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ORTHODOX FRATERNITIES AND CONTINGENT EQUALITIES: MUSLIMS AND JEWS
BETWEEN PUBLIC (HEALTH) POLICY DISCOURSE AND EXPERIENCE

This paper critiques the construction of what I term ‘Orthodox fraternities’ in public (health) policy discourse and particularly the ways in which religiously Orthodox minorities are framed in activism pertaining to equality discourse and legislation. I use ‘Orthodox fraternities’ to mean the discursive ways in which relations are construed and constructed through a seemingly shared experience and endeavour of equality in the United Kingdom, when ethnographic research otherwise portrays those relations and pursuits of equality as situated and contingent. The construction of ‘communities’ in public (health) discourse is not a new phenomenon and has long occurred along racial and religious lines (Holloway 2006; Kasstan 2019), and often in terms of addressing ‘problems.’ Yet, this tendency to imagine Muslim and Jewish ‘Orthodox fraternities,’ and not only as communities (cf. Anderson 2006), signals how (evolving) claims to religious freedom are being projected and legitimised – and how apparent consequences of policy gain discursive value.

My interest in equality experience builds on a body of work concerned with law and policy as central tenets of governance (cf. Bear and Mathur 2015; Tate 2020), and as techniques of managing ‘religious difference’ (Mahmood 2016). Social science encounters with legislation and policy tend to focus on the implications for intended beneficiaries, and how people navigate and sometimes perform expected roles in order to secure particular outcomes (Qureshi 2019; Koch 2020). Policy is then taken as a ‘generative realm of cultural production, producing and shaped by values, norms, identities and practices’ (Tate 2020: 85). In what follows, I take equality frameworks as a particularly creative sphere, where different expectations of civic
responsibility and protection are fielded – resulting in claims of inequity and injustice. My approach is based on a discursive analysis of how religious minorities are envisaged by state actors as participants and beneficiaries of a ‘multi-cultural society,’ and how minorities themselves selectively assimilate the language of equality in their activism.

The chapter goes on to outline key equality legislation in England that underpins public, parliamentary and legal debates around religion, and signposts the demographic differences between Muslim and Jewish minorities in the UK. It then juxtaposes ethnographic observations of Muslim-Jewish relations vis-à-vis the construction of ‘Orthodox fraternities’ in public (health) policy discourse and equality experience using three recent controversies. The chapter ends by showcasing the need to critique equality and diversity as a project that engenders multiple, rather than universal, understandings – particularly when minority groups seek to secure their own positionality and maintain authority over processes of social reproduction.

Equality experience and demographic differences in England

In the UK, the Equality Act (2010) prohibits discrimination against ‘protected characteristics,’ which include religion or belief, race, sex, sexual orientation, gender reassignment and disability (to name a few categories).\(^1\) While this legislation intends to protect a person’s right to practice their religion, legal controversies and disputes have arisen in pursuit of what those rights are perceived to involve (McIvor 2019). Recent legal challenges signal that the rights afforded to different protected groups are in tension, as well as \textit{between} denominations of the same religion.

\(^1\) The Equality Act (2010) consolidates anti-discrimination legislation in the UK (See United Kingdom Legislation 2010).
(Taragin-Zeller and Kasstan 2020; McCrudden 2011). This paper analyses recent policy issues surrounding autopsy, COVID-19 body-disposal protocols, and changes to the teaching of sex and relationships education (henceforth RSE) as three contiguous public disputes concerning equality experience, and which illustrate my claim of how ‘Orthodox fraternities’ are imagined and deployed in policy discourse.

These examples of public and parliamentary debates (introduced later in this chapter) are discursively presented as resolutely protecting religious freedoms in ways that re-present ideas of contemporary Britain being a bastion of civil liberties, while British politics, at the same time, has been consumed with allegations of institutionalised antisemitism and Islamophobia (Gidley, McGeever and Feldman 2020; MCB 2021). Moreover, it can be argued that the protection of religion/belief within equality legislation is celebrated as a reflection of ‘multiculturalism,’ and of liberal democracy, in ways that also perpetuate romanticised historical narratives of Britain being a haven for minority groups (cf. Kushner 2018). Such public and parliamentary debates insinuate that Britain is taking a moral departure from attempts to govern religious practices (such as the ethics and legality of male genital cutting; kosher and halal slaughter) and thus the equality experience of ethnic and religious minorities in Europe (Dekel et al. 2020; Lever 2018; Göle 2016).

