared of anyone other than those directly involved with the case.

As a witness or defendant. For a witness or defendant, similarly, a sensitive request to remove a veil, with no sense of obligation or pressure, may be appropriate, but careful thought must be given to such a request. The very fact of appearing in a court or tribunal will be quite traumatic for many, and additional pressure may well have an adverse impact on the quality of evidence given. Any request to remove a veil should be accompanied by an explanation by the judge of their concern that, where there are crucial issues of credit, the woman might be at a disadvantage if the judge or jury is not able to assess her demeanour or facial expressions when responding to questions. The witness or party may wish to discuss the matter with her legal representative or witness support worker.

It is worth emphasising that while it may be more difficult in some cases to assess the evidence of a woman wearing a niqab, the experiences of judges in other cases have shown that it is often possible to do so, depending on all the circumstances - hence the need to give careful thought to whether the veil presents a true obstacle to the judicial task. Responses, behaviour and manner in which a person delivers evidence can be affected anyway by a range of matters, including social and cultural background and ethnicity or the effects of injury or disability. It will always be necessary to have regard to these factors in assessing the extent to which a person's demeanour or the way in which they give evidence otherwise assists in weighing or evaluating their evidence.
Can it be said, in the circumstances of the particular case, that any assessment will be different where the judge is able to see the witness's face? In a criminal case, the position should be explained in the absence of the jury and the possibility considered of offering the use of permitted special measures, for example a TV link.

Where identification is an issue, then it must be dealt with appropriately, and may require the witness to make a choice between giving evidence in the case whilst showing her face, and not being able to be a witness.

Whilst not exact analogies, there are, of course, other circumstances in which a judge will take evidence without being able to see the face of the witness – for example, where evidence is taken on the phone, or where the judge is visually-impaired.

Sitting as a magistrate, or on other judicial tribunals of more than one member. Sitting as a magistrate, and therefore as one of a panel of three, can raise its own issues. The aim is, of course, the same – that is, to weigh and accurately evaluate the evidence of every witness appearing in the magistrates' court. As in the Crown Court, that assessment is based upon a number of different factors, and the degree to which it is relevant or necessary to that assessment to see a woman's face may depend on the type of case, and the nature of the evidence that the witness gives.

Taking all this into account (and the effect that a range of matters may have on the manner in which a person delivers their evidence, as acknowledged above), there may still be a concern about hearing and weighing the evidence from a woman whose face is veiled and whose expression is invisible.

It is possible that not all the panel will agree on the best way of proceeding. If any one of the magistrates is of the view that he or she may be disadvantaged in assessing the witness, then the magistrates should retire and discuss the most appropriate course of action. This is not to be decided on a majority decision because each magistrate must be faithful to his or her oath. If, following discussion, the question of a veil remains a matter for concern, such a course of action may well include asking the defendant or witness to remove that part of the veil which covers her face and to consider what might be done to facilitate a resolution to the difficulty.

If the court does decide to ask a defendant or witness to remove that part of the veil which covers the face, it should be fully explained that the reason for the request is that the role of the magistrates is to weigh and evaluate the evidence presented in court and that, in order to make that evaluation, magistrates draw on the full range of information available to them. This includes the oral evidence of witnesses whether called by the prosecution or the defence. In relation to witnesses (and the defendant generally), that evaluation also involves, to some extent, an assessment of the way in which the person gives that evidence, how each responds or reacts to questions to even to other people in court. In

every case, magistrates will always try their best to do justice in the case before them and while the way in which evidence is given may only be part of the assessment, in certain cases they may feel that they cannot be assured that they can provide a fair and just assessment of all the evidence without seeing the defendant/witness's face during the course of the hearing, thereby potentially creating disadvantage. This is because the magistrate will not have had the benefit of what they consider to be the best evidence and as a result they may feel that their ability to ensure fairness to all sides is affected. It would need to be made clear that, whilst demeanour and facial expressions will not be allowed to over-influence the consideration given to any case, these features may be able to assist magistrates when weighing up the evidence.

As an advocate. In the case of those who wish to practise as an advocate different considerations should be borne in mind. A general policy enabling the judiciary to decide whether the wearing of the niqab should be permitted or refused on a case by case basis would place Muslim women advocates, and their clients, at a disadvantage where the woman concerned felt unable to appear in a court or tribunal without her veil. This is because she would be unable to say in advance of any hearing whether the judge would allow her to appear in her niqab. The starting point should therefore be that she is entitled to appear as an advocate when wearing it.

Once again the interests of justice will be paramount and the judge may need to consider whether, in any particular circumstances which arise, the interests of justice are being impeded by the fact that the advocate's face cannot be seen. In reality, in the absence of any question relating to identification, there are few instances where an advocate or representative appearing in a niqab would be likely to present any real issue. Such concerns would be likely to centre round the fact that the woman could not be heard, rather than seen. So long as the advocate can be heard reasonably clearly it is unlikely that the interests of justice will be impeded. Just as in any case where a judge might have difficulty in hearing any party, witness or advocate, sensitively enquiring whether they can speak any louder or providing other means of amplification should suffice and such measures should be considered with the advocate before asking her to remove her veil.

Judge craft

As with so much guidance in this bench book, the best way of proceeding comes down to basic good judge craft. There is room for diversity in our system of justice, and there should be willingness to accommodate different practices and approaches to religious and cultural observance. A good understanding of the special measures that may be of use in the particular case, and of the need to identify the need for such adaptations at a preliminary hearing, are key.

When an issue relating to the wearing of the niqab does arise, the judicial office-holder must reach a decision on how to proceed having regard to the interests of justice in the particular case. This will include combining sensitivity to any expressed wish not to remove the niqab with a clear explanation, where appropriate, of the reasons for any request for its removal, and the disadvantages for the judge of not removing it. In many cases, there will be no need for a woman to remove her niqab, provided that the judge is of the view that justice can be properly served.

Appendix V
Different belief systems

The Baha'i faith

Key points

- The Baha'i faith is a based upon the teachings of Baha'u'llah (1817–92) who was born in Iran.
- Members of the Baha'i faith can be found all over the world, but the largest communities are in South Asia, Africa, Latin America, and the Pacific Islands.
- The Baha'i community established its presence in the UK, Europe and the USA as early as the 1890s.

Introduction

The Baha'i community in the UK is long-standing with many originating from Iran as well as indigenous ethnic English Baha'is. The origins of the Baha'i faith in Iran date back to the nineteenth century, when Baha'u'llah and subsequently his son 'Abdu'l-Baha promulgated the Baha'i faith. Baha'u'llah was considered the promised saviour for all humankind and presaged by the 'Bab', an Iranian who broke away from Shi'a Islam and heralded the Baha'i faith in 1844. The last 24 years of Baha'u'llah's life were spent in exile in Palestine, resulting in the Baha'i World Centre now being situated in Haifa, Israel.

After his passing in 1921 'Abdu'l-Baha's grandson, Shoghi Effendi (1899–1957), was made the Guardian of the Baha'i Faith. Shoghi Effendi was also instrumental in s p reading the teachings of Baha'u'llah around the world and was responsible for translating his writings into English. After Shoghi Effendi's passing there was no further successor and so in 1963, following Baha'u'llah's written guidance, the Baha'i National Assemblies elected the first Universal House of Justice which now governs Baha'i affairs.

Beliefs and practices

- Baha'is uphold the unity of God, the unity of His prophets, and the oneness of the entire human race, with the view that it is necessary and inevitable that all humankind will be united.
- The primary duty of the Baha'is is to search after truth, and the harmony of science and religion is considered a foremost agency for the pacification and orderly progress of human society.
- The principles of equal rights and opportunities for all races, men and women, and compulsory education for all are insisted upon.
- The institutions of monasticism, priesthood and mendicancy are prohibited. Monogamy is prescribed and divorce discouraged. The strict obedience to one's government is encouraged.
- The main practices are prayer, meditation and fasting.
- Prayer is encouraged and one is obliged to say prayers daily, including the recitation of one of three obligatory prayers, the shortest of which is to be said between noon and sunset, and other prayers recommended by Baha'u'llah.

- Baha'is are encouraged to meditate upon a passage of scripture twice daily, in the morning and evening, with the emphasis placed upon meditating in a qualitative manner.
- Fasting is observed for 19 days in the year from the 2 March to 20 March. The fast is from sunrise to sunset. Pregnant women, the sick and elderly are exempt from fasting.
- Pilgrimage to the Shrines of Baha'u'llah in Acre (Israel), the Bab in Haifa and the resting place of Shoghi Effendi in England is encouraged.

Holy books and scriptures

The writings of Baha'u'llah and his son 'Abdu'l-Baha, and the Bab are considered divinely inspired scripture. One of the main texts by Baha'u'llah, of which there are over a hundred volumes, is called the Kitab'i- Aqdas. The writings of Shoghi Effendi are considered infallible commentaries on Baha'i scriptures.

The Baha'i witness or jury member will probably choose to affirm, since for Baha'is their word is their bond.

If a Baha'i chooses to swear an oath it would most likely be on the Kitab'i-Aqdas.

Central practices and days of observance

Apart from the daily prayers, which are said in private, communal activities are organised by local assemblies, the members of whom are elected annually. Communal gatherings are held at private homes or at rented halls in locations where a Baha'i centre is not established. Baha'i Houses of Worship are at present limited to one on each continent and are open to the public for the worship of God.

The Baha'i calendar comprises 19 months, each of 19 days. The first day of each Baha'i month is celebrated by a local communal gathering when participants recite prayers and read holy scriptures, discuss community matters, and finally enjoy food together.

On special Festival/Holy Days particular devotional scriptures are set aside for the occasion and sermons may be said. The Festival/Holy Days are as follows:

- **Feast of Ridvan** (Declaration of Baha'u'llah, 21 April – 2 May) and it is recommended that work is suspended on the first, ninth and 12th days of Ridvan.
- **Fasting season of 'Ala** (2 March – 20 March) ending with the feast of Naw-Ruz (meaning New Day) on 21 March, also considered the commencement of new year, when it is also recommended that work be suspended.
- **Anniversary of the Declaration of the Bab** (23 May) when it is also recommended that work be suspended. This day also coincides with the Birth of 'Abdu'l-Baha.
- **Birth of Baha'u'llah** (12 November) when it is also recommended that work be suspended.
- **Birth of the Bab** (20 October) when it is also recommended that work be suspended.
- **Ascension of Baha'u'llah** (29 May) when it is also recommended that work be suspended.
- **Martyrdom of the Bab** (9 July) when it is also recommended that work be suspended.
- **Ascension of 'Abdu'l-Baha** (28 November).

Dietary rules and taboos

Intoxicating drugs and alcohol are prohibited.

Rites of passage

Babies are born Baha'i and there may be a naming ceremony celebrating the birth of the child.

Marriage is a strongly encouraged institution amongst Baha'is and considered the only legitimate framework within which to enjoy sexual freedom. Only monogamous marriages are permitted and in order to preserve social cohesion the consent of all parents of the bride and groom must be sought before marriage.

The marriage ceremony has no set ritual aspect, except the exchange of the marriage vow by the couple before witnesses: 'We will all, verily, abide by the Will of God.' Local marriage customs can be followed, but the amount of dowries exchanged is fixed.

Divorce is strongly discouraged and several conditions must be met before it is permitted, such as a year's separation, during which efforts at reconciliation are made.

Funerals should be carried out 'with dignity and honour' since death marks the passage from this life to the next phase of existence. Cremation is prohibited since, in accordance with the laws of nature, the body should be allowed to decompose naturally. Burial of the body must take place in a location no further than one hour's journey from the place of death.

Special prayers are recited at the funeral and subsequently for the benefit of the deceased. For those who die without having made a will, there are recommendations for the division of wealth.

Buddhism

Key points

- The Buddhist community in the UK is very diverse: with members from the Indian subcontinent, China, Japan and the whole of South East Asia. There are also many of ethnic European origin who practice Buddhism.
- The cultural, regional and distinct doctrinal differences between adherents demand that no assumptions can be made.

Introduction

Buddhism was founded by the historical figure, Shakyamuni – the Buddha (the enlightened or awakened one) – in the sixth century BC in Northern India. There are two main strands of Buddhism with variations of thought and practice within them. These are:

- **Theravada** ('the way of the elders') is the predominant form of Buddhism in Sri Lanka, Burma, Thailand, Laos and Cambodia. This school can also be referred to as Hinayana (the 'small vehicle').
- **Mahayana** ('the great way') is the most widespread of the Buddhist schools and is predominant in Mongolia, Korea, and Vietnam. The developments in China followed a specific course given the nature and history of the country, and in Japan the Zen ('meditation') form of Mahayana Buddhism is predominant. Tibetan Buddhism has also followed a specific course.

Beliefs and practices

In the UK today there are a significant number of Buddhists, from Sri Lanka, Burma, Thailand, Indo-China and other South East Asian countries, India, Sikkim, Bhutan, Nepal, Tibet, Mongolia and other parts of Central Asia, as well as China, Korea and Japan. The faith group includes many ethnic Europeans as well.

Buddhism is a way of enlightenment from the cycle of rebirth and death (**samsara**; life is considered impermanent and characterised by suffering. The path to achieving enlightenment involves three essential components, known as the 'Three Jewels':

- submission to the Buddha,
- to the teachings of the Buddha (Dhamma), and
- to the Buddhist community (**the sangha**) comprising monks and nuns and the laity, who rely on each other.

Taking 'refuge' in these 'Three Jewels' by reciting a formula to that effect is the means by which a person is acknowledged to be a follower of Buddhism. The philosophy can be summarised by the doctrine of the 'noble eightfold path', often symbolised as a wheel with eight spokes:

- right understanding
- right thought
- right speech
- right action
- right livelihood

- right effort
- right mindfulness
- right concentration.

A lay Buddhist is supposed to live by five principles, apart from seeking refuge in the Buddha, the **dhamma** and the **sangha**. These are to abstain from killing, stealing, sexual misconduct, false speech and alcohol and drug abuse, which impair mindfulness and concentration. The two parts of the Buddhist **sangha**, the laity and the monks and nuns, a re considered interdependent. The lay Buddhists provide food, clothing and a place to live, while the monks and nuns give advice and provide the laity with a chance to acquire merit (another sense of **dhamma**) through their help.

Holy books and scriptures

All the schools of Buddhism refer to the same canon of scripture:
- **Tipitaka** (in Pali, for the **Theravada** school),
- or the **Tripitaka** (in Sanskrit, for the **Mahayana** school).

These are slightly diff e rent versions of the same original text, in three major sections, based on different aspects of the Buddha's teachings. The many languages spoken by Buddhists in the UK reflect their ethnic diversity as a community.

- Most Buddhists will readily affirm and are unlikely to wish to swear an oath. In the past, court staff have been instructed to administer a form of declaration to Buddhists which starts 'I declare in the presence of Buddha that ...' This form of declaration is wrong and unacceptable to Buddhists and should not be used.
- A Tibetan Buddhist who wishes to take an oath in a court should be asked to state the form of oath which they will regard as binding on their conscience. (In Tibetan practice, oaths are normally taken in front of a picture of a deity, a photograph of the Dalai Lama or any Lama of the witness' practice, if taken at all.) Sometimes such a witness will take an oath by elevating a religious textbook such as the Tipitaka above their head and swearing by it. If such a witness does not stipulate such a practice and does not have the appropriate book with them, they should affirm.

Central practices and days of observance

Particular festivals may depend on the national origins of a person and certain celebrations may prevent a person from appearing in court on a particular day.

Meditation is the central practice in Buddhism.

Buddhist temples may be simple Zen Buddhist meditation halls or ornate Tibetan Buddhist temples of great splendour. In the UK, they may be purpose-built structures like the Peace Pagoda in Milton Keynes, or simply a shrine room in a residential house, often with incense holders, flowers and candles. Most Buddhists will have a small shrine in their home in addition to worshipping in a temple as well. Buddhists remove their shoes as a mark of respect when they go into a temple. They sometimes prostrate before the image of the Buddha, make offerings of flowers, light and incense, and they may recite sacred scriptures. Monks and nuns wear distinctive robes in particular colours, which indicate their allegiance to any one of the different traditions of Buddhism.

