

## The Big Society: a socio-theological perspective

Frank Cranmer

*Fellow, St Chad's College, Durham  
Honorary Research Fellow, Centre for Law & Religion, Cardiff Law School*

**Abstract:** *The response of the Churches to the Government's espousal of The Big Society has been somewhat guarded. The fear is that it may simply be an attempt to shift responsibility for social care from government to civil society. While the Churches (and the Abrahamic faiths generally) set great store by community and mutual obligation, there remains an unresolved tension between social action and the need to act in accordance with theological principle – as the Catholic Care case demonstrates. The problem is ultimately one of clashing rights.*

### Introduction

Interestingly, one of the architects of The Big Society is Phillip Blond, the author of *Red Tory* and an Anglican theologian (formerly Senior Lecturer in Christian Theology at the University of Cumbria) who runs the ResPublica think-tank – so The Big Society concept has not been totally without theological input. Nevertheless, its reception by the Churches has not been one of total rapture.

The Church of England's website expresses support – but not unqualified support – for the Government's espousal of The Big Society because

... practical neighbourliness and voluntary service for the sake of others have been motifs of Christian discipleship for centuries. At the same time, many in the churches worry that the economic constraints of an austerity budget will make it harder than ever to find the resources for communities to flourish, especially among the least well-off and marginalised people.<sup>1</sup>

In his guest editorial in *New Statesman* (Williams 2011), the Archbishop of Canterbury put things much more bluntly:

[T]here is confusion about the means that have to be willed in order to achieve the end. If civil society organisations are going to have to pick up responsibilities shed by government, the crucial questions are these. First, what services must have cast-iron guarantees of nationwide standards, parity and continuity? ... Second, how, therefore, does national government underwrite these strategic "absolutes" so as to make sure that, even in a straitened financial climate, there is a continuing investment in the long term, a continuing response to what most would see as root issues: child poverty, poor literacy, the deficit in access to educational excellence, sustainable infrastructure in poorer communities (rural as well as urban), and so on? What is too important to be left to even the most resourceful localism? Government badly needs to hear just how much plain fear there is around such questions at present.

The Archbishop of Westminster was equally forthright in an interview with the *Sunday Telegraph* which was subsequently posted on his diocesan website (Diocese of Westminster (2011)).

At the moment the Big Society is lacking a cutting edge ... Devolving greater power to local authorities should not be used as a cloak for masking central cuts. It is not sufficient for the Government, in its localism programme, simply to step back from social need and say this is a local issue.

In a similar vein, in July the Methodist Conference agreed Resolution 10./1 commending the report of the Methodist-Baptist-URC Joint Public Issues Team (Lampard 2011) in which, *inter alia*, it

... encourages Churches to continue to speak prophetically about what it means to live in community, and to highlight the impact of public spending cuts...

All three examples point up the inherent tension between the Government encouraging greater social action and, at the same time, pursuing policies of severe economic restraint.

---

<sup>1</sup> Church of England (2011).

## Religion and community

It is a truism to say that almost all the major world faiths assume that, rather than being a solitary, individual activity, religion is practised in community. Certainly, the Abrahamic faiths set enormous store by this: for the Jews ‘the people of God’,<sup>2</sup> for Christians the *populus Dei*,<sup>3</sup> for Muslims ‘the community of believers’ (*ummat al-mu'minin*). Moreover, precisely *because* religion is practised in community, of its nature it imposes both constraints and mutual obligations on its adherents: for example, the numerous and detailed references to tithing and almsgiving in Leviticus and Deuteronomy or the importance for Muslims of *zakat* (almsgiving) as one of the Five Pillars of Islam.

The Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes* (Montini 1966) – probably still the most important statement of Roman Catholic social teaching – may possibly serve as an example of ‘religion as community’ for all three Abrahamic faiths. Prepared in 1965 for the Vatican Council, the final text leaves one in no conceivable doubt about the duty of believers to pursue justice and love and to contribute to the common good according to their means and the needs of others:

29. *Concerning the essence of equality and social justice among all people.* Since all persons are endowed with a rational soul and are created in God's image, they have the same nature and origin and, being redeemed by Christ, they enjoy the same divine calling and destiny: a basic equality between everyone that must be accorded ever greater recognition ... Furthermore, while there are just differences between people, their equal dignity as persons demands that we strive for fairer and more humane conditions. Excessive economic and social disparity between individuals and peoples of the one human family is a source of scandal and militates against social justice, equity and human dignity, as well as social and international peace.<sup>4</sup>

Nor is there anything in this with which very many Christians from the other historic, mainstream denominations would disagree.<sup>5</sup>

## Where faith, social action and law collide

### *The ‘contract culture’ and speaking truth to power*

Because of their commitment to equality and social justice, the Churches are anxious to be involved in social action: indeed, most of them are already involved in social action up to the hilt. For example, the Salvation Army is probably the biggest single provider of social services outside central and local government in England and Wales: in London alone it operates two residential detoxification services, a registered day care centre for children, seven residential ‘lifehouses’, two non-residential centres for the homeless and two residential homes for elderly people. The social services arm of the Church of Scotland, CrossReach, employs more than 2,000 staff in various forms of social care (CrossReach 2009). However, as Malcolm Brown pointed out in the report by the Church of England’s Mission and Public Affairs (Brown 2010: para 10) which was debated by General Synod in November 2010, the voluntary sector is afraid that the entire Big Society exercise may merely be an attempt to shift responsibility for welfare and social cohesion from government to civil society while ignoring the fact that simply withdrawing welfare does not of itself tackle the dependency problem without other, potentially expensive, measures to address anti-social behaviour.

---

<sup>2</sup> Judges 20:2; 2 Samuel 14:13.

<sup>3</sup> For example, in the slogan of the Parish and People movement in the Church of England: “the Lord’s People at the Lord’s Table on the Lord’s Day”.

<sup>4</sup> 29. *De essentiali inter omnes homines aequalitate et de iustitia sociali.* Cum omnes homines, anima rationali pollentes et ad imaginem Dei creati, eadem naturam eademque originem habeant, cumque, a Christo redempti, eadem vocatione et destinatione divina fruuntur, fundamentalis aequalitas inter omnes magis magisque agnoscenda est ... Insuper, quamquam inter homines iustae diversitates adsunt, aequalis personarum dignitas postulat ut ad humaniorem et aequam vitae condicionem deveniatur. Etenim nimiae inter membra vel populos unius familiae humanae inaequalitate oeconomicae et sociales scandalum movent, atque iustitiae sociali, aequitati, personae humanae dignitati, necnon paci sociali et internationali adversantur.

<sup>5</sup> Apart, that is, from some Evangelical Christians – mostly American – who preach ‘prosperity theology’: that God’s will for believers is material wealth. One of the more prominent, Jim Bakker, was convicted of fraud and imprisoned: though his sentence was reduced on appeal, his conviction was upheld: *US v Bakker* (CA 4, 1991), 925 F 2d 728, 740, case no. 89-5687.

An example of the quick-fix thinking of which Brown is rightly suspicious is the call for the withdrawal of benefits from those convicted of looting in the recent riots – not least the current e-petition on the HM Government website (Mains 2011), ‘Convicted London rioters should loose [sic] all benefits’, which, at the time of writing, had attracted over 222,000 signatures and was to be considered for debate by the Backbench Business Committee of the House of Commons. But even if withdrawal of benefits as a criminal penalty were possible under the current law, would it be socially desirable or appropriate to do so? What, for example, would be the effect of withdrawing benefits from a convicted single mother with two small children *on the children*?

Secondly – and more fundamentally – public-sector funding presents faith-communities with a challenge as well as an opportunity. In the case of CrossReach, for example, only about one per cent of its annual expenditure of £51 million comes directly from the Kirk itself – most comes from local authorities and from donations and legacies (CrossReach 2009). There is always the danger that if the Churches become too heavily reliant on public funding and get too close to government they will be swept up into the ‘contract culture’ of providing services – and that that, in turn, will erode their ability to give voice to any criticism of government policy.

There is always a tension between Christian engagement with others in work for the common good and the Christian calling to hold up the mirror of God’s demands to the powerful in critical solidarity. At a time when the government’s austerity measures are sure to have an impact on the most hard-pressed communities and on vulnerable people, it is vital that the church should not be co-opted into such close partnerships with government that its ability to speak truth to power is compromised (Brown 2010: para 73).