The representation of unity in public (health) policy discourse, however, marks a departure from the ethnographic record that explores Muslim-Jewish relations as sites of difference and division (Egorova and Ahmed 2017; Everett 2019; Kasstan 2019). Taking the gap between policy discourse and ethnographic representation as a stepping-stone for analysis, I suggest that equality discourse is valued insofar as it protects the ability to uphold interpretations of religious law and social reproduction, rather than as a framework to afford equal protection for
all beneficiaries of anti-discrimination legislation. By signalling this tension, the chapter raises implications for the social study of religion and state – and the evolving ways that claims to equality and religious freedom are voiced.

It is important to briefly note that ‘Orthodoxy’ is not a static concept, and, in reality, embodies a state of flux. Scholars of religion note that ‘while communities are becoming increasingly Orthodox, Orthodoxy itself is undergoing rapid sociocultural and political change’ (New York Working Group on Jewish Orthodoxies 2016; also Fader 2020). The denominators of Orthodox and Orthodoxy are relational and problematic insofar as they assume a gradation of religiosity (especially vis-à-vis progressive denominations of the same religion) – when the important point is the conceptual or cosmological differences in how religious life and devotion is envisaged (Watzman 1994: xi). While these terms may be appropriated as markers of identity (when devotees self-identify as an ‘Orthodox Jew’), scholars should tune into the claims that are made and projected through these designations. Moreover, use of the term ‘Orthodoxy’ has been critiqued in the context of Islam (Asad 2009), and while Muslims may voice self-designations of being ‘Orthodox,’ definitions may not be congruent across faith groups.

At this stage it is helpful to outline the critical social, historical and demographic differences between Jews and Muslims in the UK. The Jewish population has been formed by multiple waves of migration that include Jews of Ashkenazi (Eastern and Central European), Mizrahi (Middle Eastern), and Sephardi (Iberian) origin. Today, key centres of Jewish life include London, Manchester, Leeds, and Gateshead. The Jewish population of the UK currently numbers between 270,000 and 330,000, depending on which definitions are used (JPR, n.d.). Jews in England are denominationally diverse, and might identify as Progressive (Liberal,
Reform), Masorti (Conservative), Orthodox, and Haredi (which is often and problematically referred to as ‘strictly Orthodox’ or ‘ultra-Orthodox’).

Higher total fertility rates among the Haredi contingent are having dramatic implications for the size and image of the Jewish population in contemporary Britain, and Haredi Jews are set to form the dominant majority of the Jewish population in just a few decades from now (Staetsky and Boyd 2015). In 2015, 51% of all Jewish births were from Haredi families (Mashiah 2018). Whereas Jews in England have historically been defined as a religious minority, increasingly there is a tendency to self-define in terms of ethnicity and race – often in dialogue with legal discourse and equality laws (see Kahn-Harris and Gidley 2010). Against these demographic changes, the Jewish population is changing and producing evolving and perhaps unforeseen claims to religious freedom.

Islam is the second most populous religion in Britain after Christianity. Analysis of the 2011 census indicates that there are approximately 3,300,000 Muslims – almost half of whom are UK-born (MCB 2015). The Muslim population is highly diverse, with over two-thirds defining their ethnicity as ‘Asian’ (MCB 2015) and most descending from the colonial and postcolonial waves of migration – especially from India, Pakistan and Bangladesh. Today, the majority of Muslims live in urban centres of Bradford, Birmingham, Manchester and London (MCB 2015).

