
100 YEARS OF DISESTABLISHMENT

CIVIC PLURALISM IN WALES, PAST AND FUTURE



Wales Humanists is part of Humanists UK. We want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by over 100,000 members and supporters. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

 Wales Humanists
Dyneiddwyr Cymru

INTRODUCTION

A PROUD LEGACY OF INCLUSION AND PLURALISM

100 years on from its coming into force, this report examines the far-reaching impact on Welsh society and public life of the Welsh Church Act 1914, which disestablished the Church of England in Wales on 31 March 1920.

This report looks at the story of Wales following the Act, and considers the unique and by and large exemplary political culture of modern Wales, including the successes born of a devolved administration established along secular lines. It also suggests further ways in which Wales might build on the proud legacy of independent thought and pluralism to ensure that every resident is treated with equal dignity, regardless of religion or belief.

The history of the Act itself is as intriguing as the impact it has had. Calls for an Act began in the nineteenth century because of the unfairness of non-Anglicans paying tithes to support the Church of England, growing numbers of Nonconformists, and the growth of a sense of Welsh nationhood.

The proposed law was popular in Wales and among MPs in the House of Commons but bishops and social conservatives in the House of Lords, concerned at the potential loss of their religious and political influence, opposed it. In the end the House of Commons had to use the Parliament Act of 1911 to force the Lords to agree against their will and the Act was passed in 1914. Its implementation was delayed to 1920 due to the outbreak of the First World War.

The Act disestablished the Church of England, and created the Church in Wales, which was, markedly and for the first time, separate from the state.

As will be explored, the Act put the nation of Wales on a secular trajectory, to the envy of reform-minded individuals living in other parts of the UK.

The Act has had a profound impact on the character of Welsh politics as it has developed and evolved since its passage.

Meetings of the Senedd, unlike the UK Parliament, have no Anglican prayers as part of their business. And since devolution, Wales has charted strongly secular approaches both to governance and in areas such as healthcare policy. The pioneering organ donation law which came into effect in 2015 is among several examples in which Wales has led the way in the UK in recent years. In that case, the Welsh Government managed to take on board the views of diverse religious communities while ultimately carving out an evidence-based path that benefited society as a whole.

This report will also explore outstanding vestiges of religious privilege in Welsh public life and set out a future vision of even greater equality on the basis of religion or belief. It makes recommendations on collective worship in schools, faith schools, marriage laws, chaplaincy/pastoral support, and national ceremonies, that, if taken up, would see Wales fully embrace the diversity of its population today.

CONFIDENT IN OUR DIVERSITY

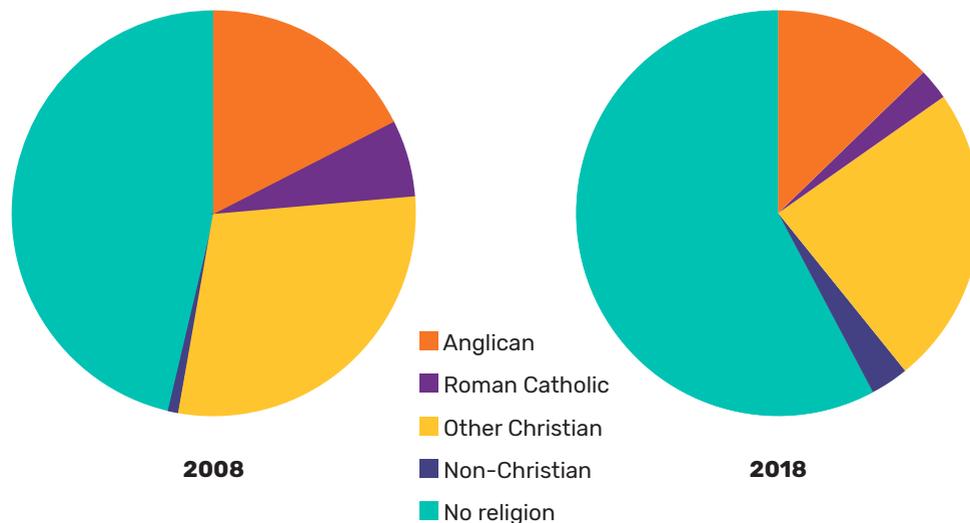
In Wales, we speak more than one language (this report is published in English and Welsh), we excel in many sports (particularly football and rugby), and we believe many different things when it comes to life's religious and philosophical questions. In all these areas, albeit to different extents, our society benefits from people who have differences living together peacefully and productively, and being treated as equals.