Major religious festivals – Theravada and **Mahayana**. Buddhists abide by a lunar calendar so that festival dates vary from year to year, although the Zen Buddhists have a fixed calendar. Most festivals commemorate the birth, life, teachings and enlightenment of the Buddha.

For the **Theravadin Buddhists**:

- **Magha Puja** is usually late February.
- **Vaisakha Puja** or Buddha Day, usually the full moon day in May commemorates the birth, enlightenment and passing of the Buddha.
- **Asalha Puja**, the celebration of the Buddha's first sermon, usually in July, marks the beginning of the three-month rain retreat, during which monks and nuns traditionally have to remain in one place. Another important festival marks the last day of this rain retreat (**Pavarana** or **Sangha Day**), usually in October.

For the **Mahayana Buddhists** every new moon day is **Shakyamuni Buddha** Day, and on every full moon day there are celebrations of the Buddha, his Enlightenment and his Passing (**parinirvana**).

The **Zen** calendar is not lunar and includes the following special dates:

- 15 February The Buddha's passing (**Parinirvana**)
- 8 April The Buddha's birthday
- 3 October **Bodhidharma's** Day (Day of the first Patriarch in China)
- 8 December The Buddha's Enlightenment

Dietary rules

Buddhism emphasises the avoidance of intentional killing, based on the principle of nonviolence (**ahimsa**). Thus, many Buddhists are total vegetarians, although some allow themselves fish or eggs. The principle of 'right livelihood' excludes trading in flesh and Buddhists may avoid working as butchers or fishermen.

Rites of passage

Although no special ceremonies are prescribed and traditions vary from country to country, many involve the participation of monks.

Birth. At the time of birth, monks may be invited to the home to chant texts from Buddhist scriptures and the baby may be taken to the temple for a **naming ceremony**.

Ordination. Depending upon the ethnic origin, for some Buddhists **temporary ordination** is often a feature of a boy's or young man's life until and if he decides to become a 'householder' which is considered acceptable (although some Buddhist communities frown upon this). After a short, fairly simple ordination ceremony, when the young boy becomes a novice monk, he is taught some meditation practices and is symbolically clothed. Young girls are not temporarily ordained as nuns in the same way permitting them to give up the holy order upon adulthood, although they may realise a vocation to become nuns during adulthood.

Marriage is a highly respected institution in Buddhism, since the lay community is obviously needed to support the monks and nuns. Arranged marriages are customary in

many Buddhist communities. At Buddhist marriage ceremonies, monks do not officiate as such, but are invited to attend for the benedictions they may bestow.

Funeral rituals are important and a person's state of mind at the time of death is considered crucial to determine the quality of the next life. Buddhists follow different national and local customs for burial or cremation and other rites. In accordance with the principles of **kamma** (**karma** in sanskrit), Buddhists believe that the quality of rebirth in the next life depends upon one's actions in this one, and the intentions with which those actions were performed. Persons enlightened during this life are liberated – they attain **nibbana** (**nirvana** in sanskrit) and so are released from the cycle of rebirth and death (**samsara**). Thus, when a person is about to die, there is an attempt to focus the mind on higher truths, and monks may often be invited to come and chant at that time.

Christianity

Key points

- Christianity is the largest faith group in the UK with the greatest number of subdivisions.
- It is the religion practised by the widest variety of minority communities.
- Assumptions about the cultural and 'racial' homogeneity of Christian worshippers need to be put aside.
- Not everyone shares the same understanding about Christianity and its creeds.

Introduction

The form and practice of Christian faith and worship amongst minority communities is as varied as the communities themselves. The reality of Christian worship in the UK encompasses all races, genders, people with all types of disabilities and peoples of all sexual orientations. Christianity first came to England soon after the followers of Christ established themselves in the Mediterranean (with St Augustine of Canterbury attributed as having sealed that process), and is said to have taken root in Ireland by St. Patrick in 390 CE, and in Scotland by St. Columba in the sixth century CE. Christianity in England, Wales and Scotland all have very diff e rent national characters. The diverse nature of Christianity has continued to change, with the growth of Black, Pentecostal and independent evangelical churches in the UK being a marked development in recent times.

Beliefs and practices

The religion founded by those who believe that Jesus of Nazareth was Christ (from the Greek: Christos a translation of the Messiah) the Messiah (generally translated as Redeemer) as prophesied by what is referred to as the 'Old' Testament in the Bible. The distinctive Christian claim being that Christ is God incarnate. Christianity is the second of the three Abrahamic or Semitic religions (tracing their origins to the prophet Abraham): Judaism, Christianity and Islam.

As the teachings of Christ focused on the Spirit and not the Law, there is not much emphasis upon matters of ritual observance, or religious rules and regulations in the daily life of the Christian in a manner comparable to Judaism and Islam (although this would be less applicable to traditional Roman Catholics or Orthodox Christians). However the theological exposition and doctrines of the religion are vast and span two millennia and every stream within Christianity has its own rites and rituals. The importance of history for the development of Christianity should never be underestimated. Christianity derives much from the rich fabric of history: the separation between the 'East' and the 'West', and the Reformation, giving us the three main branches of Christianity we see today.

The Roman emperor Constantine in 313 CE, and later in 380 CE, the emperor Theodosius declared Christianity the official religion of the Roman Empire. Around 1051 the first major division between the Eastern and Western churches took place. The culmination of a series of political, theological and devotional movements resulted in the Reformation, where a third 'branch' arose within Christianity as a result of a division between churches which claim unity with Rome (the Roman Catholic Church) and what became known as

Protestantism. Protestantism has taken many diff e rent forms, from Episcopalian (e.g. the Church of England, the Church in Wales) through to the Presbyterian churches (Church of Scotland, United Reformed Church). From a global perspective, Northern Europe and America are broadly Protestant with significant Catholic and Orthodox populations; Southern Europe and Latin America are broadly Roman Catholic; and the African Continent and the Pacific region have their own distinct cultural traditions.

Now the major divide could be said to be between the **Trinitarian** (those who believe the doctrine of the **Trinity**, that the one God comprises the three persons of Father, Son and the Holy Ghost), denominations which include Anglicans, Roman Catholics, Methodists, Orthodox, Presbyterian and the Reformed Churches, (the majority denominations within Christianity) and the **non-Trinitarian** denominations which include Jehovah's Witnesses, Mormons and Unitarians.

Trinitarian Christians can be roughly divided into Roman Catholic (and a number of Eastern rite churches who adhere to unity with the Pope); Reformed/Protestant (from Anglican to Presbyterian and Pentecostal); Orthodox (a large and loose confederation of churches in union with Patriarchs in the East and Middle East including a vast diaspora throughout the world and growing Orthodox communities in the UK). A number of churches sometimes considered within the term 'Orthodox' include the Coptic (Egyptian), Abyssinian (Ethiopian), Armenian and Syrian Churches. Their theological doctrine is united to the extent that they believe Christ had one Divine nature as opposed to the rest of the Orthodox and Western churches who believe Jesus to have both human and divine natures. Though these churches share a theology, they are themselves autonomous. There are also other ancient churches which trace their history directly to the early Christians, such as Thomas Christians in India who trace their history directly to the Apostle Thomas.

Holy books and scriptures

The Bible is the main text comprising both the 'Old' Testament (also referred to as the Jewish Scriptures) and the 'New' Testament. Roman Catholics and Orthodox Christians also recognise the Apocrypha as comprising the Bible. These are often referred to as the Deuterocanonical texts (second canon of scripture) and contain a great deal of what is termed wisdom literature and writing attributed to 'minor prophets'.

The Oaths Act 1978: 'The person taking the oath shall hold the New Testament, or in the case of a Jew, the Old Testament, in his uplifted hand, and shall say or repeat after the officer administering the oath the words "I swear by Almighty God that ..." followed by the words of the oath prescribed by law. '

The Quaker (or Moravian) witness would most probably affirm and it could take the following form: 'I being one of the people called Quakers (United Brethren called Moravians) do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.'

There are also a number of Christians from Evangelical denominations who might prefer to affirm rather than swear oaths.

Central practices and days of observance

The communal worship of Christians is in Church and is generally termed **Liturgy**, and the particular day set aside for this is Sunday. The form that the key **service** takes varies according to each denomination. The most common elements for all Christians are readings from the Bible, the recitation of prayers, including the Lord 's Prayer (the short prayer taught by Jesus to his disciples and the most universal prayer in all the Christian denominations) and the singing of Hymns, as well as a sermon or homily (moral exhortation or instruction), or exposition of the biblical texts.

The central sacrament is the commemoration of **Christ's Last Supper** taken the night before his **Crucifixion**, in which Christ took bread and wine ('Jesus took bread, and blessed it …and said, Take, eat, this is my body, And he took the cup and…saying Drink ye all of it For this is my blood…' Matthew 26:26, Mark 14:22, Luke 22:19) and asked his disciples to repeat this meal in his memory. The significance of this meal, and in particular the sharing of the bread and wine, is profound in all the Christian denominations and is known variously as **Mass, Holy Communion, The Lord 's Supper, and the Holy Eucharist.**

The meanings attributed to this rite are manifold, and the number of times a Christian partakes in it varies also, but unlike the sacraments associated with birth, marriage and death, this rite is repeated and through that repetition, the believer's faith is deepened. Treating the bread and wine with disrespect is, for any Christian, a serious insult to their faith.

Orthodox, Roman Catholics, Orthodox and Anglican Christians usually celebrate a **Eucharist** (Greek, meaning thanksgiving) with bread and wine, known to the Orthodox as the **Liturgy** (Greek, meaning service). Catholics as **Mass** and Anglicans and Reformed as **The Lord 's Supper**, **Holy Communion** or **Eucharist**. Many reformed churches (Presbyterian, Methodist) celebrate the Eucharist less often and their usual Sunday worship may be hymns, readings and a sermon.

In the Eastern/Orthodox Church, Christians stand to receive the **Eucharist**; in the Roman Catholic and Anglican, they kneel or stand; in other denominations they sit. In some churches sweet potatoes and honey are substituted for the bread and wine (such as in the 3 million strong Kimbanguist Church in Zaire); in others, such as the Society of Friends (Quakers) this rite, like others, is not followed, as the emphasis is on the continual inner action of the Spirit.

The major festivals or commemorative days (following the Gregorian calendar) for the various traditions among the Anglican, Roman Catholic and Orthodox denominations are:

- **Epiphany** usually falling on 6 January (also known as Holy Epiphany in the Orthodox Church). In the Western Church it commemorates the manifestation of Christ to the Magi (the three wise men from the East who came to pay homage to the infant Jesus) and in the Eastern Church, the baptism of Christ by St. John the Baptist.
- **Lent** is the period leading up to Good Friday and the Easter weekend. It falls sometime in March/April according to calculations based on the lunar calendar. The period may be observed by abstentions and other ascetic practices as well as dietary restrictions of some kind (such as abstaining from meat), and some Roman Catholics observe the period of Lent by fasting from food during the daylight hours, and abstaining from meat on Fridays during Lent. Orthodox Christians also have fasts during Lent. **Ash Wednesday** marks the first day of Lent, and is known as such from the practice of the first Christians to place ash on their heads. The day before is known as Shrove Tuesday (which does not have any religious significance) on which people traditionally

made their confession and used up food traditionally forbidden in Lent (hence Pancake Tuesday) .

- **Palm Sunday (also known as Passion Sunday)** is the Sunday before Easter commemorating Christ's triumphal entry into Jerusalem when branches of palm leaves were strewn onto the ground welcoming Jesus into the city.
- **Maundy Thursday (the day before Good Friday)** commemorating Christ's Last Supper with his disciples where he shared bread and wine. Maundy stands for Mandatum Novum – new commandment: 'A new commandment I give unto you, that you love one another…' (John 13:34).
- **Good Friday and Easter Sunday** which fall sometime in March/April according to calculations based on the lunar calendar are the most important dates in the Christian calendar. Good Friday commemorates the crucifixion of Christ. **Easter Sunday** celebrates the **Resurrection** of Christ from His tomb.
- **Ascension Day** is the fortieth day after Easter when the Ascension of Christ into Heaven is celebrated.
- **Pentecost** occurring on **Whit Sunday** commemorating the descent of the **Holy Ghost/Spirit** on the Apostles of Christ, and for many Christians 'the birthday of the Church'.
- **Corpus Christi** a festival in honour of the **Eucharist** observed on the Thursday after Trinity Sunday (the Sunday after Whit Sunday).
- **The Feast of the Transfiguration** (6 August) when Christ appeared to three of his disciples on Mount Tabor with Moses and Elias, dazzlingly changed in appearance, and the disciples heard a voice from Heaven ('This is my Son: hear him' Mark 9:2).
- **Assumption/Dormition of the Holy Mother of God** (Orthodox and Roman Catholic) celebrated on 15 August; the taking up of the Blessed Virgin Mary (her body and soul), mother of Christ, into Heaven after her earthly life had ended.
- **Advent Sunday** is the first of the last four Sundays (the period known as Advent) before Christmas (usually the last Sunday in November).
- **The Feast of the Immaculate Conception** (8 December) celebrating the fact that according to Roman Catholic theology, the Virgin Mary, mother of Christ was conceived without any stain of original sin.
- **Christmas Day** (25 December) celebrates the birth of Christ (other denominations may have different dates following other calendars).
- **Boxing Day** the first weekday after Christmas observed as a holiday from the nineteenth century tradition of giving Christmas boxes to traders and domestic staff on this day (therefore not a **Christian** holiday).

Dietary rules

There are generally no restrictions for reformed Christians. Orthodox and Roman Catholics observe the period of Lent with fasting and Orthodox also may have other fast periods. Catholic and Orthodox may also refrain from eating meat on certain days, such as Fridays, to commemorate the solemnity of Good Friday. Roman Catholics may also fast before major festivals and Communion. Orthodox Christians may fast from meat, dairy and olive oil products on Wednesdays and Fridays.

Rites of passage

Many churches have sacraments – sacred rites they believe to be instituted by Christ or with his authority. The number varies. Roman Catholics have seven (Baptism, Eucharist, Confirmation, Ordination to Ministry, Marriage, Confession, Extreme Unction (Last Rites)).

Many others have only two sacraments (Baptism and Eucharist) but many rites. Other churches, like Quakers, have no analogous rites and celebrate neither Eucharist nor Ordination.

Christening: a naming ceremony which can take place at the same time as the baptising of a baby and which is therefore not viewed as a separate rite of passage.

Baptism: an initiatory rite which involves the sprinkling of water (or immersion) into it signifying that the subject is cleansed of sin and constituted as a member of the Church, often done as a matter of course in the case of the new-born where Christianity is the state religion, although in many denominations it is argued that is a rite exclusively for adults to signify their initiation and commitment to the faith.

Confirmation or first Holy Communion: an important ceremony conferred on children at the start of adolescence to allow them to reaffirm the baptism that they received as infants. It is a rite that can involve the anointing of oil, possibly along with the laying on of hands by a bishop. It is usually then followed by the Holy Eucharist.

A Christian marriage ceremony celebrated in Church is recognised in civil law as a valid marriage ceremony and obviates the need for the observance of a civil marriage in a registry office, provided the appropriate legal notices have been given.
The recognition of a Christian marriage ceremony in civil law does not mean that all Christian denominations equate civil law with their theological principles. Roman Catholics do not admit the possibility of divorce, and so do not recognise the dissolution of marriage according to civil law. This has many consequences for those wishing to retain their affiliation to the Roman Catholic Church upon divorce and if seeking to remarry. Divorcees from other denominations may also face many difficulties if seeking to remarry in Church since marriage is considered an indissoluble life-long union.

Penance/making of confession: the confession of sins to Christ with the priest as a witness and the absolution from those sins. This rite is mostly recognised by Roman Catholics but many Anglicans also observe it.

Ordination: qualifying those ordained as priests/ deacons/ ministers to teach the faith and administer the sacraments. Every Christian denomination regards ministry as a function of great dignity, but also one of service. Catholics, Orthodox and many Anglicans believe their ministers are ‘set apart’ by a sacred rite of ordination to serve them and have three levels of ‘major holy orders’: deacon, priest and bishop. Presbyterian church ministers are also ordained but there is only one level of ordination, although this can vary. The admission of women to ordained ministry happened as early as 1925 in Hong Kong among Anglicans. Women are increasingly important in ordained ministry in many churches. The Roman Catholic Church and many Orthodox churches only allow men to be ordained to the levels of deacon or beyond. The minister usually has a special status within the church’s own law, or **canon law** and many ministers may believe their first duty in case of a conflict between civil and canon law is to the canon law. In England, canon law of the Church of England has a unique status as part of the law of the land.

