

The APPG, Islamophobia and Anti-Muslim Racism¹

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To those who say it is just a cartoon, I will not say, "It's only a statue", because I understand the strength of British feeling when it comes to our history, our culture and our identity. It is not just a cartoon and they are not just statues. They represent, symbolise and mean so much more to us as human beings. In conclusion, while this law would now protect civil order and emotional harm when it comes to secular and political figures such as Oliver Cromwell and Churchill and does not necessarily put other figures that many people in modern Britain hold close to their hearts, such as Jesus, the Prophet Mohammed, peace be upon him, Moses, Ram, Buddha, Guru Nanak and many others, it does show that we recognise that there is such a thing as emotional harm. Finally, we must ask ourselves: when striking the careful balance to protect such emotional harms, can there and should there be a hierarchy of sentiments?

(Parallel Parliament, 2017-2019).



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The above comments by Naz Shah, the Labour MP for Bradford West and Labour Shadow Minister for Community Cohesion – made on 5 July 2021 during the House of Commons debate on the Police, Crime, Sentencing and Courts Bill effectively amounted to a call for blasphemy laws.

The controversial bill represents the government's response to the feminist and Black Lives Matter protests that we saw in 2021. In effect, among other things, it seeks to curb the right to protest and to criminalise those who damage historical statutes and memorials. It gives the police and courts expansive powers that represent a direct threat to the most

¹ **Note** – This article was corrected on 25 January 2023 to amend a quotation on page 213.

fundamental rights, liberties and freedoms of citizens; in particular, the rights of those from marginalised communities who often have nothing but their voices to challenge injustice.

Against this background, Shah's contribution to the debate was striking in that she did not seek to challenge the profoundly authoritarian imperatives underpinning the proposed law. Instead, she argued that religious figures and symbols needed to be afforded the same protection from disrespect and criticism as 'secular' statutes and historical figures such as Cromwell and Churchill. In doing so, she aligned herself with a profoundly anti-democratic agenda that seeks to manipulate the nebulous concept of 'emotional harm' to promote a clampdown on free speech and dissent. In effect, she attempted to assert the politics of intolerance and 'hurt sentiment' – the right to be 'offended' – into the very heart of the political and legal culture in ways that come dangerously close to fostering censorship, religious coercion and a reintroduction of blasphemy laws through the back door.

This is exactly the scenario that I warned about in June 2018, when on behalf of Southall Black Sisters (SBS), I gave evidence to a consultation on Islamophobia held by the All Party Parliamentary Group (APPG) on British Muslims. In the course of my submissions, I argued that far from addressing the reality of anti-Muslim racism, the very concept of Islamophobia would only serve to shore up religious authoritarianism and the social control of freedom of expression, leading religious right forces in other minority communities in the UK to follow a similar path in the name of protecting their supposed religious sensitivities. As I show below, in June 2021, the Hindu right embarked on just such a parallel process.

Background to the APPG consultation

The APPG consultation appeared to stem from a question asked by Baroness Warsi (then chair of the APPG) on 17 October 2017 in the House of Lords. Against the background of the Tory government's attempt to make political capital against the Labour Party out of the controversy around antisemitism and its definition, she asked the government *'whether they have a definition of Islamophobia; and, if so, what it is'*. Lord Bourne, the then Parliamentary Under-Secretary of State for Communities and Local Government, made clear in his reply that while hatred and intolerance of Muslims had no place in society, and that criminal offences motivated by a person's (actual or perceived) religion may amount to a religious hate crime, there was no definition of Islamophobia currently endorsed by the government. Baroness Warsi then asked the minister *'whether he agrees that it is high time to have a definition of Islamophobia, and that to fundamentally challenge the hate that underpins hate crime, we need to define what that hate is'*. She invited the minister to meet with the APPG, which he agreed to do.

The process of giving oral evidence

What follows are some of the key arguments that I put forward in my written evidence to the APPG as to why the adoption of a definition of Islamophobia to address anti-Muslim racism was deeply problematic.

I was subsequently invited to give oral evidence to the APPG, and I found the process to be very troubling. My views were clearly unwelcome and I faced intense hostility from Baroness Warsi who chaired the session.

