



REFLECTIONS ON 9/11: THE 'TERROR DECADE' AND ITS IMPLICATIONS FOR EQUALITIES

A BRAP BRIEFING PAPER

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brap is publishing this paper as a contribution to debate and reflection on the tenth anniversary of the 11th September 2001 attacks on the World Trade Centre.

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About brap

brap is a think fair tank, inspiring and leading change to make public, private and voluntary sector organisations fit for the needs of a more diverse society. brap offers tailored, progressive and common sense approaches to equalities training, consultancy and community engagement issues.

Our central interest is in equality that works for *everyone* – that makes society a fairer place – rather than equality that works only for ‘protected groups’. This has been a direction of travel in equalities that we have actively supported and promoted in our work for some years now.

CONTEXT

It seems impossible to believe that ten years has passed since that bright autumn morning when the twin towers of the World Trade Centre disappeared from the Manhattan skyline before the watching eyes of the world, ushering in a decade of what Jason Burke has called '9/11 wars'.

The decade since the 11th September 2001 attacks has been dominated by Islamist terrorism and radicalisation. It continues to exert a gravitational pull from which it seems almost impossible for policy-makers to escape. The impact of this on how we think about and practice equalities has been enormous.

In fact, in many respects, its impact is still not fully played out. This is hardly surprising given the complexity and sensitivity of issues we have to grapple with.

The rise of militant Islamism has served to reinforce the view that religious identity – and in particular Islam – is the most important (and in some minds *only*) consideration in improving community relations. Yet at the same time, new forces such as the English Defence League (EDL) have seized the opportunity offered by Islamism and white working class disaffection to forge a new far-right street politics. We are still witnessing different dimensions of the 'fall out' of attempts to reduce radicalisation.

While this has been happening, the wider equalities discourse has been overshadowed by domestic and international security concerns, the desire to combat Islamic radicalisation – as seen in the government's *Prevent* strategy, which seeks to prevent radicalisation in sectors and institutions which may be at risk, and which following a recent review has been refocused as part of the UK's wider counter-terrorism strategy, *Contest* – and urgent efforts to rebuild community cohesion.

Such concerns – overwhelmingly relating to terrorism and security – have served to distort the wider equalities discourse. The emphasis on deradicalisation and cohesion as necessary steps in restoring safety and public confidence has – albeit unintentionally – served to increase fragmentation and suspicion in society. It has taken us further away from an understanding of how to live together and balance competing needs of vulnerable people in our society.

New directions in UK public policy...

In UK public policy we are beginning to see a retreat from the old 'identity-based' model of what constitutes a 'disadvantaged group'. The government's latest equality strategy, *Building a Fairer Britain*, makes this much clearer, setting out what it terms 'a new approach to equalities' that moves 'away from the identity politics of the past'.

This is in part a reaction to the proliferation of equalities legislation of recent years that has 'put people into a box' and not recognized their individuality.

...Old mantras?

But sadly, this retreat from identity politics has not produced the more nuanced debate about social equality that many of us hoped for. For example, speaking at the Munich Security Conference earlier this year the prime minister said that one of the reasons that young Muslim men were drawn to extremist ideology was because of our collective failure to assert a strong "collective identity" that would make it possible for everyone to identify with Britain and its clear, defined values. A "genuinely liberal country," he said, cannot stand neutral between different values: "it must believe in certain values – freedom of speech, freedom of worship, democracy, the rule of law, equal rights regardless of race, sex or sexuality – and actively promote them."

We agree. The problem here is not the desire to define shared values. The problem is in seeking to characterise these values as 'British'. We would argue that these are not British values *per se*, and we say this not just for semantic reasons, but because any attempt to establish shared values must also recognise the diverse, inter-connected, 'globalised' nature of the UK. We no longer have 'British opinion' to ourselves and Britain is not mono-cultural. Globalisation has brought us not just globalised capital and markets but also globalised opinion and we must contend with and accommodate a multitude of opinions which may be at variance with our own, or with those we consider most favourable for our purposes.

WHAT IS NEEDED?

There are, then, fundamental questions which need to be asked about why and how the state should intervene in equalities – with what purpose, to what ends, and in support of what outcomes.

While laws to prevent discrimination will be needed for as long as prejudice exists, simply preventing people from being mistreated is a very conservative aim. We believe a paradigm shift is needed if we are to move to more productive and positive approaches to ensuring social justice and human rights for all, and we believe this requires the wider, *practical* adoption of human rights principles and adoption of a British 'Bill of Rights'. Below, we explain why.

Human rights

We believe that the wider, practical adoption of human rights principles could help break this impasse and create a new climate for equality – but this will not be easy. The tabloid press hates human rights, seeing them as something which apply only to the crafty and undeserving. The media vitriol once reserved for refugees and asylum-seekers is now generously expended on human rights instead – and if it is at all possible to combine both asylum *and* human rights then for the press this is a red-letter day.

But it is the case that in many respects human rights principles have been ill-used to date. Their interpretation has been largely legalistic and in the minds of many apply in any case only in extreme circumstances. There is little public understanding of human rights, and certainly no conception of human rights as a set of popular entitlements and protections that *we all have simply by virtue of being human*.

This alternative view should be developed because there are some important ways in which human rights principles lend themselves much more readily to our present political, social and economic circumstances and have the potential to overcome these obstacles:

- Human rights differ from what we have come to accept as equalities legislation in that they seek to uphold *positive* entitlements – the rights and freedoms we all need – rather than being negative prohibitions largely designed to effect legal redress after the fact.
- Human rights consider the rights of all and not just the rights of protected groups or 'minorities'; human rights extend to all, irrespective of whether they 'belong' to a protected group and in this sense are 'universal'. While protections for excluded and disadvantaged groups may continue to be necessary, a body of law that relies solely on the concept of protected groups will continue to appear exclusionary to some – a

point that the EDL has made much of in capitalising on white working class disaffection.