Ministry in some Black or Independent churches may be less formalised with no particular formal ordination service, or they may recognise **Pastors** as being the key minister. This does not mean the community treat them with any less dignity. Most ministers undertake some form of training, both theological and pastoral for their role.

Many churches – mostly Orthodox, Roman Catholic and Anglican – have communities of women and men, bound by vows, to a life of service. These are known as **religious communities** or **orders**. Some may be monastic orders within which members remain secluded, leading a life of contemplative prayer and work. Other communities engage in service from teaching to nursing and social care. These communities or orders have distinctive customs deriving from a **rule** governing how members live and a **habit** or form of dress. Members may take a religious name different from their birth names.

Extreme Unction: the sick, especially those close to death, are anointed with oil by a priest as prayers are said.

Burial: traditionally Christians are buried, and the interment is preceded by a service in Church. Roman Catholic priests and some Anglican priests may administer the last rites to adherents, which involves the making of confession, anointing with holy oils and saying prayers as well as taking the Eucharist if possible. However Roman Catholics and Protestants may also be cremated.

Hinduism

Key points

- Hinduism is one of the world's most ancient religions tracing back at least 5,000 years.
- Founded in India, most of its adherents originate from there, although there are significant Hindu communities in Mauritius, the Caribbean, South East Asia, and the Pacific Islands as well as a number of ethnic UK people who follow the tenets of Hinduism.
- Assumptions about the cultural and 'racial' homogeneity of Hindu worshippers must be put aside as the divisions and sub-groups within Hinduism are very diverse.

Introduction

While Hinduism is the dominant religion in India, Nepal, Sri Lanka and a major religion in Trinidad, Guyana, Bali, Mauritius, Fiji and also other islands in the Pacific basin, there are now about 500,000 Hindus living in Britain, mainly in and around London and in the large cities of the Midlands. The majority of British Hindus originate from the Indian states of Gujarat and Punjab, although some have come to Britain via East Africa. Members of such communities may speak Gujarati or Punjabi. Other Hindu communities in the UK are comprised of Hindus from various parts of the Indian subcontinent (including Bengalis, Tamils and Marathis) and the countries listed above.

Beliefs and practices

A profoundly rich and diverse religion equipping the believer with a total allencompassing lens through which to view the entire universe: the way is known as the **sanatana-dharma**: the 'eternal way'.

Based on a complex mythology there is no founder as such, but the acknowledgement and worship of the Supreme Being – **Brahman** who comprises the principles of the Absolute and Infinite.

The first principle of self-determination of this Supreme Being is the personal God or **Ishvara** who is seen as having three aspects: the Creator (**Brahmâ** – to be distinguished from Brahman), the Preserver (**Vishnu**) and the Transformer (**Shiva**). This trinity is known as the **Trimurti**. The feminine consorts of the **Trimurti**, the **Shaktis**, comprise the dynamic feminine aspect of the manifestation of the personal God.

Thus in Hinduism feminine and masculine qualities are each acknowledged as intrinsically valuable. Gender segregation is considered a necessary adjunct of the differentiation between the two qualities, but gender oppression is considered a distortion of the concepts of Hinduism. Male and female saints and gurus are both offered equal reverence.

The second of the **Trimurti** (trinity), **Vishnu**, is said to have come to earth nine times in order to preserve the religion and mankind. He is expected a tenth time. Each incarnation of **Vishnu** is known as an **Avatara** and amongst them are the Lord **Krishna**, the Lord **Rama**, the **Buddha** (as understood within Hinduism) and the last incarnation to come will be the **Kalki Avatara**.

Broadly speaking, the main division in terms of worship and current Hindu practice now is between those who follow the path of **Vishnu** (**Vaishnavites**) and those who follow the path of **Shiva** (**Shaivites**). However, unsurprisingly in a religion so ancient, there are now many sub-divisions and sects, and a plethora of deities (**ishta devata**) representing different aspects of the Divine Principle who are now worshipped by the vast majority of Hindus. Most Hindus insist that their worship of one or other of the deities is nothing but the worship of the one ultimate Reality, **Brahman**.

However central to all Hindu doctrines and modes of worship are the inter-related concepts of transmigration and of **karma**. Each soul is destined to multiple births and rebirths (through the elaborate cosmic cycles of time) and the transmigration of souls from mineral, vegetable and animal states to the human state (from which there is the possibility of breaking free from this cycle and achieving liberation – **moksha**) is dependent upon one's **karma**. **Karma** is the cosmic chain of action and reaction – the inescapable law of cause and effect which manifests on every plane of existence – which could be compared to the saying of Christ 'as ye sow so shall ye reap'.

The guidance enabling the soul to navigate the cycles of transmigration is the law of right action: **dharma**. The doctrine of **dharma** is laid out in the scriptures and embodied in the lives of the saints and sages of Hinduism.

In the human state, the duties made incumbent by **dharma** depend upon the four stages of life:

- youth and celibacy – **brahmachari**,
- marriage/householder – **uparkarvana/grihastha**,
- state of retreat – **vaisthika/vanaprastha**,
- total renunciation – **brahamatpura/sannyasi**.

As social delineation according to caste was officially abolished in India, if it is at all relevant now it is as a means to navigate the social background of a person, and it may therefore emerge as an indicator for the purpose of arranging marriages or social organisations for all the faith communities from India whether Hindu or Sikh, or, to a lesser extent, Muslim. The term **jat** or tribe/clan indicates the social origin of a person and these are numerous. The Hindu communities in the UK may or may not choose to organise themselves according to social grouping; certainly the current understanding about **jat** is that it is no longer a rigid delineation of anything except that it may act as an indicator of social background (clan, tribe, region) in India.

Traditionally the '**Varna**' or 'colour' of the individual was to delineate the duties that ensued according to orientation and vocation. As taught by the **Bhaghavad Gita**, the fulfilment of those duties (according to **varna**) offered up as a sacrifice to God was a way to surmount **varna** and other **karmic** limitations and 'achieve the spiritual perfection that is the birthright of every human being'. It was probably not until the Moghul invasion of India and the subsequent colonisation by the British that the rigidity and social deprivation that is commonly associated with varna/caste segregation was established.

- **Brahmin** – the priests
- **Vaishya** – the merchants and craftsmen
- **Kshatriya** – the warriors
- **Shudra** – the labourers

The **sanyasin** or **sadhu** may be from any **varna** but chooses to abandon society and spend life as an itinerant monk and female gurus may be married or have taken vows of celibacy. The **Daalit** ('oppressed') are not from within the four groupings and they have been also been termed **harijan**' or servants of God by Gandhi; many revered Hindu saints are from amongst this group. Ethnic Europeans (and all others not born as Hindus) who choose to follow Hindu precepts participate in Hindu worship and practice, and devote their time to the life of the community according to their orientation and skills: for example, as **pujaris** spending time in devotion, or as teachers or cooks in the **ashram** (community).

Holy books and scriptures

There are two levels of scripture in Hinduism as opposed to one central text, all of which provide guidance and knowledge. All the scriptures are in the ancient language Sanskrit, which is not commonly spoken or written.

The first level is considered direct revelation (**Shruti**) comprising the **Vedas** (having been recorded about 1500 BC), the **Samhitas**, the **Brahmanas**, the **Aranyakas**, the **Upanishads** and the **Bhagavad Gita** which, paradoxically, is located as a text within the second level of scripture the **Smriti**. Amongst the **Smriti** are the **Vedangas**, the **Sutras**, the **Shastras**, the **Purunas** (including the **Bhagavatam**), and the two great epics – the **Mahabarata** and the **Ramayana**. The **Bhagavad Gita** (sometimes simply called **Gita**) a book within the **Mahabarata** is a dialogue between the Lord **Krishna** and the warrior **Arjuna** and is considered direct revelation. It is the one text that Hindus might choose to swear an oath by in the court room context.

In the past there may have been some confusion over the question of which holy book should be used for Hindus to swear an oath in an English/Welsh court. It has now become convention to keep copies of the **Bhagavad Gita** or **Gita** for this purpose in order to promote uniformity in the courts across the country.

A commonly held view is that a holy scripture should be held in the right hand, which is always to be used for important auspicious actions, and out of reverence for its authority the witness may, in addition, hold it aloft their heads as is customary in many Eastern traditions. The witness may also wish to perform ablutions to achieve a state of ritual purity.

The oath can take the form: 'I swear by the Gita that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.'

Central practices and days of observance

Hindu religious worship (**puja**) may take place in the home or in the temple (**mandir**), with the contemplation of images (**murtis**) of chosen deities. Temple worship may be individual or communal, the latter particularly on the occasion of certain festivals.

Temple worship (**arti**) is normally led by a priest and follows a certain pattern that is repeated in other Hindu rituals. Before religious ceremonies or worship, purification of the ritual space and of the participants takes place through ritual cleansing. This is maintained and so, for example, shoes are removed when one enters such a ritual space.

Before worship at the temple, and on prescribed days, individuals may observe fasts and carefully decorate the room or temple with flowers, and light incense, and special lamps.

Items may also be off e red to a particular deity or deities in circular motion, while devotional hymns (**bhajans**) a re sung and auspicious hymns or formulae (**mantras**) a rerecited, perhaps to the accompaniment of musical instruments (**kirtan**). On special occasions, as also for major life cycle rituals, a fire sacrifice (**havan**) may be performed, but this is a matter of local custom and practice, depending on which ritual traditions people follow. The worship is completed by the distribution of blessed food (**prasad**), usually some form of sweets, and by putting some special powder or mark on the forehead. Traditional Hindu women may also mark their married status by red powder in the parting of the hair (**sindhur**) according also to local custom.

Married Hindu women may also wear a red spot (**bindi**) on their forehead at other times, which is often said to be for good luck, but now may be worn as a fashion adornment. Traditional women may often avoid wearing black or white, as they are the colours associated with death, so that it may be that an older woman wearing white may be a widow. Other jewellery such as bangles, gold necklaces with dark beads (**mangalsutra**) may also be traditionally significant. However, today, much jewellery is simply fashionable and may have no religious significance, although it may signify a particular social status.

Astrological sciences (revealed in the **Vedanga**) determine auspicious days for weddings and other events, and also help ascertain the compatibility of prospective spouses prior to marriage.

Pilgrimages are an important element in Hinduism and are encouraged especially at festival times. Hindus celebrate several major festivals according to a lunar calendar, so that the dates vary slightly from year to year. Throughout the year, the following festivals may be important, but others, impossible to list here, are also of great importance depending on local traditions and affiliations:

Shivratri: the birth festival of Lord **Shiva** held some time in February/March.

Holi: the Hindu spring festival in March/April, which is also a time of harvest and a round which there are many ancient legends. Bonfires are lit, even in Britain, and people throw coloured water and bright powders over each other.

Ramnavami: the birthday celebrations in honour of Lord Rama in late spring.

Raksha Bandhan: this is celebrated in August and emphasises the mutual bonds between brothers and sisters, but is not confined to blood relations.

Janmashtami: this important festival in August/September celebrates the birth of Lord Krishna and is of special importance to the Hare Krishna groups of Hindus.

Navratri and **Dashera**: celebrations of the Mother Goddess and the triumph of good over evil, held in October. **Navratri** (‘nine nights’) involves nine nights of folk dancing and worship, while **Dashera** (‘the tenth day’) is the final day of these celebrations and can be considered an auspicious day for starting new businesses.

Divali or **Dipavali**: follows soon after **dashera** in October/November and is a major Hindu festival. It marks the end of the Hindu year in some parts of India and among some communities. It is called the ‘festival of lights’, when homes are ceremoniously illuminated with candles and small oil lamps (**divas**), friends are visited, presents are exchanged and new clothes are worn. **Divali** is linked to removing ignorance through knowledge, learning

to distinguish between right and wrong, and is connected with stories of **Rama** and **Sita** from the epic **Ramayana**. The day after **divali**, sometimes called **annakuta**, marks the Hindu New Year, when temple offerings of sweets and special food items are made.

Dietary rules and taboos

The permissibility and purity of certain foods is an important aspect of Hindu practice and as diverse as all the strands within Hinduism. Intoxicating or harmful foods will be avoided.

Because eating meat involves killing life, many Hindus are vegetarian, including the avoidance of eggs and fish. Many Hindus are not strictly opposed to eating meat, but will only consume it occasionally. Those who eat meat regularly will normally avoid beef. Many Hindus do not smoke tobacco or drink alcohol, and sometimes avoid stimulants such as tea and coffee.

Rites of passage

The major rites of passage for Hindus today are birth, marriage and death, although at least 40 separate Hindu traditions can be cited devolving upon the four stages of life mentioned earlier.

Birth involves ritual impurity for mother and baby, and the naming of a new-born baby may be delayed for about ten days or so for that reason. The choice of an auspicious name is considered very important, and considered to influence a person throughout their life.

The sacred thread ceremony (**upanayana**) heralds the start of a young Hindu boy's period of formal education and may take place at the age of eight years. This ritual had more or less fallen into disuse but is now being revived even in the UK. It involves the tying of a special thread, which the boy will drape over his left shoulder and will there after always wear. After this ritual, he will learn details about Hindu beliefs and customs, the performance of rituals and how to prepare for being a householder (**uparkarvana/grihastha**). Young people who are not initiated in such a way may find that a small ritual as part of the preparations for the marriage ceremony symbolically involves them in the same rite of passage.

Marriage is a major Hindu rite of passage and there are many elaborate rituals and customs to ensure blessings for the couple. Hinduism views marriage as a sacrament to be celebrated as a solemn contract before divine witnesses often symbolised by the ritual fire at weddings. The union of the couple and the two families within their social network is given much importance and pre-marital relationships were traditionally discouraged. Marriage is valued as the key institution in society and is treated in idealised terms as a life-long union and an indissoluble sacrament. Divorce is relatively uncommon and women may be stigmatised as divorce is considered a violation of ideal norms so in turn remarriage may be frowned upon.

The solemnisation of marriage is a joint affair between the couple's families, but it is traditional that the bride's family should make the most of the necessary arrangements, hire halls and other venues for the celebrations, and bear the bulk of the costs. Normally, in India, Hindu marriages do not take place in temples, but in an open space under a canopy. In the UK, it has become customary to solemnise Hindu marriages in large halls or hotels which can accommodate many guests.

The Hindu marriage ritual itself involves complex rituals (with many variations according to traditional and regional custom) to ensure benediction for the couple.

Some further points about marriage

Current practice and custom in most of the Indian sub-continent (distinct from religious obligation) tends to attach great importance to the complex exchanges of gifts. Gifts will normally be given to the bride by her parents, but there have been cases where the groom's family have demanded or at least expected all kinds of financial benefits from the marriage, and this has led to instances of abuse.

Dowry traditionally consisted of two parts: the gifts from the bride's family to her (**stridhan** – often consisting of jewellery) and the gifts from the husband's family (**sulkham**).

Despite the passing of the Dowry Prohibition Act 1961 in India and amendment legislation (1986) the giving and demand of dowry has been hard to eradicate in India as it continues under the guise of exchange of wedding gifts, which can of course play a positive role in the marriage proceedings. The customs of Indian communities resident in the UK have also followed suit. However, where abuse does take place and acrimonious divorce proceedings follow, in the UK conventional ancilliary relief proceedings have been instituted to secure the return of marriage gifts (dowry).

Conventional English case law determining the intention of the donor of the gift to determine ownership of them has been cited in these civil proceedings as well as relevant Indian authorities to determine the presumption of ownership in cases.

Funeral rituals are viewed from the perspective of the transmigration of the souls, so there are many rituals to ensure the smooth passage and future well-being of the departed. A priest may be called upon to lead rituals at the home of the deceased before the body is taken to the crematorium, where further brief rituals may be performed, often by the eldest son of the deceased.