I was sandwiched between participants on a panel who were mostly in favour of the need to have a definition on Islamophobia. I don't know about the others, but I was not given advance notice of the identity of my fellow panellists. Nor did I have any prior sight of the APPG's working definition of Islamophobia – as included in its subsequent report – when I was questioned about my position.

As the hearing progressed, it became clear to me that that I had been invited to give evidence solely to lend the proceedings an appearance of impartiality. What was meant to be an unbiased evidence-gathering exercise turned into an adversarial cross-examination of my position, in which Baroness Warsi assumed the role of chief interrogator and defender of the APPG's position. Her conduct strongly suggested that she was working to a pre-determined agenda, and it is deeply frustrating that a record of the session by the APPG secretariat was not made public.

What happened next?

On 28 November 2018, the APPG produced a report entitled: ***Islamophobia Defined: the inquiry into a working definition of Islamophobia***. The report contained the following definition:

Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.
(APPG on British Muslims, 2017)

In justifying the definition, the report said:

The APPG considered whether the term Islamophobia should remain in continued use or whether an alternative term, such as anti-Muslim hatred, should be adopted instead. However, the APPG received an overwhelming amount of evidence across

governmental, community, academic, and public and private sector organisations who attested to the cogency and desirability of retaining the term Islamophobia on the basis that it has established itself in the political and policy lexicon, had gained traction over time and was the predominant choice among Muslims to name and describe the hatred and hostility targeted at them on the basis of their Muslimness.

Islamophobia was the term of choice among British Muslims to describe their experience (APPG on British Muslims, 2017).

In the executive summary it stated:

Criticism of religion is a fundamental right in an open society and is enshrined in our commitment to freedom of speech. We also received theological opinion which outlined the long Islamic history and classical tradition of debate, discussion, and dissenting opinions within Islam. No open society can place religion above criticism and we do not subscribe to the view that a working definition of Islamophobia can or should be formulated with the purpose of protecting Islam from free and fair criticism or debate. On the question of what we might understand from fair criticism, we refer in the report to a series of useful tests proposed by Professor Tariq Modood of Bristol University, when it comes to assessing whether what we are dealing with is 'reasonable criticism' of Islam and Muslims or a veiled attempt at Islamophobic speech. (APPG on British Muslims, 2017)

Some might say this is disingenuous, given that Tariq Modood has gone on record stating that Salman Rushdie and those defending him in the controversy *The Satanic Verses* are engaged in 'Islamophobic' behaviour (see below).

Many months later, I discovered that Dr Antonio Perra of the Aziz Foundation had given considerable support to the secretariat of the APPG in preparation of the report. Dr Perra was until recently a member of Muslim Engagement and Development (MEND), although the APPG report makes no mention of this affiliation.

MEND is an organisation that works in partnership with the organisation CAGE, a so-called prisoner support organisation that has links with known Islamist preachers and terrorists, and it has launched attacks on politically liberal Muslims (Quilliam, 2019). MEND, like CAGE, has long been surrounded by controversy for these fundamentalist links, but it has continued to successfully cultivate relationships with politicians across the political divide and with key institutions including education, the police and police and crime commissioners. Earlier this year, a senior MEND representative asserted that Muslims in the UK face a situation analogous to that of Jews in Nazi Germany before the Holocaust. Its former director of engagement, Azad Ali, is reported to have said in March 2017 that the month's terrorist attack on Parliament – which killed five people – was 'not terrorism'. The APPG report also makes reference to evidence that it took from the Islamophobia Response Unit (IRU) but fails to mention that the IRU was created in April 2017 by MEND (LaunchGood, 2021).

What is clear from these links is that the APPG attempt to set up a working definition of Islamophobia cannot be described as a genuine but misguided attempt to address anti-Muslim racism. Rather, it seeks to accommodate a deliberate attempt to promote a fundamentalist agenda on free speech; to silence feminists, secularists, atheists, homosexuals, religious minorities, Ex-Muslims and others who oppose religious impositions.

At the time of writing, the APPG's definition of Islamophobia had been adopted by several local authorities as well as police and crime commissioners across the UK (APPG on British Muslims, 2019)

The Submission (taken from the original dated 1 June 2018)

Islamophobia is conceptually impossible to define

The meaning of 'Islamophobia' is not settled and it means different things to different constituencies even within Muslim populations.