#### *A case-study in clashing rights: Catholic Care*

A further and more fundamental problem is this: what happens when a faith-group finds itself having to make a choice between retaining a public-sector contract and acting in accordance with its theological principles?

The Equality Act (Sexual Orientation) Regulations 2007<sup>6</sup> obliged publicly-funded adoption agencies not to discriminate on grounds of sexual orientation; and in January 2007 the then Government decided that there could be no exemptions for faith-based adoption agencies. At the time, every voluntary adoption agency in England got a fee from the local authority for each suitable adoptive family that it found. Faith-based agencies were given a period of grace to meet the sexual orientation obligation; but Catholic Care, an agency based in Leeds, attempted to circumvent the 2007 Regulations altogether by asking the Charity Commission if it could change its charitable objects to state that it ‘... shall only provide adoption services to heterosexuals and such services to heterosexuals will only be provided in accordance with the tenets of the Church’. The Commission refused consent and, since then, there has been a convoluted string of appeals to various tribunals and to the High Court. The latest judgment was handed down in April 2011<sup>7</sup> and Catholic Care was unsuccessful – but it is to appeal yet again to the Upper Tribunal (Charity) (Wiggins 2011).

During his address to both Houses of Parliament in September 2010 (Ratzinger 2010) Pope Benedict XVI said this:

I am convinced that... there are many areas in which the Church and the public authorities can work together for the good of citizens.... For such cooperation to be possible, religious bodies – including institutions linked to the Catholic Church – need to be free to act in accordance with their own principles and specific convictions based upon the faith and the official teaching of the Church. In this way, such basic rights as religious freedom, freedom of conscience and freedom of association are guaranteed.

In that passage – which sounded remarkably like a veiled reference to Catholic Care – the Pope was, in effect, calling attention to the problem of clashing rights: whether, for example, it is possible to reconcile the right of Lillian Ladele<sup>8</sup> or Gary McFarlane<sup>9</sup> under Article 9 ECHR to maintain their

<sup>6</sup> Since subsumed into the Equality Act 2010.

<sup>7</sup> *Catholic Care (Diocese of Leeds) v Charity Commission for England and Wales* [2011] FTT (Charity) CA/2010/0007.

<sup>8</sup> *Ladele v London Borough of Islington* [2009] EWCA Civ 1357.

<sup>9</sup> *McFarlane v Relate Avon Ltd* [2010] EWCA Civ B1.

religious objection to helping validate or support same-sex relationships with the obligation on their employers not to discriminate on grounds of sexual orientation – and, ultimately, with the Article 8 and Article 14 rights of potential consumers of their employers' services?

### *The Equality and Human Rights Commission and Article 9*

The problem of clashing rights has recently been exercising minds in the Equality and Human Rights Commission. In a rather unexpected intervention, the Chairman, Trevor Phillips, appeared to be suggesting that the balance had shifted too far away from protection of Article 9 rights:

Being an Anglican, being a Muslim or being a Methodist or being a Jew is just as much part of your identity and you should not be penalised or treated in a discriminatory way because of that. That's part of the settlement of a liberal democracy. Our business is defending the believer. The law we're here to implement recognises that religious identity is an essential part of this society. It's an essential element of being a fulfilled human being. My real worry is that there are people who may well feel they're being treated unfairly because of their faith and who actually in fact may be being treated unfairly because of their faith but for some reason feel they can't get our support in getting justice (Wynne-Jones 2011).

Phillips's remarks drew a withering response from the Chief Executive of the British Humanist Association, Andrew Copson, who pointed out that Article 9 ECHR protects 'freedom of *thought, conscience* and religion' – which includes the freedom to be an atheist or a humanist as much as the freedom to be religious – though, in fairness it should be said that 'defending the believer' might be taken to include the defence of those who believe that anything involving the 'supernatural' in any shape or form is meretricious nonsense.

Perhaps as an earnest of its desire to be seen to be 'defending the believer', the Commission announced that it was seeking leave to intervene in a pair of conjoined appeals to the European Court of Human Rights: *Lillian Ladele and Gary McFarlane v United Kingdom*<sup>10</sup> and *Nadia Eweida and Shirley Chaplin v United Kingdom*.<sup>11</sup> In a press release, the Commission said that, if given leave, it would

... argue that the way existing human rights and equality law has been interpreted by judges is insufficient to protect freedom of religion or belief ..; that the courts have set the bar too high for someone to prove that they have been discriminated against because of their religion or belief; and that it is possible to accommodate expression of religion alongside the rights of people who are not religious and the needs of businesses (Equality and Human Rights Commission 2011a).

