

Lost in translation? The place of faith-based charities in the public sphere

Angela Kitching

Our political leaders are keen to acknowledge and encourage the contribution that religious charities make to British society, but after recent changes in charity law, the religious inspiration and identity of such groups is in danger of being sidelined, argues Angela Kitching.

When Gordon Brown became Prime Minister, in the speech beginning his leadership campaign, he said:

I am optimistic about Britain too because in the life of our communities, churches and faith groups, responsible business, our voluntary sector and social enterprises, I see the driving power of social conscience at work – men and women who believe in something bigger than themselves. They show that there is no problem too big in Britain that cannot be sorted out by what's best in Britain. And I see the job of government not to walk away but to encourage, to support and to bring people together.

He seemed to indicate that a Brown premiership would value community contribution regardless of its inspiration – voluntary, business-centred, faith-based – and I am sure these are sentiments he would be proud to stand by today. However, the role of faith-based charities in public life is more complex than the picture that Brown draws. The state can appear far from open to the expression of religious motivation in the delivery of charitable aims. It is often the case that government and religiously inspired charities seem to speak of the same actions in two different languages.

What is the current position of faith-based charities in the UK? Charities with a religious foundation, I believe, find themselves trapped between two aspects of state policy: one focused on charity law and the other on faith and the part it plays in



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modern British culture. Charities find themselves in an increasingly difficult position as Government relies upon them to deliver more services. And I suggest that if faith-based charities continue to grow from and be inspired by their own faith traditions then it is imperative that politicians, the public and religious charities themselves understand and clearly articulate why faith and charitable action are inter-

related. I believe that the spiritual nature of charity should not be lost in translation.

Currently in the UK there are 168,609 charities – of which around 22,000 are religiously inspired – registered with the Charity Commission. An organisation may wish to become a charity because such status confers tax benefits and other forms of state-sanctioned support. However, in order to register as a charity, an organisation is subject to certain legal tests. Until recently, charities were governed by a law dating from 1601 called *The Charitable Uses Act*. As you can imagine, the purposes which were deemed to be charitable in 1601 and in 2007 are quite divergent. However, before 2006, this ancient law, with the help of more recent judgements based upon the principles of the 1601 Act, had successfully governed charitable activity in the UK.

One of the principles in the 1601 Act was that charities were undoubtedly acting 'in the public benefit', if they were public and religious: this

definition excluded enclosed monasteries from claiming that their religious worship was charitable, because it was not open to the general public¹. But with the exception of enclosed religious orders and the Church of Scientology², whose public activities were not deemed to include 'worship', religious organisations could claim to benefit the public and therefore could claim charitable status.

This position changed in 2006. A new charity law was passed by Parliament which changed the idea of 'public benefit' and removed the presumption that religion was in itself of benefit to the public. Now, in order to register as a charity, all of an organisation's activities had to fall within one of 12 definitions of 'charity' and prove that its activities were for the public benefit.

Many religious charities provide obvious, tangible benefits to the communities they serve. For example, charities like CAFOD help to build and resource overseas development projects; Manchester Jewish Community Care provides day care and domiciliary care to older people in Manchester. It is possible for these faith-based charities to demonstrate their 'public benefit' in wholly secular language. However, it is those charities which argue that public benefit is also created by the spiritual dimension of their work who now have to negotiate their legal position. What about charities whose activities were previously registered as 'the promotion of the Christian faith'? There are many charities currently registered in this way, and other faiths besides Christianity have them too. How will these charities demonstrate to their regulatory body, The Charity Commission, that they are creating tangible benefits for the general public?

Public opinion is divided on the subject of whether creating benefits for your own group of believers can be called 'public benefit'. In a recent citizens' jury held by Opinion Leader Research on behalf of the Charity Commission, participants expressed the view that, in order to demonstrate public benefit, charities should 'reach out to the wider community, without proselytizing to them' and that religious charities should be able to demonstrate that the general public benefit, beyond a specific group of believers³. It is possible under the new

understanding of what constitutes public benefit that charities might have to show that they benefit a much wider group of people than their own believers. The new law may create a shift in the way faith-based charities describe their work – charities could have to become instrumental in their self-assessments, proving impact and outcomes rather than aiming at a less defined spiritual 'good'.

One justifiable concern about this change in the law would be: How will faith-based charities express their nature in their own governing documents? Do we want faith-based charities to deny their inspiration in their governing documents for the sake of demonstrating practical outcomes? Faith-based charities of all religious backgrounds should be bringing their concerns into the public sphere so that the spiritual nature of their work, which cannot be accounted for in instrumental outcomes, is debated and valued.