Despite this demographic diversity, the Muslim population of Britain has been subject to collective typecasting and public stereotyping, which scholars note is premised on a ‘hegemonic association of terrorism to Muslims’ (Younis and Jadhav 2020: 616) – in ways that are often oiled by public policy. Political interventions aimed at managing Muslim citizens have been initiated in the post-9/11 and 7/7 attacks (Billaud 2016; Younis and Jadhav 2020). Whereas Jews are often described by politicians as a ‘model minority’ or ‘model of integration’ (Pollard 2015),
Muslims are implicitly and explicitly framed as being at odds with ‘British values’ – an ambiguous yet omnipresent feature of contemporary Conservative politics (e.g. Atakav, Jarvis and Marsden 2020; see also Bharat 2020 for the case of France). Yet, not confined to Muslims, aforementioned demographic changes have led to claims that Haredi Jewish are recalcitrant when it comes to teaching ‘British values,’ especially concerning LGBT rights, indicating how ‘Orthodox fraternities’ does not only form a positive denominator in equality discourse. Having traced the equality frameworks and demographic differences in the UK, I now juxtapose anthropological narratives of Muslim-Jewish relations and the re-presentation of those relations in policy discourse.

Only of ‘friends and foe’? Muslim-Jewish Realities and Relations

The ethnographic record offers a sharp contrast to the public (health) policy framings introduced above and the diverse reality of lived encounters between minorities. My own experiences of ethnographic research over several years have raised quotidian perceptions of the ‘Other’ between Orthodox and Haredi Jews and Muslims (outside the framework of structured interfaith activities), which offer a stepping-stone into this ethnographic landscape of minority politics.

One morning in January 2015, I joined a group of Haredi Jewish women for a discussion on access to local health services, hosted by Mrs Danzinger2 in her home, when mid-way through a discussion she jumped out of her chair and ran to the window. She noticed a man approaching her front door, and said in a state of panic, ‘there is a Muslim man coming. Why is there a Muslim man coming to the door?’ She cautiously opened the door, and looked relieved

2 Pseudonym
when she returned to the table with a delivery of medicines from the man in question – her local pharmacist. Once the meeting drew to an end and the group had left, I was curious to know why she was so concerned by the visitor and asked, ‘do you feel any kind of [interrupted]?’ Finishing my question, Mrs Danziger asserted, ‘fear? Yes. I say to the kids, “be careful,” because they’re everywhere. The Muslims are everywhere. They’re very strong and I don’t think we’re immune at all.’

Three years later, in January 2018, I entered a neighbourhood mosque to speak with an Imam as part of a research project on childbearing decisions among British Muslims of South Asian origin. While waiting for the Imam to arrive, two men approached me after finishing their prayers and said salam alaikum. I responded by saying alaikum salam, and that I was here to speak to the Imam about religion and family health. ‘Is it to do with what you call BME or Black and Minority Ethnic?’, one asked, as he mulled over the topic. His next question, however, was more direct. ‘What is your religion? Christian or undecided?’ When I said I was Jewish, he emphasised that I was welcome, ‘as we are all people of the book and monotheistic.’ Though, in another breath, he went on to describe how Jews are ‘stubborn.’ Whereas ‘Muslims accept Jesus as a Prophet, he continued, the Jews refuse to accept Mohammad as a Prophet.’

Another three years later, while researching how changes to the teaching of RSE are being navigated among religiously Orthodox families, tense discussions arose around marriage practices in Haredi Jewish circles. Nahamu, an advocacy group led by Yehudis Fletcher, which works to ‘counter religious extremism from a Jewish perspective,’ released a position paper based on analysis of marriage practices in British Jewish communities (see Nahamu 2021). Fletcher (2021) argued that these practices ‘fall within the remit of the UK Government’s own definition of forced marriage’ – but that Haredi Jews did not fit with the (racialised) image of
who the UK Government perceived to be at risk of forced marriage. In response to the position paper, Mr Sokolov, a Haredi father, told me:

I saw a very obvious pattern of applying what happens in the Pakistani and Bangladeshi community and just very smoothly applying that to the Haredi community [...] it's very easy for an outsider to just automatically assume and lump it all together, “yeah some ultra-conservative community that probably just exchange their daughters for goats or something.” (February 2021)