As soon as possible after the cremation, the ashes are ritually sprinkled into flowing water. In India, this would preferably be done in the River Ganges, but British Hindus have begun to use local rivers, often near the sea, for this purpose. Hindus remember the deceased in special rituals once a year and perform the **shraddha** ceremony by offering sesame seeds, other auspicious substances and water to the deceased, especially during the fortnight in autumn preceding **dashehra**.

Indigenous traditions

Key points

- Customs and traditions vary according to the regional and tribal communities of the different regions ranging from Africa to Australia, and incorporating Polynesia and parts of the American continent.
- Adherence to these customs and traditions does not prevent any individual from also practising any other faith such as Christianity or Islam.
- Not everyone shares the same understanding about these traditions and their origins.

Introduction

Individuals who come from regions where indigenous faith traditions are still practised have a long-established presence in the UK. Many of these individuals also adhere to other religious practices.

Beliefs and practices

Indigenous traditions are characterised by their reliance on orality, on the concept of time as the ever-present now, and their attachment to their physical surroundings, to the place in which they find themselves. Life is seen as one continuum of past, present and future, subject to the higher forces of nature. Individuals are tied to their ancestors, the customs of the locality and their immediate environment, with the recognition of responsibilities to future generations and to a transcendent power.

Great importance is attached to filial and tribal relationships, and to the key phenomena of nature: the earth, rivers, trees, plants and animals. The acknowledgement of ancestors plays a large role in worship and in relation to festivals. The Tradition:

> … turns not on worship but on identification, a ‘participation in’, and acting out of, archetypal paradigms…
>
> **Smith, H.,1991, The World’s Religions, San Francisco, Harper Collins**

Holy books and scriptures

Knowledge of the traditions and customs are passed on through oral tradition: the knowledge and focus of the individual in court will be the ‘reference point’.

- Many peoples from Africa, Native Americans, and Aboriginal peoples from Australia maintain their own traditional religious heritage. Making affirmations would be in line with this heritage.
- Some also follow other faith traditions, in which case they may choose to swear an oath on a holy scripture.

Central practices and days of observance/dietary rules

These will all depend on the regional origin of the individual and what other faith, if any, they have adopted.

Rites of passage

All the rituals related to birth, marriage and death vary enormously depending upon the region and other faith identities of the individuals concerned.

Although many African marriages may be polygamous, this is not obligatory. If at the time of the marriage ceremony there were no other spouses, an African marriage ceremony performed abroad may be recognised in the UK.

According to the Private International Law (Miscellaneous Provisions) Act 1995 a marriage conducted abroad, in a customary African and legally valid manner, which may therefore mean a potentially polygamous manner, is not void if at its inception neither party has any spouse additional to the other. In particular, section 5(1) of the 1995 Act reads: 'A marriage entered into outside England and Wales between parties neither of whom is already married is not void under the law of England and Wales on the ground that it is entered into under a law which permits polygamy and that either party is domiciled in England and Wales.' This is so provided that the marriage conducted abroad conforms to the essential requirements of the place of celebration of the marriage. Section 5(2) of the 1995 Act reads: 'This section does not affect the determination of the validity of a marriage by reference to the law of another country to the extent that it falls to be determined in accordance with the rules of private international law.'

Islam

Key points

Islam is the youngest of the Semitic or Abrahamic religions.

The British Muslim community in the UK is extremely diverse with members who are from ethnic English, Welsh, Irish backgrounds and are born Muslim, as well as those who have entered Islam later in their lives. The cultural origins of other British Muslims span from Albania to Africa, the Middle East to Malaysia and from Poland to Pakistan.

The cultural diversity of the Muslim community in the UK reflects the many different trends and tendencies within the religion as a whole.

Assumptions about the cultural and ‘racial’ homogeneity of Muslim worshippers should be put aside.

Not everyone shares the same understanding about Islam and its creeds.

Introduction

The Muslim community in the UK is long-standing with sailors from the Yemen, Gujarat and other Muslim nations, known as the ‘lascars’ establishing communities in the sea ports of Liverpool, Cardiff, Southampton and other port towns over 300 years ago. By the end of the nineteenth century Muslim intellectual groups were well-established in Britain, comprising such figures as William Henry Quilliam, Lord Headley, and Marmaduke Pickthall, whose translation of the Qur’an into English is still amongst the most consulted and popular translations.

British Muslims have thus always comprised a wide spectrum of cultural and ethnic groups ranging from European to South East Asian. However, as a result of migration encouraged in the 1950s, the majority of Muslims in the UK are of South Asian descent and the rest (in decreasing numerical proportions) from the Middle East (including North Africa), Africa and Europe.

The historical origins of the Islamic faith are in the ancient cities of Mecca and Medina on the western coast of the Arabian Peninsula, where the Prophet of Islam, Muhammad (570–632 CE), founded the religion. Islam spread rapidly, and at diff e rent periods encompassed the entire region now known as the Middle East, Central Asia, the Near East, extending from the Balkans and Spain in the west, to China and the Far East, and from the Volga in the north to Sub-Saharan Africa.

Beliefs and practices

The religion founded by the prophet Muhammad is based on the central belief in the oneness of God (called **Allah** in Arabic), who the religion states is the same God of Abraham, Moses and Jesus, Muhammad being the last in the line of these prophets beginning with Adam. This testimony to the oneness of God and to the prophethood of Muhammad comprises the defining tenet of the faith (known in Arabic as the **shahada**) and must be declared in order to convert to Islam.

Muslims believe the **Qur'an** was revealed by God, word for word, and thus accord it absolute authority in determining religious practice, morality, and the law. As the language of the **Qur'an** is Arabic, all of the essential religious terms are in the Arabic language.

The **Qur'an** also explicitly refers to other religions and implicitly to prophets other than those of Semitic monotheism:

> Truly those who believe, and the Jews, and the Christians, and the Sabeans – whoever believeth in God and the Last Day and performeth virtuous deeds – surely their reward is with their Lord, and no fear shall come upon them, neither shall they grieve. (2:62)
>
> Verily We have sent Messengers before thee [O Muhammad].About some of them have We told thee, and about some We have not told thee…(40:78)

The essential religious obligations known as the 'five pillars' are:

- the attestation of the shahada or testimony of belief in the one God and the prophethood of Muhammad;
- the five daily prayers (**salat**): at first light, midday, afternoon, sunset and night time, which may be said individually in any suitable place, or in congregation at fixed times in a mosque. The inner meaning of this rite is given as the permanent attachment to divine reality;
- the practice of fasting every day from first light to sunset in the month of **Ramadan**. The fast involves abstinence from all food, drink and sexual activity. The inner meaning of this practice being detachment from the body and the ego;
- the obligatory, annual payment of alms (**zakat**) of one fortieth of one's fixed assets to the poor. The inner meaning of this practice being detachment from the world;
- finally, if one is able (depending upon finances, age and health), there is the duty to perform the prescribed pilgrimage to Mecca (**Hajj**). The inner meaning of this pilgrimage is to return to one's inner centre, the **Ka'ba**, the cube shaped shrine in Mecca, being the external symbol of the heart.

God's nature is considered to have two attributes, the feminine (**al-Jamal**) and the masculine (**al-Jalal**), which are considered equal, necessary and complementary. Both attributes are then differentiated into several dimensions, the totality of which comprise all of God's qualities. Thus in Islam, women and men embody the different attributes of God, and individual characters comprise reflected configurations of these divine qualities. In social terms, gender differentiation is strongly encouraged, but the religion itself in fact allows both sexes to participate in all spheres of communal life (e.g. one of the woman companions of the prophet Muhammad, Nusaybah, fought alongside him on the battlefield).

The current stereotypes of Muslim women should be placed in the context of Islamic history. The Prophet 's first wife (the first woman to enter Islam) came to know of him as her employee in her business as a wealthy and successful merchant. Throughout the course of Islamic history women have participated in all spheres of civic life, but during the course of the eighteenth and nineteenth centuries the place of women was deemed to be at home, in parallel with the trends in Northern Europe, and gender segregation was increasingly and unfairly enforced. Currently, in many Muslim societies women are in the process of reclaiming their religious heritage.

Holy books and scriptures

The central text is the **Qur'an**, which is considered the final, unaltered and unalterable word of God. The Hebrew Pentateuch is also regarded as revealed scripture as are the Psalms, whilst the Gospels are regarded as divinely inspired, not divinely revealed.

The second most important source of authority in Islam is the canon of the recorded sayings and normative practices prescribed by the Prophet Muhammad (known as the **Sunnah**).

The **Qur'an** and **Sunnah** together provide the basis for the Shariah or body of Islamic laws, which provides guidance for Muslims on all matters of private and public concern.

The **Shariah** thus comprises both:

- a set of rules governing the individual's relationship with God, defined in terms of religious practice (the five pillars) which are non-negotiable, but vary in detail between five established schools of law. The **Sunni** majority Muslim population adhering to any one of the four schools of law (**Maliki, Hanafi, Hanbali, Shafi'i**) and the minority **Shia** population adhering to the fifth; and
- a body of rules governing corporate relations which are flexible and open to change according to the principles of a highly developed jurisprudence.

British Muslims may adhere to any one of the five schools of law and, like any religious community, the level of knowledge and awareness of religious principles is not consistent among individuals.

Muslims consider oaths on the **Qur'an** as binding. As the Word of God, Muslims do not touch the Qur'anic script unless in a state of ritual purity which involves the performance of ablutions. The **Qur'an** may be handled by someone not in a state of ritual purity if it is kept in a covered cloth, according to some schools of law, but the book must never be handled carelessly. However, menstruating women and others who are in a state of ritual impurity may be reluctant even to touch the **Qur'an**, let alone swear an oath upon it, and for this reason they may prefer to affirm.

In the case of R v Kemble [1990] 91 Cr App R 178, the Court of Appeal laid down the minimum requirements of the law and made it clear that the only duty of a court is to consider whether the witness is taking an oath which appears to the court to be binding on the witness's conscience and, if so, whether it is an oath which the witness himself considers to be binding on his conscience. In this case, a Muslim witness in the criminal trial had previously sworn an oath on the New Testament, although in the Court of Appeal the same witness swore an oath on the **Qur'an**. He told the Court of Appeal on oath that he considered himself conscience-bound by the oath he made at the trial. He added that he would still have considered the oath to be binding on his conscience whether he had taken it upon the **Qur'an**, the Bible or the Torah. The Court of Appeal accepted his evidence, finding that he considered all those books to be holy books, and thus that he was conscience-bound by his oath. This is despite the fact that in Islamic jurisprudence an oath taken by a Muslim is only binding if taken on the **Qur'an**.

Because of the complexity of Islamic jurisprudential doctrines, in a trial where there are several Muslim witnesses it would be good practice to ensure witnesses are given a

choice between oaths sworn on the **Qur'an** or affirmations, rather than permit the possibility of oaths being taken on different holy books by different Muslim witnesses.

As Muslims are obliged to cover their heads and dress modestly at all times, it may be that a particular witness not so dressed would wish to cover themselves appropriately in court if swearing an oath on the **Qur'an**; however a failure to do so would not invalidate the degree to which a person considers themselves bound by their oath.

The issue of head covering and dress is sensitive. Many Muslims prefer to interpret the guidelines exhorting modesty in a strict manner, despite the diversity of dress codes in different Muslim cultures.

Witnesses who choose to cover themselves should not be asked to remove their clothing in court as this would be considered extremely oppressive and possibly amount to an abuse of the right to freedom of religious practice.

Central practices and days of observance

While the mosque is the main place of communal worship, prayers may be said in any appropriate location.

The prayers involve the recitation of verses from the **Qur'an** whilst performing a series of movements such as standing, bowing, prostrating and remaining seated, with the aim of encouraging the corresponding attitudes of moral rectitude, gratitude, submission and humility.

Apart from the obligation to pray five times daily, the mid-day prayer on Fridays is considered a special opportunity to participate in communal prayers. These congregational prayers do not have to take place in a mosque, but do require sufficient people to make a 'congregation', that is, at least two.

Women can participate in all religious activities and the earliest traditions relate how women would attend the mosque and ask questions of the prophet Muhammad at public gatherings.

Islamic religious festivals are celebrated in accordance with a strictly lunar calendar so that every lunar year the dates of the month go back by approximately ten days; thus a given lunar date will return to the same date of the Gregorian calendar every 33 years. Each lunar month lasts for 28–30 days, and a year is usually 354 days, so no fixed dates can be given for festivals.

The Islamic day is counted from evening to evening and all festivals therefore begin in the evening before the day of the festival. The Islamic calendar commences with the year in which the prophet Muhammad migrated from Mecca to Medina in order to escape persecution. The names of the months in the Islamic calendar date from pre-Islamic times. The major festivals and commemorations are as follows:

- **Ramadan**. This month is considered as an opportunity to intensify religious practice and enhance one's consciousness of God's presence. Every adult and physically capable Muslim is obliged to fast from first light to sunset for the duration of this month. During the hours of fasting Muslims are obliged to abstain from food, drink, sexual activity (and also smoking). Women who are menstruating, recovering from childbirth and nursing mothers are exempt from fasting, as are the elderly, the sick and travellers.

The last ten days in Ramadan are considered especially auspicious as the prophet Muhammad received the first revelation of the **Qur'an** in the last ten days of Ramadan. Many Muslims will spend the last ten nights of Ramadan in worship in addition to fasting during the day.

- **Eid ul-Fitr** commemorates the end of Ramadan. Special prayers are recited at the mosque and families and friends pay each other visits to enjoy celebratory meals.
- New garments are worn and gifts exchanged. In Muslim countries three days of festivities ensue which are also public holidays.
- **Hajj** is the obligatory pilgrimage to the **Ka'ba** and it is performed in the month named after the pilgrimage (two months after the month of Ramadan). The pilgrimage is
- performed during the course of three days and consists of various rites such as the circumambulation of the **Ka'ba** and the visit to the mount of Arafat, near Mecca. The
- performance of the pilgrimage is deemed to be purificatory. On the third and final day an animal is sacrificed and the meat distributed. The performance of this rite coincides with the date that the prophet Abraham is believed to have offered up his son in sacrifice to God, symbolising the intention to make the ultimate sacrifice.
- **Eid ul-Adha** or **Eid ul-Kabeer** marks the completion of the Hajj pilgrimage and three days of festivities ensue which are public holidays in Muslim countries.
- **Muharram** is the first month of the Islamic lunar year, and traditionally there was a fast recommended on the tenth day. However within decades of the death of the
- prophet Muhammad, his grandson and many members of his family were slaughtered on the tenth day of the month, at a place called Kerbala (now situated in Iraq) where they had been besieged for ten days without food and water. The Shia Muslims commemorate the martyrdom of the Prophet's family with special rituals throughout the month of Muharram, but especially the first ten days.
- **Milad un–Nabi** is the celebration of the prophet Muhammad's birthday. This occasion is often marked by a day of prayer, devotional chanting and festivities in honour of the Prophet.

Dietary rules

Muslim dietary rules specify foods that are permissible (**halal**) and those that are prohibited (**haram**). As a general rule, all food which contains pork, and all drink which contains alcohol, is prohibited. The extent to which such rules are observed varies according to the individual's level of religious adherence.

The process by which an animal is lawfully slaughtered entails: first, its ritual consecration to God; then the use of a sharp knife, to avoid inflicting pain; and finally, the draining away of all the blood of the animal. The meat of the animal is thus rendered **halal**.

Rites of passage

For a Muslim, each and every activity – from the act of eating to the pronouncing of a marriage contract – should commence with the pronouncement of a formula in Arabic which consecrates the act in the name of God the Most Merciful, the Most Compassionate (**Bismi'Llahi-al-Rahmani- al-Rahim**).

According to the Shariah, a Muslim is a person born of either a Muslim mother or father. At birth the call to prayer, which contains the **shahada** (or testimony of the oneness of God and the prophethood of Muhammad) is pronounced in the baby's ear and this is said to confirm that Islam is the religion of the child.

Some Muslim cultures perform a naming ceremony for the child known as the aqiqah, and this feast takes place 40 days after the birth of the child, and the meat of an animal is distributed among family, friends and the poor. Muslim boys should be circumcised. The age at which the boy undergoes the operation varies from culture to culture.