The ambiguity of the very term is not surprising since there is considerable confusion as to how the term first arose. Commentators have noted that even the origin of the term 'Islamophobia' is disputed. UK sources attribute its popularisation to a 1997 publication by the Runnymede Trust (*Islamophobia: A Challenge for Us All*), which itself referred to the first usage in a February 1991 article in the US periodical *Insight*. The Runnymede report accepted the word was not 'ideal' but considered it a '*... useful shorthand way of referring to dread or hatred of Islam – and, therefore, to fear or dislike all of most Muslims.... Within Britain it means that Muslims are excluded from the economic, social and public life of the nation....*'

However, as the feminist Meredith Tax notes, French sources trace the origin of the term to the Ayatollah Khomeini and Iranian fundamentalists; they declared Islam inviolate and said Iranian women who rejected the veil were 'Islamophobic'. In other words, this was a way to assert a totalitarian agenda. It was deliberately unspecific as to whether this refers to a religion, a belief system or its faithful adherents around the world. Tax

further notes that the ambiguities in usage reflect these contradictory sources; one is anti-racist, the other Islamist. She goes on to say that we are currently in a linguistic minefield.

(<https://www.opendemocracy.net/en/5050/unpacking-idea-of-islamophobia-0/>)

She adds that even a literal definition of 'Islamophobia' is problematic. A 'phobia' is in fact an 'irrational fear' or mental disorder. Clearly, the levels of racism towards Muslims in the UK and indeed in Europe and the US (referred to further below) cannot be reduced to mental illness. To do so, as Tax further notes, is to depoliticise the issue. Tax considers such campaigns to be part of a calculated demagoguery. We agree. The nature and levels of discrimination and crimes of hate perpetrated against Muslims by racists and far right groups are deliberate and calculated acts of racism and racial violence – not acts borne out of irrational fear, as seen in the examples quoted by the APPG report on the working definition of Islamophobia that followed the inquiry.

The term also presupposes that there is a homogeneous group of Muslims who are defined only by their religion, which all consent to a singular version of Islam that must be protected from any criticism. The reality is that there is no such thing as a 'Muslim community' or 'Muslim voice' but many different groups of Muslims whose backgrounds, views and identities range from secular and feminist to conservative and fundamentalist. Even a widely accepted definition will not suffice since there is ambiguity in the very practice and in the range of meanings that depend very much on the political positioning of the person making the claim. The term does not lend itself to a consistent and coherent approach and its very use stems from varying ideological histories and positions. It is as much likely to support those engaged in censorship as it is those to support those seeking to combat racism. We explain this below.

The term Islamophobia conflates too many issues

We would emphasise that even a widely accepted or highly liberal definition of 'Islamophobia' would not work; the term is riddled with ambiguities and conflates too many issues since it implies not just hatred of Muslims but of the religion itself. To liberals, it can mean discrimination and hate crimes but to fundamentalists it means an attack on religious Islamic texts and precepts or the 'offense of religious sensibilities'; the only punishment for this is censorship, violence and even death.

To this end, the term has been conveniently used by Muslim fundamentalists and ultra-conservatives to clamp down on any kind of internal questioning or dissent from religious and community norms as defined by the most powerful and dominant illiberal forces in minority communities. The most dramatic example of this was the endorsement of the Ayatollah Khomeini's call for the death of Salman Rushdie in 1989 by various Muslim leaderships in the UK who monopolised the so-called 'Muslim' voice through intimidation and fear. They left no space for liberal, secular, feminist and atheist Muslims who questioned the fatwa and religious censorship. Indeed the term was used by the academic Modood who noted there is a view that *The Satanic Verses* was '*a deliberate, mercenary act of Islamophobia*', stating that his own view was that '*... while Islamophobia is certainly at work, the real sickness is militant irreverence*' (The Independent on 16 December 1991 (reprinted in Modood, *Not Easy Being British*, Runnymede Trust and Trenham Books, 1992: 75-6). Another more recent example is the killing of Asad Shah, an Ahmadi Muslim living in Scotland, who was deemed by his killer to have 'blasphemed' against Islam and 'disrespected' the Prophet Muhammed. (<https://www.theguardian.com/uk-news/2016/aug/09/tanveer-ahmed-jailed-for-murder-glasgow-shopkeeper-in-sectarian-attack>).