In the introduction, I suggested that religious charities are trapped between two areas of public policy: the policies which make up charity law and the policies which respond to the place of faith in society. I'll now turn to the second area of policy: faith in society.

Many sections of government have stated policies relating to faith-based charities and faith groups: the Home Office, the Communities and Local Government Department, the Equality Office and several other departments and Commissions have all published documents relating to the position of faith in relation to their area of policy. So, when I considered how the Government viewed faith-based charitable activity, it seemed important to look at what the government was saying and try to establish themes in the language it used, rather than to track a particular department's policies. What I found from the body of written reports, speeches and statements I considered, was that the British Government has three distinct ways of thinking about faith-based charitable groups. The Government thinks:

(i) that faith-based charities promote cohesion and integration;

- (ii) that faith-based charities ‘add value’ to the communities they work in because they have a code of beliefs to draw upon, and;
- (iii) that faith-based charities are valuable community resources.

Firstly, it seems from published documents that British politicians believe faith-based charities are particularly, perhaps uniquely, well placed to play a positive role in creating community cohesion and integration through promotion of faith values. A variation on this view is that faith-based charitable agencies have a duty to promote cohesion and integration and that the state will withdraw funding or other forms of support from those charities which do not acknowledge and act upon this duty. Tony Blair said in a speech in December 2006, ‘In the future, we will assess [funding] bids from groups of any ethnicity or any religious denomination, also against a test, where appropriate, of promoting community cohesion and integration.’ This view suggests that the promotion of integration and cohesion by faith groups is a duty and that the notion of cohesion which must be promoted will be defined and assessed by the state. The idea of ‘community cohesion and integration’ which ministers refer to often includes the development by faith groups of interfaith programmes. It would seem that, acting alone, a Christian charity may not receive the Government’s support, whereas acting alongside, for example, a Hindu group, the Christian charity concerned would receive much more Government help.

The second way the British Government talks about faith groups is by suggesting that faith-based charities ‘add value’ to the communities they work in because they have a code of beliefs to draw upon. The idea that a faith-based charity adds value to its work by virtue of its religious origins has one central theme with two possible outcomes. The theme which is repeated in government documents is that of the distinctive contribution or particular expertise of faith-based charities: what you might call, ‘The Heineken effect’. You may remember the advertisements for Heineken which claimed this beer could ‘refresh the parts other beers cannot reach’. The British government seems to think that

faith-based charities reach places that other charities cannot, and they do this because of their faith foundations. It must be said that the state seems to express two views on this subject: firstly that faith can divide people and secondly that faith can reach out to excluded people and draw them into society. Sometimes both views are found in the same document. But – uniting communities or dividing them – it would seem that faith-based charities are deemed to offer something unique in the field of social justice.

When the state, however, talks about the ‘added value’ that faith-based charities bring to their work the references are mostly vague. This may be because the state does not want to cause offence by suggesting that a facet of one religion or another is particularly valuable. It could be that the state does not have the language or expertise to express philosophical concepts. Or, it may be that the idea of added value is heuristic, pointing towards the idea of the distinctive outcomes delivered by faith-based charities without clearly laying out what faith has added to this process.

For example, the Cabinet Office released a report on ‘hard to reach’ socially excluded people in difficult neighbourhoods in which it said:

Faith communities can bring values, commitment, neighbourliness and a rich religious and cultural heritage to the unpopular areas which no amount of security and management systems can compete with.⁴

This type of ‘added value’ statement shows that the state perceives faith-based charities to have a particular identity. But can faith-based charities claim to offer distinctive social solutions over and above those offered by other charitable organisations? Should they claim that their distinctive selling-point is the Heineken effect of belief in God, reaching parts that other charities – with their secular philosophies – cannot reach?

The final evidence I collected of Government’s opinions of faith-based charities suggests that the Government thinks faith groups are valuable

community resources. There are two aspects to the “community resource” view of faith-based charities. The first is that faith-based charities have material resources which their communities and the state can draw upon. The second aspect is that faith-based charities carry out a lot of social action within their communities, that this is a growing feature of the work of faith groups and their associated charities and that this in some way buys faith groups legitimate entry into wider society.

Buildings, networks, voluntary activity and leadership are identified by the state as the tangible resources at the command of faith communities. However, less material examples of faith groups’ resources also feature significantly in state documents. For example the Home Office Faith Steering Group says:

Faith community organizations are gateways to access the tremendous reserves of energy and commitment of their members, which can be of great importance to the development of civil society.⁵

This capacity is always seen as a positive feature of faith groups within communities and seems to justify the state’s engagement with faith groups on some level. The idea seems to be that since faith groups have a tangible presence and independent capacity at a local level, the state should be engaging with faith groups if it wants to serve communities.