The **Shariah** does not prescribe what has been called ‘female circumcision’ or ‘female genital mutilation’. This ritual predates the advent of Islam in many cultures of Africa and the Middle East and is there f o re strictly cultural and not religious. The Sunnah or Prophetic norm emphasises the importance of marriage in Islam. The Sunnah emphasises the right to sexual fulfilment for both women and men, and marriage is seen as the only legitimate framework within which sexuality can be expressed. Under very strict conditions a Muslim man may marry up to four wives and current estimates are that fewer than 2% of Muslim marriages are polygamous.

Muslim marriage and divorce and the interface with UK civil law
A Muslim marriage is known as a **nikah** or **aqd** which takes the form of a contract between the bride and groom, which they must enter into freely. The groom has to provide a sum of money for the contract to be valid, and this can be any sum agreed between the parties. This is known as the **mahr** and has sometimes been incorrectly referred to as the dowry. This belongs to the wife who can demand it any time. The contract should be witnessed by two competent witnesses. The contract entails certain rights and obligations for both parties.

Divorce. Islam has always recognised the possibility of terminating a marriage contract. A husband can do so using various procedures and the divorce is known as **talaq**. In addition a wife has the right to dissolve the marriage contract on her own initiative, in which case she is required to inform a Muslim judge (known as a **Qadi**). This right to divorce could be stipulated in the marriage contract; if it is not so stipulated, the parties can negotiate the wife’s release from the marriage contract, and this procedure is known as a **khulla**, whereby the wife must pay a certain amount of money, most often the amount of money (**mahr**) she received from her husband. The marriage can also be dissolved by the wife in certain instances which do not require her to pay anything, but does require the intervention of a Muslim judge; for example, when deserted by her husband judicial intervention is required to make a formal declaration that the husband is missing, or when the husband is impotent, a formal declaration to that effect is required. The dissolution of the marriage contract is called a **faskh of nikah**, and this can also be declared when the husband causes the wife harm. The category of harm is very broad and includes a husband’s refusal to consider the marriage at an end.

To avoid the difficulty faced by Muslim women in the UK who do not have the means to request the intervention of Muslim judges to dissolve their marriage contracts, Muslim community groups have formed organisations comprising individuals trained in Islamic jurisprudence to act as a Muslim judge would and facilitate the procedures available to Muslims to dissolve their marriages. The oldest and most well-established such organisation is the Muslim Law Shariah Council (based in West London). It has an express policy of not making any decisions which could be seen to conflict with English and Welsh family law, for example, with regard to financial or child custody matters. However, they do offer advice and arbitration/mediation skills facilities in such areas, since the **Qur’an** expressly endorses arbitration and mediation of family disputes.

The Divorce (Religious Marriages Act) 2002 currently specifically applies to Jewish communities. Since Islamic law facilitates the means by which either party can dissolve a marriage contract, the intervention of the UK civil law has been deemed unnecessary. However, as Muslim marriages and divorces conducted abroad are recognised, the vast majority of the Muslim community in the UK, and at times their legal advisers, become confused. The Private International Law (Miscellaneous Provisions) Act 1995 recognises those marriages conducted abroad in an Islamic (and potentially polygamous manner) if the marriage was legally valid in the country where the ceremony was performed and at the inception of the marriage neither party was married to another.

As to divorces according to the Shariah outside the UK, the relevant legislation is section 46 of the Family Law Act 1986. Divorce proceedings abroad are recognised. The crucial term is ‘proceedings’ that take place where ‘either party is habitually resident’, ‘domiciled’ or a ‘national’ in that country.

According to the facts of Quazi v Quazi [1980] AC 744, the House of Lords recognised an Islamic divorce as obtained by proceedings, where it had been obtained according to the Muslim Family Laws Ordinance 1961 of Pakistan. The procedure in that case involved the husband pronouncing **talaq** in order to terminate the marriage, and giving notice to the Council and to the wife.

This procedure must be distinguished from the **bare talaq**’ that jurisprudence in this country has been keen to classify as ‘other than proceedings’. Therefore, a divorce according to Islamic law that takes place outside of the UK may be recognised as valid in the UK, provided that there were some ‘proceedings’ giving spouses adequate notice and an opportunity to respond.

Children. Islamic law respects the principle of the best interests of the child. On divorce, young children (normally under seven years old) should stay with the mother, although the father is expected to provide maintenance and retains guardianship. The custody of older children can be with either the father or the mother and both have the right to claim custody depending on the rights of the child.

For further information contact The Muslim Law (Shariah) Council (Tel: 020 8992 6636).

Funerals. Prior to the funeral, ritual ablutions are performed on the body of the deceased by a person of the same sex, usually drawn from family members. The body is wrapped in a white shroud. Burial takes place as soon as possible after death, often within 24 hours. The funeral prayers are simple. The body is laid on its right side, with the head facing Mecca. Recitation of the **Qur’an** (ideally the whole of the **Qur’an**) in Arabic is part of the mourning ritual. The Shariah prescribes three days of mourning, but some Muslim cultures often extend this period to 40 days. At the end of this period, the mourners invite friends and relatives to a recitation of the **Qur’an** followed by a meal.

Jainism

Key points

- Jainism is a religious tradition based in India, older than Buddhism but smaller in size than Hinduism.
- The Jain community in the UK comprises a number of groupings who place differing emphases on the scriptures they adhere to but follow the same basic philosophy.
- The community is distinctly divided into ascetics and lay, males and females, as a fourfold society. Since the ascetics are not allowed to use any vehicles for travel, only laity is to be found in countries outside India.

Introduction

The Jain community in the UK is long-standing with many originating from the state of Gujarat in north-west India. The origins of contemporary Jainism in India date back to 599 BCE when the commonly acknowledged 24th and last teacher of this era, according to the Jains, Vardhamana Mahavira was born. He abandoned his life as a prince at the age of 30 years to live life as a roving mendicant detaching himself from all worldly possessions and renouncing all comforts. After some 12 years he attained omniscient knowledge of the universe and absolute detachment from worldly desire and he began imparting his wisdom. By the end of his life in 527 BCE it is said that he had several hundred thousand followers. Thereafter his senior disciples continued his teachings and a division between (broadly speaking) northern and western practices and southern and central practices arose. This was most markedly characterised by the division between the **Shvetambaras** (mostly in the north) and **Digambaras** (mostly in the south). A most particularly apparent distinction in their ascetic practices is that the **Shvetambara** monks and nuns wear white clothing and the **Digambara** monks renounce all clothes and remain naked. Now, in addition, a significantly large lay Jain community also seeking a path of renunciation and non-aggression.

Beliefs and practices

Time is considered eternal in cyclical terms, with each cycle divided into two halves of ascent and descent; the scriptural definition of time is indecipherable in years. The Jains believe that 24 teachers take birth in each half-cycle and there have already been 24 teachers, the **Tirthankaras**, in the current descending cycle, the last of whom was Vardhamana Mahavira.

The central teaching is that individuals can transcend human limitations by means of ascetic practices.

Each and everything is either **jiva** (knowing) or **ajiva** (non-knowing, such as material). The human soul, as all souls in whatever embodiment, is **jiva**, and is prevented from realising its pure **jiva** state by the attachment of **ajiva** through the doctrine of **karma** (the Law of Causality extended to its subtlest level and infinite potentiality which must be transcended in order to achieve total liberation from the cycle of birth and rebirth).

All that is **ajiva** (non-**jiva**) can be transcended by detachment including physical detachment through ascetic practices. All Jain practices involve ascetic rigour so that for

example, upon entering the monastic state a **Digambara** monk will give up all possessions and clothing but will be given a 'broom' of peacock feathers and a bowl, and a **Shvetambara** will be given three pieces of cloth, a begging bowl, a staff and a 'broom' of wool. Variations are to be found in some sects.

Another key concept is that of **ahimsa** which is 'non-injury' to any other. This includes any element of aggression or consumption which explains the monastic Jain practice of carrying a small broom to gently brush away all living creatures before unwittingly stepping on them when walking or moving to be seated. Likewise, practising Jains will observe a vegetarian diet.

The path to liberation consists of 14 stages and upon entering the fourth stage one is able to lead a life of piety, and only upon becoming a monk or nun does one enter the fifth and sixth stage.

Jains who are lay observers of the path may also follow ascetic practices, but also participate in communal activities such as temple worship, where devotional practices are observed. Images of the Teacher (**Tirthankara**) a rerevered with votive offerings and the singing of litanies. Pilgrimages to holy sites and shrines are also undertaken.

Holy books and scriptures

The canon of Jain literature comprises early scriptures, later texts in Sanskrit and more modern 'manuals' of practice and discipline. The **Shvetambara** and **Digambara** literature is distinct.

The Jain witness or jury member may choose either to affirm, or possibly swear an oath.

Since there are many different groupings, no single text can be specified, but some may choose to swear an oath on a text such as the **Kalpa Sutra**. Sometimes such a witness will swear an oath by elevating a holy scripture above their head and swearing by it. If such a witness does not stipulate such a practice and/or does not have the appropriate text in court, they should affirm.

Questions of ritual purity may arise.

Central practices and days of observance

Apart from temple worship, as outlined above, the lay community and the monks share a period of retreat in the rainy season, when the monks cease their travels to different centres. In the rainy season, the two elements of the Jain community participate in sessions where the monks teach and worship with the lay members who may also use this period to perform retreats and keep fasts.

Pilgrimages are an important feature of Jainism and are encouraged especially at festival times. Jains celebrate several major festivals according to a lunar calendar, so that the dates vary slightly from year to year. Throughout the year, the festivals commemorate and celebrate the major events of the lives of the **Tirthankaras** and other Jain saints. All are impossible to list here, but include:

- The birth date of Vardhamana Mahavira in March/April.

- The death/liberation of Vardhamana Mahavira in October/November, which coincides with the Hindu festival of Diwali/Deepavali.
- The rainy season retreat known as Paryushana held some time in August/September.
- Monthly fast days are also regularly observed, timed according to the waxing/waning of the moon.

Dietary rules and taboos

The permissibility and purity of certain foods is an important aspect of Jain practise.

Intoxicating or harmful foods will be avoided. All practising Jains are vegetarian, including the avoidance of eggs and fish, because of their belief in **ahimsa** (non-injury). The more orthodox practise also avoids use of root vegetables such as onions, potatoes, carrots and garlic, as well as fruits and vegetables with many seeds such as figs and aubergines.

Rites of passage
The major rites of passage for Jains who are not monks/nuns are to some extent parallel with those of the Hindus in terms of birth and marriage rituals, but since the 'manuals' on ascetic practice are quite detailed about the process of detachment from this world, whereby vows are taken, fasts and sexual continence observed, and ultimately the abandonment of all householder activities, many community rituals can not assume the same dimensions as for the Hindu community.

All Jains will be cremated, with the very important distinction from Hindus that they do not perform the **shraddha** ceremony commemorating death since they do not believe in the possibility of transfer of merit from the progeny to the departed soul which is the purpose of this Hindu ceremony.

Judaism

Key points

- Judaism is the oldest of the Semitic or Abrahamic religions.
- The Jewish community in the UK has been well established since the end of the seventeenth century.
- British Jews can either be Ashkenazi (from Central and Eastern Europe), the majority, or Sephardi from the Iberian peninsula, North Africa and the Middle East.
- The UK Jewish community of 252,000 is extremely diverse, and can be divided between ultra Orthodox Jews and various Progressive groups.

Introduction

The Jewish community in the UK has a well-studied historical presence. They were expelled by Edward I in 1290, but were readmitted to England towards the end of the seventeenth century. British Jews come from both the **Sephardi** and **Ashkenazi** communities. The **Sephardi** came originally from the Iberian peninsula, North Africa and the Middle East, and have been in England since the seventeenth century. Most British Jews today belong to the **Ashkenazi** communities originating from Central and Eastern Europe who came here as a result of Russian pogroms in the late nineteenth century and Nazi persecution during the 1930s and 1940s. Although most Jews speak English, Hebrew and Yiddish are also in use. Hebrew is the main language of worship and many children learn it in synagogue-based classes (**cheder**) or in denominational schools. Yiddish is generally spoken among older **Ashkenazi** Jews and is a mixture of medieval German, Polish and Russian, but using the Hebrew alphabet.

Jews qualify as an ‘ethnic group’ as defined by the Race Relations Act 1976, see Seide v Gillette Industries Ltd [1980] IRLR 427. The essential characteristics are a long shared history, distinguishing it from others, and the memory of it; and a cultural tradition of their own, including family customs.

Beliefs and practices

As a religious community of about 252,000 people in the UK, living mainly in the large conurbations, Jews are split into Orthodox and various Progressive groups, stemming from a movement known also as Reform Judaism.

Orthodox Jews believe the **Torah** was revealed by God, word for word, and thus accord the Bible and its rabbinical interpretations full authority in determining law, life, and religious practice.

Progressive Jews (from a movement also known as Reform Judaism) believe that the **Torah** was inspired by God, but regard it as open to revision and are in favour of reforms in changing times.

There are a large number of different shades of affiliation within the Jewish community ranging from ultra Orthodox to secular non-affiliated Jews. This is reflected in the wide

spectrum of both religious practice and cultural observance and identity within the community.

Central Jewish concepts focus on the belief in one God, who created the world, extending justice and compassion to all. While God's ways can be known, it is believed that His ultimate essence is unknowable. The main elements of Jewish belief are as follows:

- The **Torah** is the revelation of God's words to Moses on Mount Sinai. The **Torah** contains Divine teaching amongst which are the five books of Moses (also known as the Pentateuch) including the 613 commandments (**mitzvot**) which enable Jews to sanctify their daily life: 'For I am the LORD your G-d: ye shall therefore sanctify yourselves and ye shall be holy…' Leviticus 11:44. These commandments cover all aspects of life, dealing with questions of ethics, spirituality, the Sabbath, festivals, dietary rules and many other matters. Among Orthodox Jews in particular, study of the **Torah** and practice of its commandments is treated as central to religious life.
- The belief that God's compassion permits the atonement of sin is central to the Jewish faith.
- The traditional hope in the establishment of God's kingdom on earth is tied to a belief in the coming of a Messiah. Meanwhile, man's duty is to work for the betterment of society.
- The role of women, especially mothers, is considered very important in Jewish life because of their role in the preservation of Jewish customs and values, particularly with regard to festivals and celebrations. In Progressive Judaism, men and women play an equal part in religious ceremonies and women can become **rabbis** – spiritual leaders of the community.

Holy books and Jewish law

Judaism is derived from Jewish scriptures as interpreted by the rabbis.

The three main Scriptures (the **Tanakh**) are:

- the **Torah** – the five books of Moses also known as the **Pentateuch**,
- the **Nevi'im** – the books of the Prophets,
- the **Ketuvim** – the 'Writings' including inter alia, the **Psalms**, **Proverbs**, **Ecclesiastes**.

Halacha, the Jewish Law, through which the practice in Jewish life is governed, is a codification of the **Mishna** and the **Talmud**, and the Rabbi's commentaries thereon and is applied in rulings by the **Beth Din**, the Court of Jewish Law.

Jews may approach the **Beth Din** for rulings on issues such as divorce, conversion to Judaism, or as a court of arbitration in other private law matters.

Male Jews may wish to cover their heads when taking the oath, but this is not a requirement of the Oaths Act 1978 and failure to cover the head should not be regarded as an indication of untruthfulness. Jewish law regards the act of taking an oath or affirmation as equally binding whether or not the head is covered. Jews who wish to cover their heads at all times should not be considered disrespectful of the court.

The Act requires that Jews take the oath on the Torah, also known as the Hebrew Bible or 'Old Testament'. However, many very Orthodox Jews do not think it appropriate to swear oaths upon the Torah in a non-religious context. Such a witness should be permitted to affirm without any consideration that their credibility has been compromised. Ultra Othodox

men may not wish to take the book from the hands of a woman to whom they are not married, and a female usher may wish simply to set the book down for the witness to pick up.

While most Jews wear western dress, devout men tend to keep their head covered at all times, either with a skull cap or a hat. Orthodox male Jews, mainly of the Hasidic tradition, wear dark clothes, wide-brimmed hats, long coats, beards and side locks. The practice of covering their head at all times should be permitted and not considered disrespectful of the court.