Those who challenge and criticise community norms, including SBS itself, have been labelled 'Islamophobic'. This then creates a climate conducive to ridicule and even violence against those who dissent; many have been subject to hatred and threats for criticising religious norms deemed 'offensive'. For example, the extremist and fundamentalist-linked organisation CAGE, described the intervention of SBS and the organisation Inspire in a gender segregation case involving a co-ed faith based school (*HM Chief Inspector of Education, Children's Services and Skills v The Interim Executive Board of Al-Hijrah School* [2017] EWCA Civ 1426) as 'Islamophobic' and essentially accused us of following the 'Prevent' agenda. (<https://cage.ngo/article/outlawing-gender-segregation-how-prevent-and-ofsted-are-about-conditioning-our-children-neo-con-style/>) The point of such accusations is to create a climate that legitimates hostility, aggression and abuse against those who dare to question religious precepts such as gender segregation.

Do our challenges and criticisms of fundamentalist and ultra-conservative interpretations and practices of Islam that undermine the rights of vulnerable Muslim women and girls in particular make us Islamophobic? Are those who are secular Muslims or gay Muslims or those who are not deemed to be Muslims (Ahmadis) or those who no longer wish to practice Islam, also Islamophobic? The reality is that those who call themselves secular, atheist or 'Ex-Muslims' already face considerable death threats and abuse from fundamentalists as 'apostates' and 'heretics' – for which the penalty in Islam is death (see the case of Asad Shah cited above).

As it is, we are concerned that hate crimes perpetrated towards such groups by fundamentalists and extremists are even now conveniently ignored by the police and prosecutorial services precisely because the dominant understanding of 'Islamophobia' as defined by fundamentalists and conservatives precludes this. Yet the irony is that these are the very

groups that are likely to be highly vulnerable to the charge of 'Islamophobia' and therefore to calls for their prosecution. It is important to note that powerful conservative and fundamentalist Muslim leaderships and organisations are more likely to lead an unchallenged charge of 'Islamophobia' since they are the dominant voice and have power to define the term within the various Muslim populations in the UK.

Even a more liberal description such as the original definition of Islamophobia proposed by the Runnymede Trust ('...*dread or hatred of Islam – and, therefore, to fear or dislike all or most Muslims....*' *Within Britain it means that Muslims are excluded from the economic, social and public life of the nation....*') is significantly problematic, since it collapses any criticism of Islam with discrimination and hate crimes against Muslims. We would strongly argue that there is no causal relationship between dread of Islam and fear or dislike of all Muslims or their exclusion from public life. Our concern is that artists, writers and groups like SBS or the Council of Ex-Muslims of Britain, who criticise religion or experiences of oppression attributable to the values of that religion are as likely to be caught by this definition than those who propagate anti-Muslim racism.

The more recent short-form definition put forward by the Runnymede Trust (*Islamophobia: Still a Challenge for Us All – a 20th anniversary report, November 2017*), which simply states that 'Islamophobia is anti-Muslim racism' begs the question: why not address the problem as anti-Muslim racism then? What does the term 'Islamophobia' add?

Clearly the term 'Islamophobia' conflates racism with the legitimate and democratic right to question and challenge religious values that undermine other fundamental rights and freedoms, especially of minorities within minorities. This is not simply a question of semantics; how the problem of anti-Muslim racism is conceptualised will have real consequences for how it is addressed. Even those who have promoted the

concept of 'Islamophobia' acknowledge that the term is deeply problematic in regard to how it is addressed.