Diversity of belief, in particular, has always been something distinctive about Wales, and was part of the impetus for disestablishment some 100 years ago. Today, Wales is also distinctive within the UK for the very large majority of people who do not identify with any religion. The most recent British Social Attitudes Survey

in 2019 revealed that nearly three-fifths (58%) of Welsh adults regard themselves as belonging to no religion at all, up some 20% from the last decade when under half (46%) of Welsh adults said the same. All indications are that this trend will continue, making the non-religious a culturally and politically significant group in Welsh society.

Meanwhile, there has been a large relative rise in those belonging to non-Christian religions (0.8% in 2008 to 3.2% in 2018).¹ Taken together, these figures show there is a continued and pressing need for religious neutrality in public life, reflecting the fact that in a plural society, the communal institutions that we share (and together pay for) should be spaces where people following many different religious and non-religious ways of life can meet on equal terms.

The shift in religious beliefs in Wales



¹ British Social Attitudes Information System data survey years 2008 and 2018. Available at: http://www.britisocat.com/BodyTwoCol_rpt.aspx?control=CCESDMarginals&SurveyID=34&Var=RELIGSUM&LangID=0&CountryID=4

SUCCESSSES OF SECULARISM

There have been many successes as a result of the Welsh Church Act 1914 and Wales' subsequently pluralistic and largely secular public policy.

THE SENEDD ITSELF IS FORMED ON SECULAR PRINCIPLES

Compared to other parts of the UK, Wales enjoys a high degree of separation between church and state. This is evident in the Senedd, where, in contrast to the UK Parliament, there is no advantage or disadvantage to Senedd members on the basis of their religion or belief. Nor does religion influence the formal proceedings of parliamentary business.

While it's true to say that the story of secularism in Wales began in 1914, it was a process that accelerated significantly with devolution towards the end of that century.



Rhodri Morgan

In the early days of devolution, First Minister Rhodri Morgan helped set the tone for what was emerging as a uniquely inclusive and pluralistic Welsh polity. His own egalitarian convictions were evident in the consistent dignity and equal treatment he afforded to people of different beliefs and backgrounds. In doing so, he and his fellow pioneers of Welsh democracy helped to fashion a distinctively Welsh approach to politics, where humanists and religious groups alike are treated by the government as partners on an equal basis.

It was fitting that, when Rhodri died, the National Assembly for Wales chose to organise Wales' first state funeral on the basis of his own beliefs – a humanist funeral that was telecast around the world. In England, by contrast, state and ceremonial funerals seem to invariably be Anglican, irrespective of the beliefs of those being mourned. Morgan had been a patron of Wales Humanists.

Yet even before devolution crystallised this inclusive approach in Wales' institutions and the Senedd's procedures, that inclusive character was already in the DNA of Welsh politics.

It can be seen in the outsized contributions that Welsh statesmen and women made in the UK Parliament. At the start of this 100-year story, Liberal Prime Minister David Lloyd George, for example, was an agnostic in his beliefs who identified closely with the Nonconformist Welsh community he was raised in; it was his Government that enacted Welsh disestablishment in 1920.

In the mid-20th century, the 'father of the NHS' Aneurin 'Nye' Bevan, like Rhodri Morgan, was a committed humanist who 'practiced what he preached' in terms of a pluralistic Welsh politics. His wife Jennie Lee famously said upon his death:

Nye is asleep next door. Later today he will be taken home to Wales. Tomorrow he will be cremated in keeping with his known views... He was never a hypocrite. No falsity must touch him once he is no longer available to defend his views. He was not a cold-blooded rationalist. He was no calculating machine. He was a great humanist whose religion lay in loving his fellow men and trying to serve them... He knelt reverently in respect to a friend or friend's faith, but he never pretended to be anything other than what he was, a humanist.