Orthodox women, observe rules of modest dress and may not wear sleeveless garments or trousers, and married women also tend to cover their hair at all times, often with a wig, if not a hat or other covering. It is not appropriate for an Orthodox Jewish woman to shake hands with an adult male or in any way to be touched by an adult male or vice versa, except within the immediate family.

Central practices and days of observance

While the synagogue is the main place of communal worship, this can take place anywhere, for example on special occasions at home. It is not necessary that a rabbi should lead communal prayers.

There are three daily prayers:

- the morning service (**shacharit**). During **shacharit**, but not on Shabbat or festival days, **phylacteries** (**tephilin** – a small black box containing holy scriptures) may be worn (held in place by straps) on the forehead and arm, particularly by male Orthodox Jews over the age of 13 years, or by married men only, or even by some women in Progressive communities;
- the afternoon service (**mincha**) ;
- the evening service (**maariv or arvit**).

Among Orthodox Jews, certain communal prayers can only be said among a properly constituted community (**minyan**), or when at least ten Jewish males are present. The entire service in an Orthodox synagogue would be in Hebrew, apart from the rabbi's sermon and a prayer for the Royal Family.

In many Progressive congregations, more English may be used. Most synagogues have a pulpit from where the rabbi preaches and a cantor usually leads the congregational prayers. In an Orthodox synagogue, men and women sit separately.

The Sabbath or **Shabbat** is central to the organisation of Jewish life. It begins about an hour before dusk on Friday evening and ends at nightfall on Saturday. It is a day of worship and rest, with special synagogue services and public readings of the **Torah**, prayers and special meals spent with the family. As a general rule, Jews are forbidden from engaging in any activities considered as work (which includes travelling, writing, cooking, and transacting any form of business – including, of course, going to court). Recitations from other scriptures may also be conducted on **Shabbat** morning and on festival days. After **Shabbat** and festival services, a special prayer called kiddush is said. It proclaims the holiness of the **Shabbat** and of key festivals and is also recited before meals over a cup of wine.

In practice, the various Jewish groupings interpret these rules differently and, as a general rule, there is much variation in the degree of observance of the rules of the Sabbath. An Orthodox Jew must stop travel before the Sabbath or Festival begins. A request for a court to accommodate this need on a Friday or Festival eve in winter, when the Sabbath can begin as early as 3.30pm, should be granted. Court hours can be adjusted accordingly.

On Monday and Thursday mornings, on **Shabbat** mornings and afternoons and on festival days, a portion of the handwritten **Torah** scroll (**Sefer Torah**) is read. Such readings take place from a raised platform in the centre of the synagogue.

The **Torah** scroll has an honoured place in worship. It is kept inside a velvet cover and is housed in the Holy Ark (**Aron Kodesh**) behind an embroidered curtain with an everlasting light hung in front of it.

Jewish religious festivals are celebrated in accordance with a combined lunar and solar calendar in a 19-year cycle. Each month has 29 or 30 days, and a year is usually 354 days, so no fixed dates can be given for festivals, although those dates are given a year in advance and judges should have reference to them when listing cases. The Jewish day goes from evening to evening and all festivals therefore begin in the evening before the day of the festival. No work may be done on festival days. The Jewish year appears on documents, for example marriage contracts (**ketuba**) and on gravestones; so, for example, the year 2000 CE was the Jewish year 5760/61.

Major festivals are:

- **Pesach** (Passover, March/April) consists of eight days and commemorates the exodus of the Jews from Egypt. The home ceremony centres on the first two nights around the special **seder** meal in which the story of the exodus of the Jews from Egypt is retold. The house is thoroughly cleaned and dishes are changed to remove all traces of leavened food (**chametz**). No such foods are consumed, instead people eat unleavened bread (**matza**) and foods prepared specifically for that period.
- **Shavuot** (Pentecost, May/June) is a festival of two days commemorating the receiving of the Torah on Mount Sinai by Moses, and no work is done on these days.
- **Rosh Hashana** (September/October) consists of two days which begin the New Year and which determine the year ahead. No matter how secular, a Jew is likely to celebrate Rosh Hashana and Yom Kippur.
- **Yom Kippur** is a fast day devoted to prayer and worship commemorated ten days after the New Year, beginning at dusk and lasting till nightfall the following day.
- **Sukkot** (Tabernacles, September/October): this festival of seven days commemorates the wandering of the Jews in the wilderness between Egypt and Canaan. Temporary structures (**sukkot**) a rebuilt by some families onto the side of houses and some families eat in them. This festival is followed by celebrations of the completion and re-commencement of the annual cycle of readings from the Torah.

Minor festivals, which do not involve restrictions on working, include:

- **Chanukah** (in December), a festival of eight days commemorating the re-dedication of the Second Temple in Jerusalem by the Maccabees in approximately 168 BCE (with one of the eight-candle menorah being lit every night, until the last night when all eight burn, accompanied by the singing of hymns and benedictions). Now a very popular festival.
- **Purim** (February/March), a day commemorating the saving of the Jews of the Persian Empire.

- **Tisha Be'av** (July/August), a fast day to remember the destruction of the First Temple in 586 BCE and of the Second Temple in 70 CE.

Dietary rules

The Jewish dietary rules are known as **kashrut**. The extent to which such rules are observed varies according to the individual's level of religious adherence.

Animals, birds and fish, if permitted, are **kosher**. Food which contains **treif** (i.e. nonkosher) particles, or has been cooked amongst products from forbidden animals, is unacceptable. Forbidden foods include all products from pigs, shellfish, game and any domesticated animals.

For permitted meat to be **kosher**, it must have been slaughtered and prepared by a qualified person (**shocket**). Slaughter according to Jewish law (**shechita**) involves draining the blood from the animal as completely as possible by slitting its throat according to prescribed rules to minimise suffering. There is a prohibition against consuming blood, so meat may be processed and further **koshered** by soaking and salting, and sometimes by broiling. The mixing of milk foods with meat foods is prohibited. Separate sets of kitchen utensils, crockery and cutlery are used and a time lapse between eating meat and milk foods is practised. Fruit and vegetables are all acceptable and can be eaten with either milk or meat. As with all other aspects of the religion, there is a wide variation in practice in relation to the observance of the rules of Kashrut.

Rites of passage

According to the **Halacha**, a Jew is a person born of a mother who was born Jewish or has converted to Judaism.

Male Jews are normally circumcised when they are eight days old, in a ceremony called **brit mila**, carried out by a trained circumciser (**mohel**), usually in the home and with family and friends present. The boy is given a Hebrew name during this ceremony. There is no equivalent ceremony for girls, but a naming ceremony is conducted in the synagogue.

In the Orthodox tradition, much importance is given to ritual bathing (**mikveh**) before marriage, after menstruation and after childbirth, in order to achieve spiritual purity.

At the age of 13 years, a male Jew assumes a position of responsibility in the community marked by an important ceremony called the **bar mitzvah**. This involves the boy being called to the **Torah** and reading in Hebrew from the **Torah**, usually during the Shabbat morning service. After the service, the boy's family may provide a kiddush (which consists of drinks and snacks). Presents are given to the boy and there may be a party for family and friends. Progressive Jews may also hold a **bat mitzvah** for 13-year-old girls in the same form. Some Orthodox girls celebrate a **bat mitzvah** at the age of 12 years, the traditional coming of age for girls, while others may participate in a communal **bat chayil** ceremony, usually held at the age of 13.

Marriage is of fundamental importance in Jewish life given the central place of the family in Jewish ritual and custom.

The concept of a Jewish marriage is in accordance with 'the laws of Moses and Israel' and takes the form of a contract freely entered into by the bride and groom, and evidenced by

a document (**Ketubah**) which sets out the rights, obligations and intentions of the parties, and is executed before two valid witnesses.

Divorce. Judaism has always recognised that a marriage may break down and provides a method for its dissolution. A Jewish divorce is known as a **Get**. It is not an order of the court, nor is it dependent upon fault on the part of either party. What is required is the mutual consent of both parties to carry out the **Get** procedure: just as a marriage contract can only be entered into by mutual consent, so the dissolution of that contract should be effected by mutual consent.

The Get procedure. The Jewish divorce takes effect when the Get document is freely given by the husband and freely accepted by the wife. It has to be specially written in Hebrew and Aramaic by a qualified scribe and signed by two competent witnesses. It is then handed over by the husband, or his proxy, to the wife usually at the premises of the **Beth Din**, a religious court, under the supervisor of a religious Judge (**Dayan**) or a designated Rabbi.

Under the Marriage Act 1836 and followed in all subsequent Acts, the civil law expressly recognises a Jewish religious marriage (provided that notice to the Registrar has been given) so that a religious ceremony constitutes both a religious and a civil bond. Yet in dissolving that dual bond the law only requires the civil bond to be revoked, leaving intact the religious bond which means that for a religious Jew the marriage 'limps on'. **Result of a failure to obtain a Get**. Without a **Get** the parties may not remarry according to Orthodox religious law. If a husband refuses to give his wife a **Get** she is known as an **Agunah** or chained wife. If she ignores the prohibition and purports to enter into a second union:

- she is deemed by religious law to be living in adultery
- she is forbidden to marry the person with whom she has committed adultery, even if her husband subsequently gives her a **Get**;
- any child born to her as a result of the second union will be religiously illegitimate (a **mamzer**) and will suffer serious disability under religious law.

If a wife refuses to accept her husband's **Get** he is known as an **Agun**. However, he does not suffer from all these disadvantages.

To alleviate the hardship suffered by Jewish men and women in these circumstances, the court in any civil proceedings may decline to make absolute a decree nisi of divorce according to section 10A of the MCA 1973 which has now been implemented under the Divorce (Religious Marriages Act) 2002. This allows the court to order that a decree nisi is not to be made absolute until a declaration is made by both parties that they have taken such steps as are required to dissolve the marriage in accordance with the religious laws of the Jews.

In an attempt to alleviate the hardship caused to an **Agun** and/or **Agunah**, the Office of the Chief Rabbi invites a couple prior to marriage to sign an extension to the **Ketubah** whereby they agreed to consult a Beth Din when difficulties arise in the marriage – a Prenuptial Agreement or PNA. Judicial opinion may be divided on the enforceability of PNAs in general. However the Chief Rabbi's PNA can be of important evidential value as it demonstrates that the parties always intended to regulate their relationships according to Jewish religious law.

The court may also take into account that the wife is still a wife according to religious law and not an ex-wife when considering the level of maintenance, property adjustments, etc.

Consider an order for contempt if the terms of the PNA have been incorporated into a court order.

When the credibility of the parties is an issue in any relevant proceedings including cases involving children, take into account that a spouse who is in breach of the terms of an undertaking may not be considered trustworthy.

For further information contact: Get Advisory Service, Jewish Marriage Council on 020 8203 6311.

Funerals. Prior to the funeral, the body of the deceased is washed and prepared by a person of the same sex, drawn from a voluntary group of members of each synagogue (**chevra kadisha**). The body is wrapped in a white linen shroud and a man may be wrapped in his own prayer shawl (**tallit**). Burial takes place as soon as possible after death, often within 24 hours. The funeral service is simple and dignified, the **cadet** prayer is said by the mourners and a eulogy is generally delivered.

The four stages of ritual mourning are:
1. the time between death and the funeral;
2. the week of mourning (**shiva**) when the mourners stay at home and sit on low stools to receive visitors;
3. a further period of 23 days when life gradually returns to normal; and
4. a period of less intense mourning lasting until the end of the year following the death.

Kaddish prayers are said in the synagogue during the 11 months following the death and on the death anniversary, and there is a special ceremony for setting the tombstone.

Non-religious beliefs and non-belief

Key points

- In 2001 Census, 15.5% of the population described itself as non-religious.
- Explicit non-belief dates from the 10th century.
- While there is no one body that represents this diverse group of people, there are organizations, such as the British Humanist Association and National Secular Society, whose primary beliefs are laid out below.

Explicit non-belief in the UK became common only in the 19th century, encouraged first by growing understanding of geology and then by Darwinism. Earlier freethinkers had tried to rationalise their beliefs (Unitarianism was a staging post to unbelief for some congregations), and religion had been severely questioned by 18th century Enlightenment philosophers like David Hume and the deist Thomas Paine. Legal and social constraints, however, made religious unorthodoxy, let alone atheism, potentially dangerous. The secularist movement began in the mid-19th century and this was followed by the emergence of freethinking rationalism and the ethical movement that is the forerunner of modern Humanism.

A distinction can be drawn between those who simply reject religious belief or who lead their lives without reference to it, and those who explicitly adopt a non-religious philosophy of life, such as Humanism, that provides its own answers to the ‘ultimate questions’ that are addressed by religion.

The following are brief descriptions of some of the different groups of non-belief and non-religious belief.

Aetheism and agnosticism

Atheism is the absence of belief in God. Atheists are people who do not believe in God or other spiritual beings.

An agnostic in the original sense of the word is a person who thinks that we can’t ever know about anything other than the natural world, and therefore that the question as to whether God exists or not is one that can never be answered. Agnostics, in the popular sense, are people who have doubts about the existence of God. They don’t believe that God exists, but they don’t believe that God doesn’t exist, either.

Reasons for non-belief

People are non-believers for many reasons, among them:
- Atheism is their chosen philosophy.
- They have reached an atheist position after careful study and consideration.
- They find insufficient evidence to support any religion.
- They think that religious discourse is nonsensical.
- They once had a religion and have lost faith in it.
- They live in a non-religious culture.
- Religion doesn’t interest them or seem relevant to their lives.

- They see no need for religious explanation.
- They see religion as having caused a lot of harm in the world.
- They cannot believe in a god that allows so much suffering.

Many find scientific explanations of the existence of the universe and of life satisfactory and see no need or utility in invoking a god. They believe that human being can devise suitable moral codes to live by without the aid of a god or scriptures.

Most people who identify as atheists do not consider atheism to be a religion or belief system. There are many atheist philosophical systems and they are no less intellectually adequate than other systems of belief: the one thing they have in common is non-belief in God(s). Atheists are no less moral (or immoral) than those holding a specific religious belief. In practical terms atheists often have the same or very similar values and follow the same moral code as religious people, but they arrive at their decisions about what is right or wrong without any help from the idea of a God or from religious texts.

Secularism

- Secularism affirms that this life is the only one of which we have any knowledge and human effort should be directed wholly towards its improvement.
- It asserts that supernaturalism is based upon ignorance and assails it as the historic enemy of progress.
- Secularism affirms that progress is possible only on the basis of equal freedom of speech and publication; that the free criticism of institutions and ideas is essential to a civilised state.
- Affirming that morality is social in origin and application, Secularism aims at promoting the happiness and well-being of mankind.
- Secularism demands the complete separation of Church and State and the abolition of all privileges granted to religious organisations.
- It seeks to spread education, to promote the fraternity of all peoples as a means of advancing universal peace, to further common cultural interests and to develop the freedom and dignity of mankind.

Humanism

- Humanism is an approach to life based on humanity and reason.
- Humanists recognise that moral values are based in human nature, but that in making moral judgements we need to interpret our widely shared values by the use of knowledge, reason and experience. Humanists make decisions after considering the available evidence and assessing the likely outcomes of actions, not by reference to any dogma or sacred text.
- Humanists see the provisional explanations of life and the universe provided by science and the use of reason as the best available. They think it folly to turn to other sources – such as religion or superstition – for answers to unanswered questions. Humanists are therefore atheists or agnostics – but Humanism is an active philosophy in its own right, not just a negative response to religion.
- Humanists believe that we can and should seek to make the best of the one life we have by creating meaning and purpose for ourselves. One consequence is that humanists see it as their responsibility to make life as good as possible for everyone – including future generations. They strongly support individual human rights and freedoms – but believe equally in the importance of individual responsibility, social

cooperation and mutual respect. They seek a society in which people with fundamentally different beliefs can cooperate, with shared institutions, laws and government that are neutral between different belief groups.

- Humanists endeavour to live their lives to the full, finding inspiration in the diversity of human culture and achievement and in the richness of the natural world, and finding fulfilment in the arts and sciences, physical recreation and endeavour and in the pleasures of human interaction, affection and love.