A careful analysis of mainstream press reports of 'Islamophobic incidents' reveals that they are in reality, racially or religiously motivated hate crimes for which legislation already exists. The following are some examples:

- Darren Osborne, who was convicted of the Finsbury Park Mosque attack on 19 June 2017, was said to be motivated (variously) by the idea that all Muslims were rapists; that there were too many terrorists on the street and that 'raping inbred bastards' needed to 'get back to the desert' (*Independent* 23 January 2018).
- Paul Moore was convicted of attempted murder, grievous bodily harm and dangerous driving for running over a Muslim woman and driving his car at a 12-year-old girl as 'revenge' for terror attacks. He said he was 'doing his country a favour' (*Independent*, 2 March 2018.)
- On 7 March 2018, a couple associated with the far right group Britain First were convicted for carrying out anti-Muslim attacks on those they wrongly believed to be defendants in an ongoing rape trial. The presiding judge stated: '*It was a campaign to draw attention to the race, religion and immigrant background of the defendants.*' (<https://www.independent.co.uk/news/uk/crime/paul-golding-jayda-fransen-britain-first-leaders-guilty-religious-muslim-hate-crime-a8244161.html>)
- A Sikh man waiting in the security queue to enter Parliament had his turban ripped off by an assailant shouting '*Muslim go back*'. (<https://www.independent.co.uk/news/uk/crime/sikh-man-turban->

[ripped-off-parliament-hate-crime-police-london-portcullis-house-a8222376.html](https://www.standard.co.uk/news/crime/revealed-antimuslim-hate-crimes-in-london-soared-by-40-in-a-year-a3775751.html))

These are clear examples of crimes motivated by anti-Muslim racism, which is also increasingly linked to anti-immigration hostility and hatred towards people of a different colour, ethnicity or culture. As the final example above shows, even people of Hindu, Sikh and other South Asian backgrounds – and their institutions – have also been targeted and attacked in the name of anti-Muslim hatred; this is in fact aimed at anyone that is foreign and looks the wrong colour (see for example, *Peter Hopkins, Katherine Botterill, Gurchathen Sanghera & Rowena Arshad (2017) Encountering Misrecognition: Being Mistaken for Being Muslim, Annals of the American Association of Geographers, 107:4, 934-948*), which looked at the experiences of young Scottish people subjected to abuse for ‘appearing’ Muslim). The misrecognition issue also raises another problem: are attacks against minorities for supposedly being Muslim to be prosecuted as crimes motivated by Islamophobia or are such experiences better categorised as racially motivated crimes? The phenomenon of ‘Islamophobia’ is therefore better captured by the traditional lens of racism.

It is notable that hate crimes against Muslims soared at the same time as the 2016 EU referendum due to the widespread anti-immigration sentiments that were stoked by a toxic and hostile rhetoric calling for the need to ‘take our country back’ (*Evening Standard* 2018, <https://www.standard.co.uk/news/crime/revealed-antimuslim-hate-crimes-in-london-soared-by-40-in-a-year-a3775751.html>). Figures released after the 23 June 2016 EU referendum reveal that 3,192 hate crimes were reported to police in England and Wales in the two weeks either side of the referendum – a 42% increase from the same period in the previous year. A further 3,001 hate crimes were reported between 1 and 14 July,

mainly by members of minority ethnic and faith communities, new migrants, asylum seekers and refugees (*'Tackling Hate Crime in the UK'* - Amnesty International <https://www.amnesty.org.uk/files/Against-Hate-Briefing-AIUK.pdf>)

Clearly the anti-immigration sentiments were pervasive; giving a licence to the display of all forms of racism: *"The issue of immigration was at the fore and scaremongering seemed to fuel and legitimise hostility towards minority ethnic and faith communities"* (Amnesty International cited above).

In terms of the wider picture, Home Office figures report that the number of hate crimes in England and Wales increased by 29% from 62,518 in 2015/2016 to 80,393 offences in 2016-17. This has been the largest increase since the Home Office began recording these figures in 2011-12, with 78% of the offences related to race hate and 7% to religious hate. Although some of this may be due to better crime recording and increased reporting, the figures showed rises after the Westminster Bridge, Manchester Arena and London Bridge attacks in 2017. The data also showed that racially or religiously aggravated offences were more likely to be dealt with by a charge/summons than their non-aggravated counterpart offences (Home Office – Hate Crime, England and Wales 2016/2017 – Statistical Bulletin 17/17, 17 October 2017).

