

Lesson Plan – Exploring Secularism

KS4 Lesson 5 – Should we have one law for all

Background	<p>Pupils are introduced with information about two types of legal systems - one-law-for all systems and legal pluralism systems. After this, pupils should read different viewpoints that fall on a spectrum between these two positions.</p> <p>First part of the exercise is discussion based and can be done in pairs or groups. After this, students read the three fictional scenarios and vote on which type of “country” (scenario) is the best to live in, followed by questions to discuss.</p> <p>In the end students should read secularists position on different viewpoints.</p>
Subjects	<p>Religious Education at KS4 Citizenship at KS4</p>
Curriculum links	<p>AQA RS GCSE Specification</p> <p>Theme A: Families and gender equality</p> <ul style="list-style-type: none">• <i>Gender equality.</i>• <i>Gender prejudice and discrimination, including examples.</i> <p>Theme F: Religion, human rights and social justice</p> <ul style="list-style-type: none">• <i>Status of women in religion.</i>• <i>Freedom of religious expression.</i>• <i>Prejudice and discrimination in religion and belief, including the status and treatment within religion of women and homosexuals.</i>• <i>Issues of equality, freedom of religion and belief including freedom of religious expression.</i>• <i>Social justice.</i> <p>AQA GCSE Citizenship: What are a citizen's rights and responsibilities within the legal system?</p> <ul style="list-style-type: none">• <i>The operation of the justice system - tribunals and other means of dispute resolution.</i>• <i>How do citizens play a part to bring about change in the legal system?</i>• <i>The roles played by pressure and interest groups, trade unions, charities and voluntary groups, public</i>

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	<p><i>institutions and public services in providing a voice and support for different groups in society campaigning to bring about a legal change or to fight an injustice.</i></p>
Key Question	Should we have 'one law for all'?
Learning Outcomes	<p>Expected: Students can explain what does one-law-for-all mean.</p> <p>Students can explain different views on alternative legal provision.</p> <p>Greater Depth: Students can evaluate to what extent should alternative legal provision be accommodated or restricted.</p>
Stimulus	<p>P1. Comparison of secular legal system with "one law for all" versus legal system that accommodates or allows different legal systems.</p> <p>What does it mean to have "one law for all"? There are different legal systems that exist in the world. Some countries have one secular system of a law that applies to all citizens universally and there are no alternative provisions to choose from when resolving disputes. People from various cultural or religious background all share the same citizenship rights and follow the same laws that apply to everyone equally. This secular law is based on the enlightenment ideas of human rights, civil and political rights, and freedoms and equality before the law.</p> <p>Some countries have endorsed legal pluralism that aims to accommodate different cultural or religious systems to co-exist. This means that in some instances there is one set of laws for one group of people and another set of laws for the other in the same country. People can choose based on their religion or culture which set of laws they want to abide by. In</p>

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practice, this is usually limited to a set of personal laws like marriage, inheritance or divorce. Criminal law is still only one and there are no alternative laws for different groups.

A lot of countries have one law for all but do accommodate alternative provisions in the form of arbitration tribunals (arbitration - a form of alternative dispute resolution, is a way to resolve disputes outside the judiciary courts) that often have religious character. This allows people from different religious or cultural backgrounds to settle their personal disputes on voluntary basis like marriage, divorce, inheritance or child custody using a set of laws different from the secular one that is based on the ideas of equality and non-discrimination.

Part 2. Viewpoints

1. There should be one legal system and no one should be able to use alternatives.

There should be one secular legal system based on the ideas of political and civil rights (idea of citizenship and equality before the law) and on the ideas of human rights. This system is based on enlightenment ideas and values of progress and equality of all and is the most fair and just system. Everyone is equal and everyone is treated the same. Alternative systems are inferior to this one and are based on religious or cultural beliefs that are outdated and usually have elements of inequality, especially gender inequality. If they were promoting same amount of equality and fairness they would not exist as a separate system but would be subsumed under the one secular legal system.