The opposition of this father, then, reflected an unease about drawing inferences between minorities that may otherwise be grouped together as being ‘ultra-conservative,’ or religiously Orthodox, and not least by differentiating one from the other by deploying culturalist stereotypes. The purpose of juxtaposing these three ethnographic vignettes is not to portray religiously Orthodox Jews and Muslims as inherently at odds, but to indicate how the politics of religious difference between two minorities is influenced by diverse historical, demographic and social narratives. Rather than these vignettes forming isolated events, they raise continuities and discontinuities with the broader ethnographic record on minority relations and encounters. In his analysis of Black and Jewish relations in Crown Heights, Henry Goldschmidt (2006) reminds us of the power of assuming that social worlds are formed of homogenous and clearly bounded groups, when ‘contested collectives’ are produced through situated social, political and rhetorical processes. More broadly, scholars have demonstrated how minority conflicts in Britain are rooted in postcolonial settlement and how dominant narratives of a minority ‘Other’ at the same time produce subjectivities of the self (Egorova and Ahmed 2017; Sian 2013).
The situated nature of relations between minorities has driven a diverse body of work that examines, in particular, Muslim and Jewish relations in Europe and beyond. Scholars demonstrate how local-level relations are constrained by the globalized polarities of Israeli-Palestinian conflict (Sheldon 2016; also Brink-Danan 2011), and shaped by terror attacks (Everett 2018; Egorova 2018). Kimberly Arkin (2014) notes how Sephardic Jewish students refused to draw structural similarities between “Jewish” and “Arab” amidst constructions of belongingness in France. Yulia Egorova and Fiaz Ahmed (2017) argue that British Muslims and Jews project perceptions of each other based on their own lived experiences of discrimination, their sense of in/security, and by assimilating prevalent stereotypes of ‘the Other’ in UK society. Relations, then, emerge as being more situated and select than policy framings around equality indicate.

In a related body of work, scholars have traced the historical continuities and discontinuities between antisemitism and Islamophobia in Britain, in an attempt to understand what the experience of racism in one minority can reveal ‘about the operation of racism directed at another’ (Meer and Noorani 2008: 213-214; Meer 2013). Such discussions are situated squarely in contemporary identity politics in Europe, as the targeting of Jews and Muslims as “Europe’s Other” have been critiqued as two ‘projects of exclusion’ amidst ongoing anxieties over collective identity (Bunzl 2005). Common to both minorities are concerns of rising rates of antisemitism and Islamophobic attacks (CST 2019; Tell Mama UK 2019). Concerns, too, have arisen that antisemitism has emerged alongside a growing Muslim population (see Jikeli 2015), and that issues of xenophobia and Islamophobia exist in Jewish populations (Bush 2021; also Lusher 2017). Yet, as Pnina Werbner (2005, 2013: 463) argues, ‘whereas the two minority groups have both been victims of racist stereotyping, exclusion and violence, recent geopolitical
events have also ironically generated mutually demonizing constructions by each community of its counterpart.’

There is, however, a need to ‘get away from the noise’ of media and political narratives and for scholars to map interactions between Muslims and Jews historically and ethnographically – especially in sites of exchange (Gidley and Everett 2019). Building on this call to scholarly action, my interest takes policy as a site of exchange and ethnographic critique. This discussion points to the gap between policy discourse and everyday relations that constructs a binary between ‘friends and foe.’

*Autopsy: Controversy over Corpses and the ‘Cab-Rank Rule’*

No death will be prioritised in any way over any other because of the religion of the deceased or family, either by the coroner’s officers or coroners. Senior Coroner for Inner North London

In Autumn 2017, the Senior Coroner for Inner North London, Mary Hassell, sought to institute a ‘cab rank rule’ that would prevent the approval of deaths from being prioritized on the grounds of religion as an ‘equality protocol.’ The average delay between the date of death and release of a body for disposal is fifteen days in England (Leigh 2019: 97), yet in Judaism and Islam there is a religious imperative to bury a body as quickly as possible. Hassell’s jurisdiction is home to the largest Haredi Jewish settlement in Europe (Hackney) and largest Muslim settlement in the UK

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3 R (AYBS & Anor) v HM SC INL (2018)
4 A Coroner determines the cause of death for official records, and to conduct an investigation when a death is unknown or unexplained. Once completed, a death can be registered and the body released for disposal.
(Tower Hamlets), so her approach had stirred significant controversy, and contravened the positions of representative bodies concerning the ‘needs’ of faith minorities – which implies a challenge to religious freedoms (BoD 2018, see also BoD 2017). The lawfulness of the policy was subsequently challenged in a judicial review, and overruled in the High Court on the grounds of discrimination and contravening the Equality Act (2010) in April 2018. Lord Justice Singh, who presided over the case and decreed that the ‘cab rank rule’ was unlawful, commented on the dissonance between uniformity and equality:

What on its face looks like a general policy which applies to everyone equally may in fact have an unequal impact on a minority. In other words, to treat everyone in the same way is not necessarily to treat them equally. Uniformity is not the same thing as equality. (R [AYBS & Anor] v HM SC INL 2018)

The Adath Yisrael Burial Society (AYBS) formed a primary claimant in the judicial review. AYBS is a charitable organisation that manages and facilitates the burials of Orthodox and Haredi Jews in Inner North London – within Hassell’s jurisdiction. Such organisations advocate and secure the rights and rites of deceased Jews and are also viewed by Haredim as ‘pressure groups,’ though such services are situated in the porous spaces where a religious minority and the state engage (Kasstan 2017). They serve as a point of contact between Jewish neighbourhoods and statutory services, including state hospitals, police, coroners, nursing homes and places where death occur. While the primary claimant serves the interests of the Haredi Jewish constituency, the claim of equality (in)experience was discursively presented as a shared equality issue for Jews and Muslims.

I want to draw attention to how this position was reproduced in Jewish and Haredi media. Hamodia is a leading newspaper among Haredi Jews, and situates itself as holding ‘the highest
level of quality journalism presented through the Torah perspective,’ and as part of a legacy concerned with ‘the critical battle against the strong winds of assimilation that threatened the very foundations of our nation’ (Hamodia n.d.). When the ‘cab rank’ policy was ruled as unlawful, Hamodia wrote:

the coroner must give priority to those who need speedy burial for religious or other pressing reasons […] Hassell cannot claim ignorance of the devastating effect which her Protocol had on Jews, Muslims and others with a strong need for speedy burial. The judges found that “it is very clear from the various materials submitted by the Defendant that she was acutely aware of the impact her policy might have on certain minority religious communities within her area.” (29 April 2020)

When covering the controversy in the Haredi sectorial press, then, an emphasis was placed on the awareness of how Jewish and Muslim families would be affected and were actively discriminated against – in ways that projected an implicit right to priority on the basis of religious freedom. Several commentators celebrated the High Court decision as a victory of the value placed on diversity in contemporary Britain. Lawyers acting on behalf of AYBS responded by saying that ‘Hassell will now need to return to her Inner North London coronial practice and run it in accordance with English Law, which is designed to defend diversity’ (Asserson 2018). Founder of the Law firm, Trevor Asserson, went one step further in this celebration of diversity, ‘the victory by AYBS is a victory for the cause of diversity throughout British society. Everyone interested in pluralism, and intent on defeating discrimination, in all its forms, must rejoice at the Court’s firm and clear ruling’ (Asserson 2018). The ‘cab-rank rule’ affair then rested on a
celebration of diversity as core British values, and specifically that the equality experience of Muslims and Jews had been disrupted and disadvantaged by a competing model of uniformity as equality.

Following the High Court Ruling, Hassell held a public meeting in July 2018 to consult with Muslim and Jewish constituents before designing a new policy on the approval of deaths. She sought to explain that the cab-rank rule was initiated after challenges of having to prioritise deaths between Muslims and Jews in her constituency, with the former benefiting from the activism and authority of a local representative body. Attendees purportedly reacted angrily, as reported in the *Jewish News*:

Coroner accused of ‘divisive’ tactics after consultation meeting. Senior Coroner Mary Hassell said the release of a Muslim child's body was delayed because she was dealing with 'very well-organised' Jewish group. [...] However, during an often stormy meeting, she was accused of playing faith groups off against each other, with one member of the public accusing her of “seeking to set off one group against another”. He said: “It’s the well-represented Jews, represented by the burial society, and the hapless Muslim father, waiting at the hospital. And that is extremely divisive. “We do not want to be divided. We are a united community. So please understand the needs of that community.” (9 July 2018)

The image of a ‘united community’ was then deployed in ways that depart from the ethnographic record of Muslim-Jewish relations in Britain (Egorova and Ahmed 2017), and of Haredi Jews in
Hackney who are otherwise accused by their non-Jewish neighbours of ‘not wanting to mix’ (Wessendorf 2013: 410). The projection of an ‘Orthodox fraternity’ in this legal dispute, then appears to depart from ethnographic understandings of everyday communal relations in the neighbourhood. This is not to say that the self-representation of a ‘united community’ is a fabrication, but rather to emphasise the select and pragmatic framework of encounters within which ‘unity’ occurs.