In our view, the above demonstrates that it would be a grave mistake to institutionalise the term 'Islamophobia' to reflect what is in essence racism (consisting of prejudice, discrimination and even violent attacks on immigrants, Muslims and other minority groups). These can all be effectively addressed through existing criminal and equality laws that are themselves the products of anti-racist struggles.

We believe that the correct term to use is anti-Muslim racism. Much in the same way that recently we have seen a rise in anti-immigration racism, anti-Muslim racism is part of the continuum of racism that we must fight together. But because the term 'Islamophobia' echoes the worldview of the Muslim right, it does more to confuse the issues than clarify them. More importantly, it does more to harm the cause of anti-racism precisely because the fundamentalist agenda is antithetical to equality and human rights principles, including the right to freedom of expression.

Consequences for free speech

Attempts to tackle racism and hate crime must be robust but should not fall into the error of suppressing freedom of expression. The European Convention on Human Rights (ECHR) enshrines the right to freedom of expression under Article 10. It protects not only 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also those that offend, shock or disturb the state or any sector of the population. Article 10(2) permits restrictions so long as they are prescribed by law, necessary in a democratic society, in pursuit of a legitimate aim, and proportionate to that legitimate aim. The European Court of Human Rights has held in *Kokkinakis v. Greece* of 25 May 1993 (Series A no. 260-A) and a number of subsequent cases that the state has a responsibility to ensure the peaceful enjoyment of the right guaranteed under Article 9 ECHR (freedom of thought, belief and religion) to the holders of those beliefs and doctrines. In extreme cases the effect of particular methods of opposing or denying religious beliefs can be such as to inhibit people from exercising their freedom to hold and express them. However, the court has also clearly stated that those who choose to exercise the freedom to manifest their religion cannot reasonably expect to be exempt from all criticism. They must tolerate and accept the denial by others of their religious beliefs and even the propagation by others of doctrines hostile to their faith.

It should also be noted that Article 17 of the ECHR amounts to a prohibition on the abuse of convention rights. It has been relied on by the court to exclude hate speech (for example, encouraging racial or religious hatred that negates the fundamental values of the ECHR), from the protection of the ECHR (such as *Norwood v UK* – admissibility decision of 16 November 2004, 23131/03).

We are concerned that the existing interpretation of ‘Islamophobia’ would fall foul of article 10(2) ECHR. How does one identify and describe legitimate criticisms or anxieties on the one hand and hate-filled or irrational criticisms and anxieties on the other? Would the following be considered Islamophobic: a condemnation of political Islam; criticism of patriarchal and heterosexual structures inherent in Islam; criticism of ‘sharia laws’ and gender segregation; criticism of prominent Muslim leaders; the promotion of atheism and secularism? We would argue that these are all legitimate expressions of free speech that should be protected by article 10(1) but may be caught by a definition of ‘Islamophobia’. The point is that in a climate of fundamentalism and religious intolerance in all religions, it would be easy for state agencies such as the police to cave into demands for the arrest and prosecution of those deemed to have ‘offended religious sensibilities’ for fear of being labelled ‘Islamophobic’ or ‘offensive’. We know this only too well from our own work in challenging cultural and religious practices such as FGM, polygamy, forced marriage, honour-based violence and sexual abuse; these issues were once subject to a ‘hands off’ approach by state services that were more preoccupied with the fear of being labelled racist and causing offence than with protecting vulnerable women and children.

We are concerned that entrenching and legitimating the term ‘Islamophobia’ will lead to confusion and censorship of legitimate criticisms and thus infringe the right to freedom of expression.

The way forward – tackle anti-Muslim racism as racism

Islam is not a race or ethnicity. In literal terms it is a set of religious ideas, and criticism of these ideas cannot be conflated with racism towards a group of people. To hold otherwise is absurd and illogical since the attacks against individuals and groups that is labelled 'Islamophobia' is in fact no different to the racism faced by many other minorities.