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2. There should be one law for all, alternative arbitration and dispute mechanisms can exist on voluntary basis, but we need to be very careful they don't undermine the system.

There should be one secular legal system governed by political and civil rights but when it comes to personal law, we should allow people to have alternative provision in deciding on their disputes if it is on voluntary basis. This means that two people who share the same religion or culture and have certain idea of how to split inheritance money in a family or how to conduct a divorce, they should be able to do it as consenting adults. But this needs to be limited if decisions by such tribunals would infringe on the equality law and equal treatment. For example, if an arbitrator in such a tribunal decides that a daughter should not inherit any of the family money or receive less than what the secular law prescribed (equal to their siblings), this should not be allowed. In such a case the daughter should be allowed to appeal to legal courts if she feels she has been misled or treated unfairly.

3. Religious legal dispute mechanisms should have some role in the state legal system

We should have legal pluralism that would accommodate to different religious and cultural needs when it comes to their own personal disputes. These tribunals decisions should be legally binding without ability to appeal to formal courts. If two consenting adults agree that they should be judged by a tribunal they have chosen based on their religion or culture, then this is the best option in the light of freedom of religion and belief. If a couple had a religious marriage ceremony and the husband who earns the money for the family wants to have a divorce without paying maintenance to the divorced wife (and this is a custom), then this should be legally binding (in UK law a spouse that had more income needs to pay maintenance to the divorced partner).

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	<p>4. Religious legal disputes and courts should have full role in system</p> <p>The state should completely incorporate religious courts to be part of its legal system. This means that a person who belongs to certain organised worldview should automatically be mediated by the tribunal with their religious or cultural ethos. If a Roman Catholic, Muslim or Humanist come into dispute with someone in regards to personal law like marriage, divorce, inheritance or child custody they should be automatically judged by their religious courts and those decisions should be legally binding.</p>
Exercise	<p>Part 1. Discuss in pairs</p> <ol style="list-style-type: none"><i>1. Which out of four possible system do you think is the fairest and just for everyone? Why?</i><i>2. Which one would be the worst? Why?</i><i>3. Which one do you think we currently have in the UK?</i><i>4. Is it better to have one law for all or more pluralist approach to setting disputes? Why?</i><i>5. What are potential benefits of one law for all and what are the potential downsides?</i><i>6. What are the potential benefits for legal pluralism and what is the potential downside to it?</i> <p>Part 2. Vote on scenarios</p>

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Scenario 1.

In Narnialand there is one law for all based on ideas derived from their holy book "The way of the Lion". It is also legally pluralistic and the state allows that the disputes in personal law are decided by tribunals for those that consent to their arbitration. One of the teachings of their religion is that wives can initiate a divorce but the husbands are not allowed to. Also, upon the divorce, children automatically go to the wife as it is natural for children to be with their mothers. There are also tribunals that are governed by different ideas where two consenting adults can go and their decisions are legally binding (legally binding means parties must obey the terms written in the contract). For example, "Happy human council" code says that both the wife and the husband can initiate a divorce and the custody of the children is based on who can better provide for them or what is in the best interest of the children.

Scenario 2.

In a country "Humanland" there is one secular law for all. It is based on human rights, civil and political rights and committed to non-discrimination and equality before the law. This means that in personal law when it comes to divorce, both partners can initiate it. When it comes to inheritance, all of the siblings receive the equal amount. When it comes to marriage both have the same rights and responsibilities and the child custody upon divorce is decided based on who can provide for the children the best or what is in the best interest of children. Informal tribunals whose decisions are legally binding do exist but they cannot make decisions based on laws that would be different to the secular law. They only exist because the legal court proceedings are overburdened and can take longer and they are just paying for the faster service.

Scenario 3.