Coronavirus: Contagion Control and Contesting Cremation

Emergency legislation that was drawn up in March 2020 in response to the coronavirus pandemic (COVID-19) raised similar issues surrounding death for Muslims and Jews, and deployed the imagined construction of an ‘Orthodox fraternity.’ The Coronavirus Bill (2020) was intended to give national and local authorities additional powers related to the transportation, storage and disposal of bodies in order to manage the effects of the pandemic (House of Commons Library 2020). A consequence of this intervention was that bodies could be subject to cremation against the wishes of the family or religious institutions. Labour MP, Naz Shah who identifies as a Muslim and was temporarily suspended from the Party in 2016 while claims of alleged antisemitism were investigated, was praised for leading a cross-party campaign to persuade Members of Parliament to back an amendment that would allow local authorities to

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5 Haredi religious authorities in Hackney have developed Muslim-Jewish interfaith forums, signalling cooperation in structured settings. Yet, ethnographic research by Susanne Wessendorf (2013) points to the ‘ethos of mixing’ as underpinning relations or non-relations in what she terms ‘commonplace diversity.’ She uses this term to signify ‘diversity being experienced as a normal part of social life and not as something particularly special’ (2013: 407), thus indicating the difference between encounters in quotidian social life and structured interfaith events.
consult with religious authorities over burial. Shah tabled an amendment to the Coronavirus Bill in parliament, discussed on 23 March 2020, and argued:

This truly is a difficult time for everyone in our nation. They are not normal times with today’s emergency Bill. We know how life as we know it will have to change, and the origins of this Bill have caused huge distress to religious communities, especially those of Muslim and Jewish background. Death is a sensitive time for everyone, and losing a loved one is difficult for us all. We all want dignity in death for our loved ones, and the idea that, in extreme circumstances, when capacity issues arise, the deceased would have to be cremated was something hard to bear, especially for those from the Muslim and Jewish faiths, which strongly oppose cremation. I further thank the Minister for clarifying in the assurance and the guarantees that she has just given that nobody will be cremated against their wishes. The aim of my amendment was to give, in such difficult circumstances where capacity issues arise for local authorities, further legal protection and to ensure that the next of kin and the relevant faith institutions were consulted, in order to provide added support and protect the deceased from being cremated. (House of Commons, Hansard, 2020)

While Shah notes that ‘life as we know it will have to change’ amidst an unprecedented public health crisis, her address implies that the governance of bodies in line with religious dictates are inviolable and guaranteed (explicitly for Muslims and Jews). The Board of Deputies President.6

6 The Board of Deputies of British Jews is a Jewish representative body.
Marie van der Zyl, praised Shah’s efforts as an example of ‘interfaith solidarity’ – or what we might term ‘Orthodox fraternity’:

"This has been an inspiring example of interfaith solidarity and responsive government. It shows, even in these difficult times for our nation, why we have so much reason to be proud of this wonderful country," she said. (BoD 2020)

Conservative lawmaker, Rehman Crishti, also celebrated his government’s role in explicitly protecting the human rights of Muslims and Jews, which indicates a cross-party consensus on this issue:

I thank the Secretary of State for the excellent work he has done to ensure that individuals get the care they need in these difficult and challenging times. On the human rights perspective, I thank the Secretary of State and the Government for listening to faith organisations. Initially there were concerns that under part 2 loved ones would have to be cremated. As somebody from a Muslim background and the Prime Minister’s special envoy for freedom of religion or belief, it was completely unacceptable to consider that if taking account of the views of the Muslim and Jewish communities. I therefore thank the Government for ensuring that the wishes of the deceased will be taken into account in relation to their final rites. (House of Commons, Hansard, 2020)
In a similar vein to the ‘cab rank rule’ affair, the shared equality experience of Muslims and Jews was celebrated as an example of ‘interfaith solidarity’ in a context that regards itself on being responsive to the needs of ethnic and religious minorities. Being seen to resolutely protect the rights of religiously Orthodox minorities during a pressing public health challenge then serves to bolster self-presentations of national morality, of defining British values – which are upheld and granted both in life and in death. Yet, scholars would do well to ask why the discourse of protecting rights belonging to minorities at the beginning of the coronavirus pandemic had not translated into political will to actually protect minority populations, especially as ethnic and religious minorities have been disproportionately affected by COVID-19 due to existing and entrenched structural inequalities (e.g. Meer et al. 2020). Returning to the matter at hand, though, reveals how the discursive representation of ‘Orthodox fraternities’ cultivates ‘imagined communities’ (cf. Anderson 2006) in public (health) and policy discourse (Holloway 2006; Kasstan 2019). This occurs in ways that obscure the everyday relations between minority groups and broader representations of minority groups, especially if we consider the observations presented in ethnographic research (Egorova and Ahmed 2017) and the tensions surrounding Shah’s alleged antisemitism.

Relationships and Sex Education: Collaboration over Control

Disputes over reforming the teaching of RSE and LGBT content in schools presents a comparative public controversy where ‘Orthodox fraternities’ are constructed in policy discourse
in multiple ways, which underscores a situated and contingent pursuit of equality.\(^7\) In 2019, a primary school in Birmingham became the centre of national attention when Muslim parents opposed the teaching of LGBT content and temporarily withdrew children, on the basis that the curriculum ‘contradicted the Islamic faith’ (BBC News 2019). Protestors held signs proclaiming ‘Adam and Eve, not Adam and Steve’ (BBC News 2019), illustrating how rhetoric of opposition to LGBT rights converge between faith movements (see Sullivan-Blum 2009). Religious rights activists joined the demonstrations (despite not having children in the primary school in question) and proclaimed that ‘we do not accept homosexuality as a valid sexual relationship to have’ (BBC News 2019).

At the same time, parliamentary steps to reform the teaching of RSE in schools led to further pushback across faith groups, indicating how RSE presents a legal dilemma where religious and sexual minority rights to equality and protection are framed as being in conflict (Taragin-Zeller and Kasstan 2020). Jewish and Muslim communal organisations maintained the position that sex education is the prerogative of the parental and family domain, and supported the rights of schools to teach RSE in accordance with their own ethos (MINAB n.d.). Some Jewish and Muslim religious authorities were more vocal in their opposition, and were reported in national media as fervently opposed to any teaching of LGBT content in schools. Supporting religious rights activists against RSE and LGBT content, Geoffrey Alderman, a historian of Anglo-Jewry and commentator on Jewish communal affairs, was quoted as saying that the responsibility over RSE ‘falls to parents or legal guardians and not to schools,’ and that Jewish

\(^{7}\) Religious opposition to RSE has also been organised and funded by Christian groups, particularly those engaged in anti-abortion advocacy, signalling how concerns around RSE form part of a broader strategy to promote relationships as occurring between cis-gendered and heterosexual marriage partners.
schools claiming to be Orthodox should not adopt educational initiatives that incorporate ‘approval in any sense whatsoever of lifestyles prohibited in the Hebrew Bible’ (Rocker 2018a, 2018b).  

The concerns of religious constituents were a careful consideration for British lawmakers, who sought to balance the positions of Muslim and Jews with the rights to protection afforded to sexual minorities within policy guidance:  

The Secretary of State will know there are concerns, particularly in the Jewish and Muslim communities, about both his Department and Ofsted, and I am sure we both want our education system to reflect the diversity of our country and provide the opportunity to learn more about it. But can he also be absolutely clear that his guidance does not permit teaching that could be hostile or damaging to LGBT young people in particular? Angela Rayner, Labour MP. (House of Commons, Hansard 2019)  

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8 In reality, sex education in the Haredi Jewish context does not happen at home and is instead passed to informal educators at key transitional moments of the lifecourse, such as childbirth and marriage (Taragin-Zeller and Kasstan 2019).