Sadly the term has become a way of privileging discrimination faced by Muslims when in reality, the same forms of discrimination and racism are faced by other BME groups, who also experience similar or even greater levels of inequality, exclusion and discrimination. For example African-Caribbean groups are disproportionately represented in prisons, care homes and in school exclusions. Immigrants and asylum seekers are particularly subject to vilification and racial attacks. To therefore recognise 'Islamophobia' as a specific discrimination strand is to contribute to the creation of a hierarchy of oppression and victimhood that can become a barrier to solidarity and integration as different groups compete for the right to be seen as the most oppressed and the ultimate type of victims. Our concern is that the adoption of the term not only encourages such a regressive politics of victimhood but prevents solidarity from forming for the purposes of challenging all forms of racisms.

We are also concerned that if the term is institutionalised, other BME populations who also face exclusion, marginalisation and inequality – namely Hindus and Sikhs – will also seek to have their experiences recognised in accordance with their religious identity. In other words, they would be defined solely in relation to religion, which needs protecting from any polluting or questioning force. The potential for suppression of

dissent is the same as in relation to 'Islamophobia'. We have come across Hindus for instance stating that those who dissent or question religious norms are displaying 'Hinduphobic' views. But this label is often used to target those who legitimately question so-called Hindu norms that could justify caste discrimination or the oppression of women and girls. We could point to how Hindu fundamentalists clamped down on art exhibitions by the Indian artist, MF Hussain in 2006 for 'offending Hindu sensibilities'

(<https://www.theguardian.com/theguardian/2006/may/30/1>). We could also highlight how Sikh fundamentalists sought to ban plays and disrupt interfaith marriage ceremonies in Sikh temples, using violence and intimidation (<http://www.bbc.co.uk/news/uk-21721519>), all in the name of 'protecting' their faith as they have come to define it.

Racism must be seen as a structural phenomenon rooted in political, economic and cultural structures of power. It is an experience shared by many minority groups and it needs to be challenged in solidarity with rather than in competition with others. The ECHR already provides protection for those facing anti-Muslim racism, through provisions of Article 9 (when looked at with Article 10 and Article 17), as set out above.

The existing criminal law of England and Wales also provides redress. We have referred above to the CPS definition of hate crime. The CPS and police also have a joint definition of cases involving 'hostility on the basis of race or religion': *'Any incident/crime which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or religion or perceived race or religion.'*

The threshold needed to demonstrate 'hostility' is not high, and the perception of the victim is key.

Offences of wounding, assault, criminal damage, harassment, stalking and threatening/abusive behaviour that are racially or religiously aggravated can already be prosecuted under the Crime and Disorder Act 1998. The Criminal Justice Act 2003 also gives the court power to increase the sentence of any offence (other than those already provided for in the Crime and Disorder Act 1998) that is racially or religiously aggravated. In addition, s17 of the Public Order Act 1986 created offences of stirring up racial hatred through the use of threatening, abusive or insulting words, behaviour or written material. In 2006 and in 2008, this provision was extended to cover incitement on the grounds of religious identity and sexual orientation. This can be used to prosecute serious cases of race or religious hate speech.

The above shows there is already considerable protection available for victims of racial and religiously motivated hate crime. Certainly, there is evidence that enforcement of that protection is not as effective as it should be. Amnesty International (in its report cited above) recommended a review of the legislation, which could include extending the list of protected characteristics and provision of equal protection for all characteristics. Amnesty also recommended that public figures speak out vigorously against racism and hate. Amnesty International's case studies found significant difficulties with the response of the police, prosecutors and the courts, which do not take racism seriously. This would chime with our own experiences.

We would support the suggestion made by Amnesty International that public officials who behave in a discriminatory way or use or condone racist or discriminatory language should be held accountable and face clear disciplinary sanctions.

Conclusion

We strongly urge the committee to recognise the principle that rights and protections must be afforded to individuals and not to religions or other belief systems. The term ‘Islamophobia’ conflates the protection of individuals from racism with the protection of religion from criticism and dissent. Further, by basing the protection on religious affiliation rather than race or migration status, we risk the ‘silo-fication’ of the struggle against racism and discrimination on racial or religious grounds. We should instead have one (unifying and unified) approach based on principles of anti-discrimination, equality and human rights, including freedom of expression. This framework already exists but needs improving and robust implementation at all levels of the criminal justice system. We would also encourage better guidance for police, prosecutors and judges for investigating, charging, trying and sentencing hate crime cases, and call for clear accountability mechanisms for victims when the criminal justice system fails them.