Paganism

Paganism describes a group of beliefs based on a reverence for nature. These faiths draw on the traditional religions of indigenous peoples throughout the world.

Paganism encompasses a diverse community with some groups concentrating on specific traditions, practices or elements such as ecology, witchcraft, Celtic traditions or certain gods. Wiccans, Druids, Shamans, Sacred Ecologists, Odinists and Heathens all make up parts of the Pagan community.

Whilst there are significant differences between those strands of Paganism, most Pagans share an ecological vision and involvement that comes from the Pagan belief in the organic vitality and spirituality of the natural world.

Pagans are not sexual deviants, do not worship the devil (are not Satanists), are not evil, do not practice ‘black magic’ and their practices do not involve harming people or animals. The Pagan Federation of Great Britain has no precise figures but estimated in 2002 that the number of Pagans in the UK was between 50,000 and 200,000.

Rastafarianism

Key points

- The Rastafarian religious movement has definite political undercurrents of protest against the slavery and repression of all Black people.
- As a religious movement, many components are taken from Christianity, Judaism, Hinduism and African Traditions.

Beliefs and practices

A movement inspired by Marcus Mosiah Garvey (1897–1940), who promoted the Universal Negro Improvement Association in the 1920s and spearheaded the Back to Africa movement during the 1930s. It is also inspired by the accession to the throne of Haile Selassie I as the Emperor of Ethiopia under his pre-coronation name of **Ras** (prince) **Tafari**, who is considered to be a divine Messiah and the saviour of all Black people. The term **Rastafari** dates from the coronation of Haile Selassie in 1930.

Marcus Garvey's initiatives aimed at raising self-awareness and self-respect among Black people in Jamaica and the USA, encouraging pride in their African heritage. Consequently, the various groupings which constitute the Rastafari rejected European-oriented cultural denominations and Christian revivalist religions, developing their own identity whilst awaiting redemption. Today they are a world-wide movement.

Rastafarians began migration to the UK from Jamaica in the late 1950s and 1960s. Many links have been maintained with the Caribbean and the original Jamaican movement through Rastafari music and literature, as well as charismatic figures such as Bob Marley.

The Rastafari religious movement has links with Christianity and Judaism. Some of its principles are very close to those of Hinduism and various African traditions. It may be considered an eclectic religious movement and the two central beliefs are that Haile Selassie, as **Ras Tafari**, is the true and living God (**Jah**), and that salvation for Black people is only through return to Africa.

Rastafarians support their beliefs by reference to numerous biblical texts which they interpret as confirming that God is Black. They regard **Jah** both as a transcendent deity and as present in all men. Their language, based on Jamaican patois, uses many special words and tries to capture this unity of man with **Jah** by the term 'I and I'. Since **Jah** is seen as the God of life, Rastafarians do not accept that the righteous can die and they believe in reincarnation.

The second key element of Rastafarian belief relates to salvation, which can only be realised by Black people through their return to Africa, the Black Zion, after liberation from the evils of the White-dominated western world, which is frequently referred to as Babylon. Africa is regarded as a spiritual focus, a true home, heaven on earth, and Rastafarians regard Black people as the true Jews and chosen people of God.

There are no fixed rules of practice or belief on other matters. Rastafarians are guided by reference to the culture and traditions of Ethiopia, and emphasise the ethos of peace and love, truth and right action.

Common to most belief systems, men and women are assigned gender-specific roles. While women are not discouraged from pursuing careers outside the home, their highest role is seen as that of wife and mother.

Holy books and scriptures

The official religion of Ethiopia since AD 330 has been Christianity and Rastafarians in consequence study the Bible, especially the Old Testament and the Book of Revelation in the New Testament. They recognise all 87 books of the Bible, including the Apochrypha and the Book of Enoch, as opposed to the 66 books of the authorised version used by many Christian churches. Today the Rastafarian movement consists of several strands, and includes persons of other than African descent.

A Rastafarian may choose to swear an oath on the Bible (the Hebrew Bible or 'New Testament') or they may prefer to affirm.

Central practices and days of observance

There is no centralised, hierarchical structure of a Rastafarian 'church'. Instead there are several Rastafarian organisations, such as the Ethiopian Orthodox Church, the Ethiopian World Federation, the Universal Black Improvement Organisation, the Twelve Tribes of Israel and the Rastafarian Universal Zion.

Only a small proportion of Rastafarians in the UK are formally affiliated to any of these or other groups, and Rastafari theology and religious practice varies widely as a result.

There are no specifically designated places of worship – people normally meet in their homes, where long sessions of discussion, debate and argument ('reasoning') are held. However more formal groups such as the Ethiopian World Federation will designate specific sites and certain office holders or chaplains will lead the spiritual part of the proceedings.

Singing and drumming, especially reggae music, are important ways of communicating the ethos of the movement.

Controversially, smoking cannabis or **ganja** ('the herb') is considered an important part of Rastafarian religious practice and is treated as a sacrament. **Ganja** is seen as natural and as God's gift and Rastafarians seek to legitimise its use by reference to biblical texts (Hebrews, chapter 6, verse 7).

One element of Rastafarian dress code is for men (**brethrens**) and women (**sistrens**) not to cut their hair but to wear it in long locks, known as **dreadlocks**. Many Rastafari men wear distinctive caps (**tams**) made of knitted material, leather or cloth, often in the traditional colours (red, gold, green and black) of the Ethiopian flag or the national colours of Jamaica (gold, green and black). These colours have symbolic meaning: red for the blood shed in the historical struggle of Rastafarians; gold for faith, prosperity and sunshine; green for the land and its produce; and black symbolising the colour of the people. On certain occasions, such as prayer meetings and spiritual gatherings, Rastafarians uncover their heads. Some Rastafarians wear African-style dress, thus explicitly marking their allegiance to an African-rooted tradition. This is also symbolised by

medallions of **Ras Tafari**, the lion, the imperial symbol of the Ethiopian throne, representing strength and power. Crosses are worn as symbols of the burden of life.

The case of Dawkins v Crown Suppliers (1989) held that a Rastafarian cannot be refused employment because of his refusal to cut his hair (**dreadlocks**).

The issue of hair covering is particularly sensitive and increasingly minority ethnic groups will seek equal treatment about the need to maintain head covering at all times, including in a court, according to their religious custom.

The Rastafarian year is based on the Ethiopian calendar, which begins a new year on 11 September and has 13 months, the last of which has only six days. Important celebrations are :

- the Ethiopian Christmas (7 January) which is not a celebration of the birth of Jesus but an acknowledgement of his life and works;
- Ethiopian Constitution Day (16 July) commemorates the granting of Ethiopia's first Constitution by Emperor Haile Selassie in 1931;
- the birthday of Emperor Haile Selassie I (23 July), one of the holiest days of the year. It is marked as a day of celebrations, prayer readings, prophecy and spiritual
- gatherings, and Rastafarians will refrain from attending work on that day;
- the birthday of Marcus Garvey (17 August) is marked in a similar way and is given virtually the same importance;
- Ethiopian New Year 's Day (11 September) is celebrated with singing, dancing, drumming and prayer;
- the Anniversary of the coronation of Haile Selassie I (2 November) is also treated as one of the holiest days of the year and is celebrated with drumming, hymns and prayer.

Dietary rules

Out of reverence for the laws of nature, most Rastafarians are vegetarian and will be concerned to eat only natural or organic food, and to avoid polluting the earth with unnatural substances and chemicals. Pork is prohibited, not only because of biblical injunctions against it but also because of assumptions about the animal's susceptibility to disease. Many Rastafarians do not drink alcohol.

Rites of passage

Rastafarian children are blessed by the elders and perhaps a congregation with drumming, chanting and prayers.

Following the Rastafarian interpretation of the Bible (St Mark, chapter 12, verses 19–25), Rastafarians do not perform any formal marriage ceremony, but a man and a woman who cohabit are automatically treated as husband and wife by the community, and fidelity is considered very important .

Since there is no belief in death as such, and Rastafarians view life as eternal, moving from one generation to the next through spiritual and genealogical inheritance, there are no special ceremonies on death, or following death. Many Rastafarians will follow the customs of the communities in which they reside.

Sikhism

Key points

- The UK is home to the largest Sikh community outside India.
- The religion was founded in the Punjab region of India, and so the vast majority of its adherents originate from that region.
- Sikh communities migrated to many parts of the world, principally East Africa, the UK and Canada. There are now a small minority of ethnic English followers of Sikhism.
- As there are now many different sub-groups within the Sikh community, it cannot be assumed that everyone shares the same understanding about Sikhism and its creeds.

Beliefs and practices

The religion was founded in the fifteenth century by Guru Nanak, who was born of Hindu parents but proceeded to establish a new religion, emphasising that the lowest is equal to the highest in race, creed, political rights and religious hopes, and in that way emphasising freedom from the caste system and gender inequality as they were present in India at the time.

Sikhs are recognised as an ethnic group under the Race Relations Act 1976 as stated in the case of Mandla v Dowell Lee [1983] 2 AC 548.

The essential characteristics are a long shared history, distinguishing it from others, and the memory of it; and a cultural tradition of their own, including family customs.

The Sikhs believe:
- in the one God, whose divine name is constantly recalled and meditated upon;
- in the ten spiritual masters (Gurus) and their teachings;
- in acceptance of the Sikh Holy Book, the **Guru Granth Sahib**, as having the function of a living Guru ;
- that salvation and liberation from the cycle of reincarnation is attained through meditation and service to other people.

A tenth of a Sikh's personal wealth and income (**daswandh**) is supposed to be given to people in need.

The tenth and final Guru, Gobind Singh established the sacrament of **amrit** which is a ceremonial benediction received at the Sikh temple (known as a **gurdwara**) and also the concept of the Pure Sikhs (both male and female, the **Khalsa**) who are identified by the **Five Ks** which remain until death and are never removed except by the wearer or if medically necessary. For example, Sikh motorcyclists are exempted from wearing crash helmets if they wear turbans (section 1 of the Motor-Cycle Crash Helmets (Religious Exemption) Act 1976)

The degree of adherence to the wearing of the 'Five Ks' varies between individuals but comprises:
1. **kesh**: uncut long hair, tied in a knot, and kept under a turban for men and often a scarf for women, which symbolises obedience, acceptance of God's will and humility;

2. **kanga**: a wooden comb to keep the hair in order, symbolising cleanliness;
3. **kara**: a steel bangle worn on the right arm, symbolising the bond with the Guru and the brotherhood of the khalsa;
4. **kachha** or **kachhedra**: a type of undergarment, symbolising discipline, self-restraint and chastity;
5. **kirpan**: a sword, now usually small and ceremonial, worn as an emblem of power and dignity, symbolising independence and fearlessness.

As part of initiation into the **Khalsa**, men were given the name **Singh** (lion) and women the name **Kaur** (Princess). It is now common practice (although by no means obligatory) for these designations to be included as a middle name not necessarily with any initiation into the **Khalsa**. Commonly, a Sikh name may involve three components: a personal name (usually not gender specific), followed by the religious gender designation, and then a family name/surname.

For example: Manjit Singh Dhillon (male); Manjit Kaur Dhillon (female).

Holy books and scriptures

The most important Sikh holy scripture is the **Guru Granth Sahib**, a very large collection of readings and hymns written by the Gurus of Sikhism and various saints (**bhagats**), some of whom were Hindus and Muslims.

All Sikh scriptures are written in the **Gurmakhi** script.

The Sikh holy scriptures are also referred to as the Guru 's word (**gurbani**) and are treated with utmost respect. The **Guru Granth Sahib** is always kept in a clean silk cloth and is placed on a small bed (**manji sahib**) on a dais below a canopy. In many gurdwaras, the scriptures are kept on the floor above, thus in an elevated position, while the floor below is used for social functions.

The **Guru Granth Sahib** is treated with the utmost respect and is always carefully kept in a clean silk cloth. The **Sunder Gutka**, an extract from the **Guru Granth Sahib**, has been considered as the appropriate form of a Sikh holy book to be used in courts in the UK. This convention seems to avoid difficulties over the rules regarding the handling of the **Guru Granth Sahib** outside a **gurdwara** by persons who are not qualified or authorised to do so.

The form the Oath may take by a Sikh (taken on the **Sunder Gutka**) is:

'I swear according to the Sunder Gutka (or by Almighty God) that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.'

Central practices and days of observance

Sikhs may worship at home or in their temple known as a **gurdwara**. Each **gurdwara** may be recognised by the **nishan sahib**, a tall flag-pole draped in saffron cloth and a saffron flag bearing the Sikh emblem in black or navy blue. The **nishan sahib** is never lowered except when it is renewed, which takes place once a year in an important ceremony.

In the UK, it has become conventional in most **gurdwaras** that communal prayers are held on Sundays. Almost all acts of worship are preceded by ritual bathing as great emphasis is placed on ritual purity.

The **gurdwara** is a bare room with no images or seats. Sikhs will remove their shoes when entering and men not wearing turbans will cover their heads as a mark of respect for the **Guru Granth Sahib**. Worshippers walk towards the dais, make their offerings, bow to the ground with folded hands and then move back to sit on the floor cross-legged. In most **gurdwaras**, women sit separately from the men, together with their children. Sikh women play an active role in all activities in the Sikh temple although there may be separate spaces set aside for women. Gender segregation is considered positive, and unfair gender discrimination is not permitted. The fact that Sikh personal names are gender neutral is considered a valuable indicator of the intrinsic equality between the sexes.

A typical Sikh service consists of hymn singing (**kirtan**), a discourse on the divine name, followed by a concluding communal prayer (**ardas**) and a random reading of the **Guru Granth Sahib** which is considered to reveal the will of God. The service concludes with the eating of holy blessed food (**karah prashad**), normally followed by a communal meal (**langar**), both of which symbolise fraternity and equality. Such meals are often prepared by a large number of people and it is considered meritorious to engage in such community service.

Sikh religious festivals are broadly timed according to a lunar calendar and therefore vary slightly from year to year. **Vaisakhi**, celebrated on 13 April, is the only festival held on a fixed date, the day of the founding of the **khalsa** by **Guru Gobind Singh** in 1699.

All major Sikh festivals are celebrated over three days and involve a continuous recitation of the entire **Guru Granth Sahib**. Such festivals commemorate events around the Gurus and the establishment of the Sikh religion and they include:

- the birthday of Guru Gobind Singh, the tenth Guru, celebrated in January/February;
- **Hola Mohalla**, a three-day festival in February/March, has a military emphasis and demonstrates the art of self-defence;
- the first installation of the Guru Granth Sahib by Guru Gobind Singh in Nanded, three days before his death in 1708, is celebrated in August;
- Guru Nanak's birthday is celebrated over three days in October/November;
- the Sikh festival of **Diwali** (October/November) celebrates the release from captivity of the sixth Guru, Guru Har Gobind.

Dietary rules

Many Sikhs are vegetarian. Sikhs may choose not to eat meat from animals killed according to the ritual method observed by the Muslims and Jews (**halal** or **kosher**) meat. Strictly observant Sikhs will not smoke tobacco or drink alcohol in any form, and they may also abstain from drinking tea and coffee.

Rites of passage

The **Janam sanskar** or **Naming ceremony** takes place in the **gurudwara** as soon as possible after birth, and involves opening the **Guru Granth Sahib** at random, and the first letter of the hymn on the top of the left-hand page indicates the letter to begin the name of the baby.

A Sikh may be initiated into the **Khalsa** at any time and thereafter is obliged to wear the 'Five Ks', and observe a strict diet.

The marriage ceremony, **anand karaj**, the 'ceremony of bliss', will take place, as far as possible, in the **gurdwara**, and certainly at any rate in the presence of the divine witness of the **Guru Granth Sahib**. The Sikh marriage ceremony includes a reading from the **Guru Granth Sahib** and a sermon from the officiating priest on the duties of marriage. The bride is then given away by her parents and the spouses are joined together by a cloth or scarf and walk four times, clockwise, around the **Guru Granth Sahib**. The ceremony concludes with collective prayers and is followed by a wedding feast.