In the process it also corrected its Chairman's previous howler, conceding that '[t]he law protects people who do not have a religious belief, such as atheists or humanists, as well as people who have a religious belief' (Equality and Human Rights Commission 2011a).

On being given leave, the Commission then issued a very hurried consultation – in which it was evident that it had changed its collective mind on 'reasonable accommodation'. It now proposes to argue in *Eweida and Chaplin* that the domestic courts may have given insufficient weight to Article 9(2), but in *Ladele and McFarlane* that the domestic judgments were correct; and the consultation seeks views on whether or not the courts applied the law correctly in those cases. Though the Commission has retreated from raising at Strasbourg the idea of extending the concept of 'reasonable accommodation' beyond disability, the consultation nevertheless asks whether or not '... some concept akin to reasonable accommodation should be incorporated into the approach to human rights in the UK?' (Equality and Human Rights Commission 2011b). To what purpose the answers might be put is not entirely clear.

---

<sup>10</sup> [2011] ECtHR (Nos. 51671/10 & 36516/10) (12 April 2011).

<sup>11</sup> [2011] ECtHR (Nos. 48420/10 & 59842/10) (12 April 2011).

## So what might the Government do?

If the Government wishes to encourage faith-communities to take a larger share of the burden of looking after the poor, the sick and the marginalised, there are various issues which could helpfully be addressed.

The first is for central government to recognise – and to make it clear to grant-giving and to contract-awarding bodies – that faith-communities have a legitimate and worthwhile part to play in society generally *as faith-communities*. The present Government seems to have made some progress in that direction: in a speech to the Cinnamon Network – a group of some 40 CEOs of faith-based charities – the Secretary of State for Communities and Local Government, Eric Pickles, argued that official suspicion of ‘religion’ was misplaced and that faith-groups could make a serious difference to life in their communities, as witnessed by a grant of £5m to the Church Urban Fund for its ‘Near Neighbours’ programme (Pickles 2011).<sup>12</sup>

The second is a severely technical issue. Because most of the services that they provide are either exempt from VAT or outside the scope of the VAT system altogether, charities (among which, obviously, are faith-groups) are unable to recover the VAT that they pay on expenditure in support of their charitable aims. In effect, they are being treated as the ‘final consumer’ even when they are not. The sector estimates that the current burden of irrecoverable VAT is of the order of £1 billion a year (Charity Tax Group 2011: 110) – a major tax liability that is not suffered by commercial organisations or local authorities. A system of matching grants along the lines of the Listed Places of Worship Grant Scheme (which continues in existence, albeit in a more restricted form than previously) would be compliant with EU law; but given the present economic constraints, no-one in the charity sector expects a solution to the problem in the foreseeable future.

The third is a more general complaint. Charities – particularly small charities, many of which are faith-based – are heavily dependent on good technical and professional advice on charity law and, traditionally, one of the principal sources of authoritative advice has been the regulators. As a result of the Comprehensive Spending Review, the Charity Commission’s budget has been reduced from £29.3m in 2010/11 to £26.5m in 2011/12, £25.7m in 2012/13, £22m in 2013/14 and £21.3m in 2014/15 (Ainsworth 2010). The inevitable result is redundancies; and one of the areas in which the Commission is looking for savings is the provision of advice. Paying specialist charity lawyers for the advice that charities currently receive *gratis* from the Charity Commission or from the Office of the Scottish Charity Regulator will be yet another drain on resources. The biggest charities and at least some of the major Churches have their own legal departments and will be able to move the work in-house: for the smaller ones, however, the change has the potential to be a very serious problem.

## Conclusion

We end as we began: the Churches have given support for the idea of The Big Society (indeed, they would almost certainly claim that they thought of it first) but that support is certainly not unqualified. Nor could it be otherwise because, although they are called to serve society, faith-communities are *not* there merely to provide alternative health and social care services. Their fundamental purpose is religious: and religious imperatives may sometimes compel them to be severely critical of prevailing social norms.