It is to the credit of the pioneers of devolution that Nye Bevan's tolerant approach – respect without hypocrisy, rationalism married to fellow-feeling in spite of differences – is evident in today's Senedd and today's Wales. It has shaped the comparatively mature and sanguine nature of Welsh politics today.

Unlike the UK Parliament, the Senedd reserves no automatic places for religious figures, and Senedd business starts directly without prayers. This is entirely different from the situation in Westminster, which is unique among democratic sovereign parliaments in automatically allocating 26 seats for Church of England bishops in the House of Lords, and which starts parliamentary business in both chambers with daily Anglican prayers. In fact, it even enables MPs to reserve limited seating for the day ahead by attending these prayers, which others have pointed out is a form of indirect discrimination against non-Christians.

A WORLD LEADER IN INCLUSIVE EDUCATION

100 years on from disestablishment, Wales is still making advances. Recently, the Welsh Government has led the way in offering an inclusive education on religion or belief, as well as relationships and sexuality, as part of the reforms contained in the forthcoming, rights-based Curriculum for Wales. The Government's Curriculum and Assessment (Wales) Bill² makes explicit that schools must teach humanism equally alongside the major world religions, reflecting their obligations under the Human Rights Act 1998.³

Under Education Secretary Kirsty Williams MS's leadership, the Welsh Government is also renaming the latter subject to 'Religion, Values, and Ethics' (RVE) which is considerably more broad than the current name 'Religious Education' which, by its very name, is exclusive of the non-religious. Significantly, the Bill also maximises the number of children who receive the subject in an objective, non-partisan way, by equipping parents whose children attend voluntary aided faith schools with the right to demand lessons taught in accordance with their locally agreed syllabus, which all children in schools without a religious character will be taught.

The new relationships and sexuality education curriculum also looks set to celebrate Wales's diversity, including education about LGBT and gender-related issues.

The inclusive and pluralistic character of Welsh politics has helped make it possible for the Welsh Government to advance proposals for a new kind of curriculum framework. The new curriculum is one with the rights of children embedded deep at its heart, and was unveiled after taking in the opinions of the widest possible selection of experts and stakeholders, including religion or belief groups.

INCLUSION OF HUMANISTS ON SACREs AND ASCs

Similarly, the Welsh Government has confirmed the legal right of humanists to sit on Standing Advisory Councils on Religious Education (SACREs) and Agreed Syllabus Conferences (ASCs), bodies

which oversee and set local religious education syllabi. Following news of a conflict involving a local council that was refusing membership to a humanist, the Welsh Government wrote to all local authorities in 2018 to set out the legal landscape, explaining that councils were required in law to treat applications from humanists just as they would applications from religious groups.⁴ The Curriculum and Assessment (Wales) Bill will put into statute provision for humanists to join SACREs and ASCs as full voting members.

This was a welcome and much-needed intervention. While many SACREs in England and Wales now include a humanist alongside religious representatives, some continued to refuse membership to humanists, despite this being in breach of the law.

LEADING THE UK ON ORGAN DONATION

In 2015, Wales took the visionary and lifesaving step to become the first country in the UK to move to a 'soft opt-out' organ donation system, meaning that adults in Wales are presumed to have consented to organ donation unless they have specifically opted out.