At the time of death, reading and recitation of parts of the **Guru Granth Sahib** is recommended and friends and relatives may gather at the bedside of a dying person for that purpose. After death, the body is washed and dressed in new clothes by a priest or relative, and is then taken for cremation as soon as possible. Sikhs are always cremated – even stillborn children. Normally, the son or closest male relative starts the cremation. On the following day, the ashes will be ceremonially sprinkled into flowing water. During the days and nights after the funeral, all the adult members of the family will attend a complete reading and recitation of the **Guru Granth Sahib**.

Taoism

Key points

- Most Taoists in the UK are of Chinese origin.
- Taoism is a belief system which enables its adherents to also participate in other faith traditions.
- Confucianism is a guiding philosophy to which many Taoists also subscribe.
- For Taoists it is not contradictory to practise Buddhism, Christianity or any other faith.
- The Chinese community in this country is very diverse – no assumptions about the cultural and 'racial' homogeneity of Taoist and Chinese worshippers should be made.
- Not all Chinese share the same understanding about Taoism since this also depends upon which region they originate from (provinces in mainland China, Hong Kong, South East Asia).

Introduction

Most Taoists in the UK are members of the Chinese community although many of them would also consider themselves to be adherents of Confucian philosophy also termed Confucianism. Both Taoism and Confucianism constitute a total moral outlook which permits the membership of and participation in the communal practices of other faith communities. Taoism is considered a belief system whilst Confucianism is often termed a guiding philosophy and the two are considered entirely compatible with other belief systems such as Buddhism, Christianity and Islam. This innate metaphysical subtlety is one of the distinctive features of the Chinese approach to religion.

The Chinese community in the UK is diverse consisting of those who came from Hong Kong in the 1950s and 1960s whilst more recently other Chinese have come from South East Asia and from mainland China. Needless to say there are many Buddhists in China, as well as a significant number of Christians (mostly from Hong Kong), whilst China also has one of the largest Muslim populations in the world. Whilst most Chinese will be able to read the common written Mandarin alphabet, there are many different spoken dialects of both Cantonese and Mandarin.

Although the practice of religion was discouraged and at times suppressed in the People's Republic of China, many Taoists were able to maintain their beliefs although they may not have been able to practise the rites form ally, so that it may have appeared as if many people from mainland China did not practise any religion. This accounts for why much religious doctrine and knowledge of traditions survives as an oral record only. Political developments have enabled more Chinese from the mainland to be rather more forthcoming about their religious commitments.

Beliefs and practices, Holy books and Scriptures

The principal text of the Taoists is the **Tao Te Ching** (The Way and Its Virtue) and this is attributed to Lao Tzu (c 500 BCE) who is considered to be the founder of Taoism. The text is considered the basis of what is known as religious Taoism and also philosophical Taoism.

The Way (the Tao) concerns Man and his place within the universe. The Tao is the allembracing principle before heaven and earth: it causes everything to arise, yet it acts not **wu wei**, the fundamental principle of non-action or non-interference with the laws of nature is central to the practice of Taoism. The power of the Tao is that which makes all phenomena what they are. The forces of nature and indeed mountains, rivers, trees and all such aspects of Nature are revered as sacred.

The **Yin Yang** symbol of Taoism emphasises the relativity of all values and the dimensions of polarity. Everything has opposite dimensions: positive/negative, dark/light, active/passive, male/female (and so providing a framework to understand all gender relations). This understanding provides the basis for comprehending all forces of the body, the workings of the mind and ultimately life and death.

The popular manifestations of ritual practice (sometimes referred to as 'popular Taoism') emphasise the importance of paying homage to chosen deities (representing different dimensions of the principles of the **Tao**) and to ancestors and deceased elders in order to encourage the forces of health, happiness and prosperity. This most commonly involves the establishment of an altar and placing statues or images of the deities and photographs upon it or nearby. Most often one or three deities will be chosen, often the ones most appropriate to the home or to the business if the altar is also placed there. In addition, there are also various traditions in China, which involve the display of small statues of deities in homes or businesses.

The **Analects of Confucius** (attributed to Confucius c 500 BCE) as well as the writings of Meng Tzu (Mencius) put forward the main tenets of Confucianism, which is considered a philosophy rather than a religion. Confucianism is as a moral compass navigating through the course of life, guiding the adherent to the appropriate conduct in terms of oneself, one's family, one's friends and the nation.

In the past, court staff have been instructed to administer a form of declaration to Chinese witnesses in a ceremony which involves the breaking of a saucer. This ceremony, instituted in the Imperial Courts of China many centuries ago, is very rarely practised today in courts of law, although it is said to be practised by the Triads during their secret initiation ceremonies. It is probably because of this association that Chinese today do not ask or choose to take an oath in this manner. It should there f o re not be used.

Taoists should be given the choice to affirm or if they adhere to another faith tradition to swear an oath. For example, there are more than 50 Chinese Christian congregations in cities and major towns in the UK, and they may prefer to swear an oath on the Bible.

Central practices and days of observance

Apart from personal daily devotions, temple worship is led by priests, some of whom may be celibate and resident at the temple. The temples may be dedicated to one, three or five deities, and chanting of sacred formulae is conducted morning and evening. There is usually an altar, maybe in front of images or statues of the chosen deities, and chanting will take place facing it. In addition, regular lessons on the teachings of Lao Tzu may also take place at the temple.

On the first and 15th day of every lunar month a vegan (no animal, dairy or fish products) meal, prepared by the worshippers themselves, will be served to all devotees in order to

participate in a ritual cleansing and purificatory rite. Commemorations of the birthdays of certain deities are also observed by a vegan diet for the day.

Taoists festivals are based on a lunar calendar and an annual cycle and symbolise both the passing of the year in terms of the ripening, harvesting and storing of crops as well as passing through the life cycle. Many of these festivals are more concerned with the practice of popular Taoism, and the major ones are outlined below.

- The winter solstice, which coincides with the Gregorian calendar date of the 21 December, is the day by which ones age is measured. Special sweetmeats a re pre p a red for the occasion, such as glutinous rice balls and placed on the altar as offerings.
- A major Chinese festival is the **Chinese New Year**, linked to the lunar calendar and it falls usually in January or February as the first day of the first lunar month. This is the major public holiday of the year in Hong Kong and China, but most Chinese in the UK prepare a special New Year's Eve dinner to which family and friends are invited, and continue to work the next day, if it falls mid-week, transferring any celebrations to a nearby weekend. Celebrations are family-oriented, though nowadays many Chinese community centres in the UK organise local festivities.
- The first full moon of the first month is also celebrated by a procession of lanterns.
- Other festival days during the year include the **Ching Ming** (the grave-sweeping festival) usually in March when graves are swept and then possibly covered over with talismanic tiles exhorting blessings for the departed.
- The **Dragon Boat** festival usually takes place in the fifth lunar month and commemorates the virtues of veracity, loyalty and heroism, by remembering how dragon boats were sent out to the sea to deflect sharks from the body of the honourable warrior who preferred to drown himself rather than manifest disloyalty.
- The commemoration of the **Hungry Ghosts** takes place in the seventh lunar month for a period of 15 days when many devotions and sacrifices are offered up for the spirits whose positive and negative elements have not been integrated in order for them to be released into the next realm.
- The **Autumn Lantern** festival celebrating the harvest takes place on the 15th day of the eight lunar moon.

Dietary rules

Great attention is paid to the differing Yin and Yang (for example 'cooling' and 'heating' effects) qualities of all foods to consume them in a balanced manner. Practising Taoists will observe the vegan fasts mentioned above on the first and 15th day of every lunar month. Otherwise, there are no restrictions as such. However Taoists who also conform to other traditions will observe the appropriate rules such as vegetarian Buddhist-Taoists.

Rites of passage

These depend on the national and cultural origin of the Taoists in question, for example, whether they are from mainland China or South East Asia, but they focus on the main life-cycle events. Many rituals have developed into a sort of 'popular' Chinese Taoism/Buddhism.

The family is one of the most central units in popular Chinese understanding. All aspects of birth, marriage and death are surrounded by ritual, but many may not be followed in the UK.

At the time of birth (and for a period of confinement, usually one month afterwards) women are encouraged to rest and given to eat specially prepared nutritious foods.

Marriage customs may be very elaborate with proceedings being divided into six phases, beginning with the proposal, engagement, procession of bride's dowry, bridal procession, marriage vows, and the wedding breakfast. Marriages are important community events joining together two families. A priest may be invited to invoke blessings upon the couple, or the couple may visit the temple and a simple ceremony take place there. The bride and groom may kneel before the groom's parents and offer tea sweetened by dates to their relatives. Gifts are often given in red envelopes to the married couple (and are also given at Chinese New Year: strictly, they should be given to unmarried children by their married relatives and friends). Traditional wedding gowns (**kwans**) are red, that being the colour for good luck. White is also worn to represent purity, and many brides now wear western bridal dresses, sometimes changing to a **kwan** during the wedding celebrations.

Funeral rites are often extensive and may combine Taoist and Buddhist elements. Ritual ablutions are performed over the deceased and layers of paper money (for the bank of merits in hell) and talismans may be placed over the dead body to protect it from harmful influences in the next realm. Paper money and paper houses may be burned. Flowers, wreaths, incense, and a special ancestor shrine may be presented during the funeral rite. Customs vary as to whether the deceased is interred or cremated. Close relatives will be wearing black, and others black and white. A willow branch symbolising the soul of the deceased may be carried back to the family altar. There may be a gathering of the family and mourners on the seventh, 49th or 100th day after the funeral, and there may be a commemoration ritual after the first and third years following the death. A priest may be invited to invoke blessings upon the dead on these occasions.

Zoroastrianism

Key points

- Zoroastrianism is an ancient religion based upon the teachings of Zarathushtra (1400–1200 BCE) who lived in Iran before the advent of writing.
- The Zoroastrian community now generally comprises those from Iran and those who settled in India, known as the Parsees.
- Members of both communities have a long-established presence in the UK, Europe and the USA from as early as the 1800s.

Introduction

Zoroastrianism spread east from the steppes of Asia Minor to the valley of the Oxus river. It was the state religion of two Persian empires, the first of Cyrus the Great (550–531 BCE) and the second of the Sasanians. It was only some 300 years after the Arab conquest of Iran that Zoroastrianism became a minority faith. Towards the end of 800 CE, a group of Zoroastrians decided to settle in the Indian state of Gujarat in search of religious freedom, and this community became known as the Parsees, who subsequently also established themselves in the Indian capital of Mumbai (Bombay). The community in Iran, known in Iran as the Zartushtis, is mostly settled around the region of Yazd, although a significant number live in Tehran. Today Zoroastrians are settled worldwide.

Beliefs and practices

Born into a line of hereditary priests, Zarathushtra experienced a set of divine revelations after being compelled to meditate on the violence and injustice he witnessed. He was given to understand there to be one eternal God, **Ahura Mazda**, who created the world in order for the forces of good to reign over the evil spirit **Angra Mainyu** (and his evil forces the daevas). The forces of good that challenge the evil are the seven **Amesha Spentas**, or Holy Immortals. Through these forces, **Ahura Mazda** acts to overcome evil. Each good force protects one of the seven creations of Sky, Earth, Water, Plants, Cattle, Man and Fire.

All of life and creation is to engage in a struggle to overcome the forces of evil, to promote goodness and bring about the salvation of all. The advent of the Saviour, the **Saoshyant** (born of the seed of a prophet and a virgin) will save the world which by that time will have become totally wretched. After a great battle of the good and evil forces, at which the good will triumph, the Last Judgement will take place, and the saved will rejoice everlastingly in the presence of the **Ahura Mazda**, and eventually they will be joined by the damned who will have undergone a period of purification.

The life aim of a Zoroastrian is to overcome the forces of evil with divine aid: all is comprised in the guiding aphorism of ‘good intention, good speech, good action’. From this an all-pervasive ethical code has been established.

The main practice is prayer performed in front of the sacred fire which is always kept aflame:

- Prayers are said five times a day (at sunrise, noon, sunset, midnight and dawn).

- Prayers are performed whilst standing and reciting verses from the holy scriptures, and a sacred thread (**kusti**) which is always worn three times around the waist and across the sacred shirt, is unwound and then re-knotted (evoking the ancient origins of the word religion which comes from the Latin, ligare, to bind/tie oneself to the Divine).

Holy books and scriptures

The Zoroastrian religion has a long oral tradition, but eventually, the sayings of Zarathushtra were recorded in a collection of holy texts known as the **Avesta**, and written in the language of Avestan in the fifth or sixth century CE. Some hymns in the **Avesta**, known as the **Gathas** are known to have been composed by Zarathushtra. The extant **Avesta** comprises the **Gathas**, liturgies, and prayers. Later religious texts are in Persian, Gujarati and English.

- Zoroastrians may choose either to affirm, or possibly swear an oath.
- Their holy scriptures are known as the **Avesta**.
- Considerations of ritual purity may arise.

Central practices and days of observance

The rites of prayer are performed in front of the sacred fire, representing the Truth and sacred presence of the Divine, and there are many sacred fire temples. Practices very amongst different communities and families; some choose to visit the temple regularly, others pray at home more often before their own fire.

Great emphasis is placed on ritual purity and so access to the temple or being present during Zoroastrian devotions may be dependent upon that.

Incense is offered to the sacred fire and gifts of money given to the priests, and care is always taken in kindling and maintaining the fire.

Pilgrimages to sacred fire temples, special sources of water or sacred mountains take place regularly.

There are seven major festival celebrating the different seasons of the year and the seven creations. They now comprise five days of celebration each, the most important being the first day:

- **Naw Ruz, The New Day**. The New Year and the first day of Spring, 21 March. The festival goes on till 26 March. The associated creation is Fire and the associated holy immortal, Righteousness.
- **Maidhyoizaremaya, Mid-Spring**. 30 April – 4 May. The associated creation is Sky and the associated holy immortal, Dominion.
- **Maidhyoishema, Mid-Summer**. 29 June – 3 July. The associated creation is Water and the associated holy immortal, Wholeness.
- **Paitishahya, Autumn Harvest (bringing in the corn)**. 12–16 September. The associated creation is Earth and the associated holy immortal, Devotion.
- **Ayathrima, Homecoming of the Herds**. 12–16 October. The associated creation is Plants and the associated holy immortal, Immortality.
- **Maidhyairya, Mid-Winter**. 31 December – 4 January. The associated creation is Cattle and the associated holy immortal, Good Intent.
- **Farvadigan or Mukta**, All Souls. 16–20 March. The associated creation is Man and the associated holy spirit of Ahura Mazda Himself.

Dietary rules and taboos

There are no specific dietary restrictions except to avoid anything that is intrinsically evil.

Rites of passage

There may be a simple naming ceremony celebrating the birth of the child, and in some very orthodox families the mother may be segregated for 40 days out of concern for ritual purity.

A coming of age ceremony known amongst the Iranians as **sedra-pushun** (putting on the sacred shirt) and amongst the Parsees as **naojote** (new birth) is celebrated for both girls and boys. The young person prepares themselves by learning the **kusti** prayers, and then on the appointed day bathes, and drinks some consecrated liquid before putting on a new shirt. A priest may then invest them with the **kusti**, and general rejoicing and festivities follow with the giving of presents and enjoying special food.

Marriage is a strongly encouraged institution, and there are many popular customs. The marriage ceremony has certain prescribed ritual aspects. Prior to the ceremony the couple perform ritual ablutions and wear new garments. The priest consecrates the marriage by pronouncing sacred formulae in **Avestan** in front of the couple and witnesses.

The ceremonies upon death are very important, since for the Zoroastrian (as in life) at death great emphasis is placed on the elimination of negative forces. Since Man comprises the seven elements aforementioned, the negative elements emanating from death must be purified by not being absorbed into the earth by burial, nor by polluting the air with cremation, but being reabsorbed into the life process. Corpses are simply enshrouded and carried on metal biers to walled enclosures on designated heights (hills or mountains) or more commonly a stone tower (**dakhma**) and there left to be consumed by vultures and for the bones to be purified by the Sun. However, in modern times, electrical cremations or burial in cement coffins have been adopted as suitable alternatives. The funeral should take place as quickly as possible and prayers are said for the deceased for three days. On the fourth day special meritorious acts are off e red up for the benefit of the deceased. For the first year, there may be monthly commemorations and thereafter annual commemorations at the **Muktad** or **Farvardigan**, All Souls festival between 16 and 20 March.