9 The concern for wellbeing of LGBT citizens in England are particularly acute in light of results from the National LGBT Survey. The survey (Government Equalities Office 2018) signalled that LGBT citizens are at great risk of being the victims of crime than the general population, with two thirds (68%) of respondents reporting that they avoided holding hands in public with a same-sex partner for fear of negative reactions, which might incite hate speech or attacks.
It can then be inferred how ‘Orthodox fraternities,’ with explicit reference to Muslims and Jews, are presented as intransigent, especially when making entitlements to equality protection on the basis of religion while countering curricula that intended to promote the legal protections afforded to LGBT citizens under the Equality Act (2010). The implications for the issue at hand, however, is how the controversy over education reveals contingent relationships and selective representations of how equality and diversity is valued. Shabana Mahmood, a Labour MP who represents areas of Birmingham where school demonstrations were held, said:

...for those of us at the unfashionable end of the faith spectrum, in orthodox religious communities—I am an orthodox Muslim—whenever there is a conflict about rights, everybody feels it is okay to ride roughshod over orthodox communities and push them to one side. (House of Commons, Hansard 2019)

Mahmood’s intervention signifies how the equality experience of ‘Orthodox fraternities’ is perceived to be sidelined in favour of the equality protections afforded to groups with ‘protected characteristics,’ in this case sexual minorities. ‘Orthodox fraternities’ are then framed as being disenfranchised by equality legislation, in ways that reveal perceptions among religious minorities as holding structurally precarious positions – especially when attempting to maintain autonomy over the social reproduction of values and when governing the family and sexuality. What is interesting is how the ‘conflict’ over rights that arises around RSE challenges the celebration of diversity that was at the heart of the ‘cab rank rule’ affair, of ‘equality’ being a fundamental ‘British value.’ The conceptual focus on ‘Orthodox fraternities’ that is implicit and
explicit in these public (health) policy debates concerning Muslims and Jews then signals how the pursuit of equality is selective.

**Conclusion: Contingent Equalities**

This chapter has critiqued representations of Muslim-Jewish relations in contemporary public policy, and the narrative of celebrating diversity in contemporary Britain. While the case of the ‘cab rank rule’ affair and COVID-19 disposal protocols are clearly different to the controversy surrounding RSE, what is common is how a shared equality experience of Muslims and Jews is constructed. Public (health) policy discourse deploys a narrative of Orthodox fraternities premised on a shared, yet in reality, contingent equality experience. When comparing policy and parliamentary debates, we see how ‘Orthodox fraternities’ are cited as due cause to protect religious freedoms as part of equality discourse and legislation, yet, at the same time, those representing religiously Orthodox positions pushback against broader equality entitlements – especially concerning the equality rights of LGBT citizens. The language of ‘Orthodox fraternities’ captures how the consequences of law and policy gain discursive value and how (evolving) claims to religious freedom are deployed and legitimised in ways that raise implications for the social study of religion and state.

Areas of dispute between religious minorities and the state reflect competing claims of responsibility and protection, which are often tied to social reproduction and the maintenance of group identity (Kasstan 2017, 2019). In the case at hand, disputes emerge when failing to meet ideas of ‘British values’ and protect the freedoms afforded under equality discourse and legislation. Equality is then a social and legal project that engenders multiple, rather than universal, understandings, which are rendered visible when religious minorities attempt to secure
their own positionality and maintain authority over processes of social reproduction but not promote protection of equality for all.

Equality is an area of policy and legislation that is concerned with ‘managing difference’ (cf. Mahmood 2016), and is discursively celebrated as enabling the multicultural mission of contemporary liberal democracies. Law and policy constitute central tenets of contemporary governance (Tate 2020), which can raise implications for intended beneficiaries and how they ‘comply’ with and enact evolving definitions of citizenship (cf. Qureshi 2019; Koch 2020). My attention to equality discourse builds on anthropological discussions of how law and policy are generative of identities (cf. Tate 2020), and constitute a ‘public good’ (cf. Bear and Mathur 2015), and pinpoints a space of enquiry where religious minorities are envisaged by state actors, and how minorities themselves assimilate the language of equality in their activism.

Anthropologist Nurit Stadler (2009: 3) notes how, in religiously Orthodox lifeworlds, ‘new possibilities of the sacred’ are continuously produced, sometimes risking transgression and ‘at other times yielding new religious orientations.’ Amidst shifting demographics and dynamics within Jewish and Muslim minorities in Britain, anthropologists and sociologists should continue to chart encounters with the state and the emerging ways that equality experience is used to secure evolving claims to religious freedom.

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