Those within the state who consider the role of faith groups as a community resource then often draw an interesting conclusion. It is suggested that as a result of their social action within communities, faith groups have somehow gained legitimacy when it comes to considering community development. One government committee, formed to draw up a code of best practice in community engagement said:

Everyone involved in this code believes that faith groups need to be recognised as community groups because the many faiths form an important part of society. Reaching and working with them is part of equal opportunities and an

excellent element of working towards social inclusion. Faith groups often reflect ethnic diversity. While practising their faith, including worship, is a central activity for most faith-based groups, many are also involved in running community services, promoting community development and representing community interests.⁶

This passage expresses a desire by the state to work with faith groups because they should form part of equal opportunities outreach work; they allow the state to reach a more ethnically diverse section of the population; and crucially, they are involved in running community services. This conclusion suggests that in order for faith-based charities or faith groups to be viewed as community resources and important partners for the state to engage with, they must emphasise their social action work.

If one considers these themes alongside the changes to charity law one can see a tension emerging. Because of the changes to charity law, faith-based charities have to be clearer about demonstrating the parts of their work that benefit the whole of society. At the same time, the Government recognises those benefits but thinks that there is something different that faith-based charities offer. There is a third element adding further pressure to this situation: commissioning.

As the role of the charitable sector develops, all charities are entering into a more direct relationship with the state as a result of the state commissioning them to carry out services on its behalf or funding their activities directly if they meet state-defined social outcomes (such as promoting cohesion and integration). As a result of this close relationship with government driven by the delivery of social services, faith-based charities must be able to describe their activities in a way that matches the state’s understanding of their capabilities. The language faith-based charities use to describe themselves is important if they are to successfully negotiate this relationship with the state. The state must understand clearly what it will gain from a closer involvement with a faith-based charity, as opposed to other charities, bidding for the same pot

of money. Religious charities are going to have to become very good at describing their religious inspiration in a way that the Government can understand.

To adapt to this new situation, religious charities may feel under pressure to play down their religious language and describe their activities in a purely instrumental fashion. But I think this would be a mistake. Rather than underplaying the faith element of religiously inspired charity work, they need to find a new language to describe it.

The British state, it must be said, gives little indication that it has the capacity to understand or reflect theological language. This inarticulate response to faith-based charities should worry politicians; it indicates that politics does not have the language to acknowledge the spiritual goods which religions provide. If the state develops a vocabulary to respond to religious-inspired conflict such as terrorist actions which claim a faith base, but it cannot speak clearly of religious-inspired goods, then it will be in a weak position, unable to speak about religion's place in society in a balanced way.

There are some positive signs that the state is capable of nuance in its description of faith-based charities but it is up to faith groups and faith-based charities to enter the public sphere and challenge the state's current description of their activities. Faith-based charities should suggest new ways of demonstrating the public benefit derived from their religious foundations.

I believe it is important that faith-based charities from all religious backgrounds respond clearly and

publicly to the challenge of describing their work in theological terms. Faith groups do have something distinctive to offer and so they must shape the future of their relationship with the state from an understanding of the unique offering their religious tradition brings to charitable work. If faith-based charities and the religious groups they stem from are unable to provide politicians with appropriate language to describe their charitable work then charitable actions motivated by faith will increasingly be described only in secular and instrumental terms, and the spiritual nature of faith-based charities will be lost in translation.

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¹ Judgements in 1949 and 1960 excluded exclusively contemplative prayer and private prayer from the legal definition of 'public benefit'.

² The Charity Commission, 17th November 1999, *Application for Registration as a Charity by the Church of Scientology of England and Wales*, <http://www.charity-commission.gov.uk/Library/registration/pdfs/cosfulldoc.pdf>

³ Opinion Leader Research, February 2007, <http://www.charity-commission.gov.uk/library/enhancingcharities/pdfs/pbreport.pdf>

⁴ Social Exclusion Unit, Policy Action Team 7, October 1999, *Unpopular Housing*, http://www.communities.gov.uk/pub/875/UnpopularhousingreportofPolicyActionTeam7_id1507875.pdf, para. 4.47.

⁵ Home Office Faith Steering Group, February 2004, p.7.

⁶ Compact, July 2003, *Community Groups Code*, <http://www.thecompact.org.uk/information/100023/100219/publications/> Accessed: 5th May 2007, Appendix 2 para 2.