In a country "United Monarchy" there is one secular law for all that is based on human rights, civil and political rights and committed to

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non-discrimination and equality before the law as well. It also allows for some legal pluralism in the form of informal tribunals for consenting adults that is legally binding. But it also allows for these tribunals to make legally binding decisions that would be against some of the civil rights and principles of non-discrimination that the secular law provides. Religious group called "The first born" believes that the first-born child upon the death of the parents receives the whole inheritance and other siblings receive none. If two consenting adults who are siblings decide they want to be mediated by a tribunal that follows their teachings and values, they are welcome to do it and the tribunal decisions are legally binding for them even though under general law they would receive equal amount.

Vote activity, decide what type of court would you want to go to in various situations.

- 1. Which country would you rather live in? Why?*
- 2. Which one is the most fair and just society? Why?*
- 3. If you were a male member of "The way of the Lion" which law would you rather be judged by?*
- 4. If you were a female member of "The way of the Lion" which law would you rather be judged by?*
- 5. In "Humanland", would you rather go to state courts or informal tribunals?*
- 6. What is potentially positive in "Humanland"? What is potentially negative?*
- 7. Does "Humanland" legal system unjustifiably restrict religious freedoms of some of their citizens who would want their disputes to be mediated under their religious or cultural values?*
- 8. Is "The first born" tribunal discriminatory and a threat to public justice?*
- 9. If you were a youngest sibling of "The first born", would you go to a state court or the tribunal that rules under values of your religion?*

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	<p>10. <i>What if you do not want to, but your family expects you to?</i></p> <p>11. <i>What if the first-born intimidates or threatens you that you must go?</i></p> <p>12. <i>In the "United Monarchy", what is more important - religious freedom of people who want to be mediated under their rules, or the idea of equality and non-discrimination?</i></p> <p>P3. Veil of ignorance</p> <p>Imagine that you do not know where you will be born and what background you are from. You do not know if you will be rich or poor, religious or non-religious or any other characteristic.</p> <p>1. <i>Decide on viewpoints - which out of 4 would be a best place for you to live in?</i></p> <p>2. <i>Decide on scenarios - which out of 3 would be a best place for you to live in?</i></p>
Take it Further	<p>Research the work of organisation that advocates better regulation and control of religious tribunals - https://onelawforall.org.uk/</p> <p>Research the work of National Secular Society on topics of human rights and the campaign to protect one law for all - https://www.secularism.org.uk/equality/</p> <p>Research the types of religious tribunals that exist at the moment in UK. Can you find some examples where people who agreed to go in those tribunals later regretted it?</p>
What do secularists think about one-law-for-all?	<p>Secularist argue that the most fair and just society is the one with a secular one-law-for-all based on human rights, civil and political rights and equality before the law. Reasonable accommodation would be given for informal tribunals that abide to principles of equality and non-discrimination. But, if such tribunals undermine the principles of equality and fairness, their decisions should not be legally binding or those that go through such tribunals should be</p>

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able to appeal in the courts.

At the moment in the UK, we are living in:

3. Religious legal dispute mechanisms should have some role in the state legal system

Multiple alternative tribunals exist that resolve disputes based on their religious or cultural laws. Their decisions are legally binding and there is no possibility of appeal in the legal courts to overturn decisions. The only way to appeal is if some injustice in the process has occurred. Decisions that advantage one party in the process (e.g., siblings receiving different amount of inheritance) is not considered injustice, even though it may be perceived from the outside position as discrimination.

Because of commitment to equality and non-discrimination, secularists argue that the best society is:

2. There should be one law for all, alternative arbitration and dispute mechanisms can exist on voluntary basis, but we need to be very careful they don't undermine system.

This means that two consenting adults can choose to go on such a tribunal but their decisions should not be legally binding or parties in the process should be able to appeal in the courts. This is because such tribunals are usually used as an alternative to bypass the equality legislation and are discriminatory towards the oppressed members of their communities who are often from the position of disadvantage coerced into going through those tribunals. This undermines the whole point of the equality legislation and is an example of religious privilege and religious exceptionalism that damages the vulnerable members of the community and constitutes a great public injustice.

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Link to KS3 Study	Theme 1. Core principles - How do secularists think about religion? Theme 4. Secularism, religion and society: key debates - Should Church and state be separate?
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