- Human rights are also founded on principles of fairness, proportionality, and reasonableness and in this respect they offer a basis for negotiation. They enable a balanced consideration of how to judge whose rights should be protected in difficult situations where people's rights may 'conflict'. But perhaps more importantly, they also offer a core of principles around which universal freedoms and entitlements can be 'benchmarked' and as such offer the basis for establishing *shared* values and a consensus regarding fairness.

Human rights principles, then, could offer a platform which would enable a genuine reshaping not just of the relationship between the state and its citizens, but also of our relationships with *each other* as citizens.

Human rights could also offer 'neutral' benchmarks on specific issues of fairness or acceptable conduct – for example, forced marriages.

We think that using human rights principles to inform the implementation of equality legislation need not be problematic. Equality and human rights are not mutually exclusive and both are needed and reinforce each other. Yet if this is to have a fighting chance of working well, more people need to know what a *practical* implementation of human rights-based approaches to equality actually look like. In recent years brap has generated a number of examples in housing and health in particular (see www.brap.org.uk). Also, a shift in public attitudes to human rights is required – helping people to recognise that human rights are about *all of us*, not just the sensationalised (and almost invariably hostile) stories we sometimes read about in newspapers. A Bill of Rights has the potential to help with this.

A British 'Bill of Rights'

A key obstacle to a more popular implementation of human rights as the basis for social justice and fairness is some politicians' innate hostility to what they see as European interference and to European law achieving the 'wrong outcomes', 'promoting the rights of bad people, over the rights of good people' – a sentiment widely promoted in the tabloid press.

In fact, a British Bill of Rights could provide a way forward that might overcome such negative interpretations, particularly if it was developed by the people for the people in Britain. It will be important to ensure that the process for developing a Bill of Rights is highly democratic and participative. It will also be crucial to develop the Bill of Rights based on a core idea that human rights are balanced, negotiated, considered and in some cases qualified in relation to the rights of others.

Such an approach is integral to developing a clearer narrative regarding the values that shape our society and that people should sign up to if they want to live here. A 'Bill of Rights' approach which recognises universal rights, freedoms and responsibilities could also help us all to understand that the social values we seek to live by are not necessarily solely Christian or Western cultural values but values which recognise and reflect the plurality and diversity of society.

A 'Bill of Rights' would offer a framework within which competing values can be negotiated and within which benchmarks of acceptable practice can also be set. We all need to understand why some practices (religious, cultural, or otherwise) are unacceptable or anti-social (in the broadest sense). Existing equalities law doesn't capture this. Indeed, in some respects, existing equalities law, by elevating the claims of certain protected groups above those of others, has promoted a view that 'my rights' trump yours. This has been particularly the case where religious freedoms are involved – and it is significant that in those instances something very close to a human rights-based approach has been used to help to resolve situations where the rights of one group or individual conflict with those of another.

But for this to work it would also be necessary for some to relinquish the only lever that society has chosen to offer them as a means for accessing resources, or influence, or extra services – their status as a member of a protected group. The difficulties inherent in this should not be under-estimated – but given our current economic circumstances and the pressures that public spending cuts are exerting on communities, a framework that enables a neutral negotiation of competing claims for social protection becomes ever more necessary.

CONCLUSIONS

In the post-9/11 landscape, we are at a crossroads in how we think about, formulate and enact equalities. Religion and in particular the fear of Islamic fundamentalism and radicalization dominates that landscape but does so at the expense of a wider and more nuanced debate about how we live together and the values we live by.

There has been a partial retreat from 'identity-based' approaches to equality but each attempted new development tends to see policy-makers building new approaches from the rubble of the old. A genuinely new approach that enables us to negotiate and balance individual rights, freedoms and responsibilities is required, and is also a prerequisite for determining any set of shared, universal values which we expect all citizens to abide by and uphold.

But there is also a tendency to confuse equalities legislation with *how* we achieve a more equal society and this is fundamentally mistaken. Equalities legislation is a means of addressing prejudice and discrimination – necessary, but not the same thing as delivering a more just and fairer society.

So while we will continue to need equalities legislation for as long as prejudice and discrimination towards particular groups and individuals exists, we also need a more public debate about the kind of society we want our politicians and law-makers to help build. We need to know what a fair society should look like and where and how we expect the state to intervene to help ensure this.

The events of the past decade require us to make a radical reappraisal of how best equalities should be practiced, and in pursuit of what outcomes. We continue to rely on ethnic and cultural identity as the primary keys to understanding diverse societies at our peril. A human rights-based approach may help to incorporate complex and sometimes conflicting freedoms into our society while also accommodating, balancing and negotiating other rights and entitlements.

Recognising this complex, multi-layered, super-diverse Britain – with its complexities, its contradictions, its 'messiness', its aspirations and its failures – is critical. Agreeing what constitutes a fair society is central to this. But this conception of fairness must be informed by everyone that makes up British society. In the kind of 'post-bureaucratic', 'post-public services' world planned by the coalition government it is more important than ever that *all* of our citizens can and do play an active part in shaping the values we wish society to be informed by. Precisely this – but on a different scale and for much higher stakes – is what we are currently watching being played out across the Arab world.

brap

making equality work for **everyone**

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