As we have set out at length above, anti-Muslim racism is not the product of an individual phobia or irrational fear of the ‘other’. It is a form of racism that must be tackled politically and legally through inclusive and progressive laws. To do otherwise is to fall into the fundamentalist trap of using religion to promote a regressive agenda of censorship and control.

Postscript (following the submission)

In my submission to the APPG, I raised the very real prospect of the leaderships of other minority religions, notably Hindus and Sikhs, mirroring similar demands to protect their religious identity – a demand that is more concerned with curtailing free speech than with addressing racism. For example, much of right-wing Hindu activism in the UK has focused on using a newly discovered ‘Hinduphobia’ to ban exhibitions, plays, films – and to oppose anti-caste legislation – deemed deeply offensive to ‘Hindu sensibilities’ (Patel, 2016). Moreover, in a fairly recent development (22

June 2021), an early day motion (EDM) was tabled by six Labour MPs and sponsored by another 40 MPs from across the political parties that called for an end to so-called anti-Indian racism, which is then conflated with ‘Hinduphobia’:

...this House welcomes the contributions of Indians to British society; condemns the racism they face on a daily basis; calls on key institutions to urgently address this type of prejudice; recognises the 1.3 million Indians who fought for Britain during WWI and have contributed greatly to all levels of society over the past century; pays tribute to the thousands of British Indians who work in the NHS and have served the nation tirelessly throughout the covid-19 outbreak; acknowledges research by The 1928 Institute which revealed that 80 per cent of British Indians have faced prejudice because of their Indian identity, with Hinduphobia the most prevalent; abhors the use of dog whistle language including the widespread use of phrases, such as Indian variant, which proliferates anti-Indian racism on social media and in wider society; and calls on the Government to take steps to urgently address this worrying rise (Parliament UK, 2021).

The background to the EDM is the publication of a study by the 1928 Institute, an organisation set up to represent the supposed views of British Indians with the support of pro-Hindu nationalist groups such as the Hindu Council UK (Identity, Political Representation and Policy Priorities, 2021). The study claims, without presenting any specific evidence, that ‘Hinduphobia’ is the most prevalent form of racism faced by Indians. What is described is extremely vague and fails to illuminate why Indians are targeted specifically because they are Hindus as opposed to being members of an ethnic minority.

What this tells us is that the real agenda of the organisations behind the EDM is an attempt to assert the term 'Hinduphobia' into the public discourse – a long term primary objective of the Hindu far right in the UK, aping the success of the Islamic far right in relation to the term Islamophobia. It seeks to promote a political Hindu identity for the purpose of policing internal dissent and to deflect any criticism or questioning of its anti-Muslim, casteist and authoritarian project. Its wider goal is reconfiguring Indian identity as Hindu identity. The desire to erase the idea of a secular and plural Indian identity by conflating religious identity with national and ethnic identity lies at the core of Hindu nationalism in India and in the Indian diaspora.

Referring to the EDM, its key sponsor Navendu Mishra, a Labour Party MP, makes clear that his ultimate goals would be to work with the All Party Parliamentary Group on India to draft a working definition of Hinduphobia (one has already been drafted at the international level); to insert Hinduphobia as a hate crime in the government's Hate Crime Action Plan; and to create a strategy on challenging Hinduphobia (India Today, 2021). These key objectives give lie to the claim that the EDM is concerned with addressing so called anti-Indian racism that is in fact no different from the forms of racism faced by many minorities including those of Muslim and Sikh backgrounds, as described in the submission above.

These examples show the religious right forces within UK minority communities in action, using the language of phobia, prejudice, fear, emotional harm, hurt and even anti-racism to peddle the myth that their religious identities are under siege. They do so in order to legitimise and protect their acts of political, cultural and religious vandalism from criticism; a vandalism that stifles freedom of thought and speech and shrinks the democratic space for dissent. The urgent task before us is to find ways of challenging the reality of racism while also reclaiming the value of free speech as part of a wider progressive left politics.

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To cite this article:

Patel, P. (2022). The APPG, Islamophobia and Anti-Muslim Racism. *Feminist Dissent*, Issue 6, pp. 205-229. Retrieved from:

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