6 September 2011

---

<sup>12</sup> The detail of ‘Near Neighbours’ is annexed to GS1804: its overall aim, is to ‘... enable “Mr and Mrs Smith, Mr and Mrs Patel and Mr and Mrs Hussain”, living in the same local neighbourhood, to relate more positively to each other and to release energies for the benefit of the wider local community’ (Brown 2010: para 62).

## References

Ainsworth, D. (2010), 'Charity Commission budget will fall by more than a quarter over four years' *Third Sector Online* (published 20 October 2010) <<http://thirdsector.co.uk/news/Article/1036180/charity-commission-budget-will-fall-quarter-four-years/>>, accessed 22 August 2011.

Brown, M. (2010), *"The Big Society" and the Church of England*, General Synod Paper GS1804 (London: Church of England).

Charity Tax Group (2011), *Charity Tax Map* (London: Charity Tax Group & Nuffield Foundation).

Church of England (2011), *The Big Society* (published online 28 February 2011) <<http://www.churchofengland.org/our-views/home-and-community-affairs/home-affairs-policy/work-and-the-economy/the-big-society.aspx>>, accessed 21 August 2011.

CrossReach (2009), *What We Do* (published online 25 June 2009) <<http://www.crossreach.org.uk/what-we-do>>, accessed 21 August 2011.

Diocese of Westminster (2011), *Archbishop Nichols warns that The Big Society should not be used as 'a cloak for spending cuts'* (published online 18 April 2011) <[http://www.rcdow.org.uk/archbishop/default.asp?library\\_ref=35&content\\_ref=3318](http://www.rcdow.org.uk/archbishop/default.asp?library_ref=35&content_ref=3318)>, accessed 21 August 2011.

Equality and Human Rights Commission (2011a), *Commission proposes 'reasonable accommodation' for religion or belief is needed* (published online 11 July 2011) <<http://www.equalityhumanrights.com/news/2011/july/commission-proposes-reasonable-accommodation-for-religion-or-belief-is-needed/>>, accessed 21 August 2011.

— (2011b), *Legal intervention on religion or belief rights: seeking your views* (published online 10 August 2011) <<http://www.equalityhumanrights.com/legal-and-policy/human-rights-legal-powers/legal-intervention-on-religion-or-belief-rights-seeking-your-views/>>, accessed 21 August 2011.

Lampard, R (2011), *What is the "Big Society" and how could Churches respond?* (published online 17 May 2011) <<http://www.methodistconference.org.uk/media/41196/10-the-big-society-0511.pdf>>, accessed 5 September 2011.

Mains, S. (2011), *Convicted London rioters should lose all benefits* (modified online 21 August 2011) <<http://epetitions.direct.gov.uk/petitions/7337>>, accessed 21 August 2011.

Montini, G. (Pope Paul VI) (1966), *Gaudium et Spes: Actae Apostolicae Sedis* 58: 1025-1115.

Pickles, E. J. (2011), *Faith and Social Action* (published online 16 June 2011) <<http://www.communities.gov.uk/speeches/newsroom/1924647>>, accessed 22 August 2011.

Ratzinger, J. A. (Pope Benedict XVI) (2010), *Speech to both Houses of Parliament* (published online 18 September 2010) <<http://www.thepapalvisit.org.uk/Replay-the-Visit/Speeches/Speeches-17-September/Pope-Benedict-s-address-to-Politicians-Diplomats-Academics-and-Business-Leaders>>, accessed 10 August 2011.

Wiggins, K. (2011), 'Catholic Care given leave to appeal again' *Third Sector Online* (published 2 August 2011) <<http://www.thirdsector.co.uk/news/rss/article/1083122/Catholic-Care-given-leave-appeal-again/>>, accessed 10 August 2011.

Williams, R. D. (2011), 'The Government needs to know how afraid people are' *New Statesman* 9 June 2011.

Wynne-Jones, J. (2011) 'Trevor Phillips wades into debate on religion in modern society' *The Telegraph* (published online 19 June 2011) <<http://www.telegraph.co.uk/news/religion/8583922/Trevor-Phillips-wades-into-debate-on-religion-in-modern-society.html>> accessed 21 August 2011.