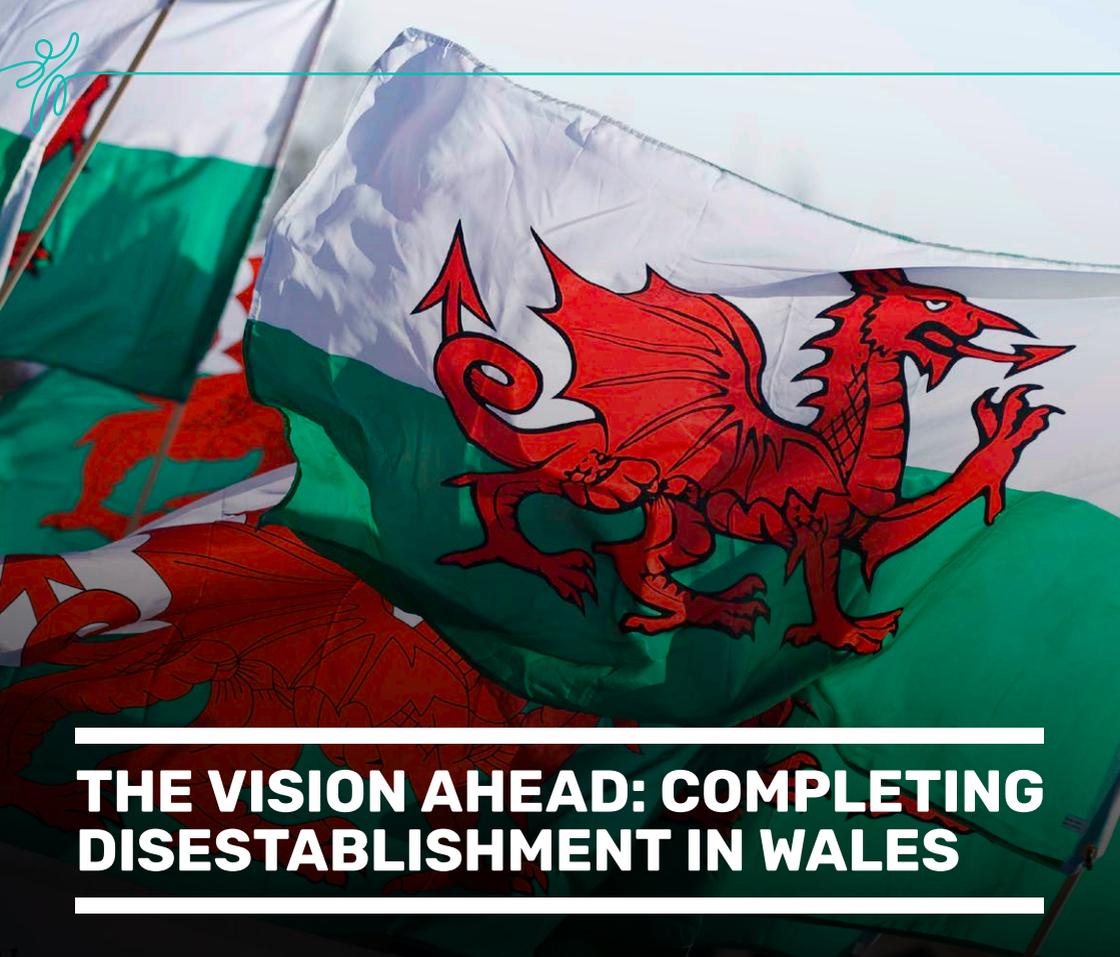
The rest of the UK is catching up, England moved to an opt-out system earlier this year⁵ and Scotland is due to change its law to a similar system in 2021. The Northern Ireland Government previously indicated support for such a scheme in 2013, although a private member's bill on the changes was rejected in 2016.

² The Curriculum and Assessment (Wales) Bill. 2020. Available online at: <https://senedd.wales/laid%20documents/pri-ld13294/pri-ld13294%20-e.pdf>

³ Humanists UK. 'Welsh Government to change law on school RE to include humanism'. 2019. Available at: <https://humanism.org.uk/2019/01/28/welsh-government-to-change-law-on-school-re-to-include-humanism/>

⁴ Humanists UK. 'Welsh Government: Humanists must be given right to sit on local RE bodies'. 2018. Available at: <https://humanism.org.uk/2018/05/08/welsh-government-humanists-must-be-given-right-to-sit-on-local-re-bodies/>

⁵ Humanists UK. 'Success! Humanists UK celebrates new life-saving organ donation law after more than a decade of campaigning'. Available at: <https://humanism.org.uk/2020/05/20/success-humanists-uk-celebrates-new-life-saving-organ-donation-law-after-more-than-a-decade-of-campaigning/>



THE VISION AHEAD: COMPLETING DISESTABLISHMENT IN WALES

Wales' recent advances in education and elsewhere rightly deserve celebrating and are the envy of liberal-minded reformers in the rest of the UK. Yet there still remain many areas in which Wales' disestablished national church continues to enjoy exaggerated influence in the public sphere, and where this has negative effects on communities across Wales.

FAITH SCHOOLS

The best example of this comes from faith schools. Eight percent of schools in Wales today are run by the Church in Wales, and have exemptions from the law which allow them to discriminate in admissions, employment, and in the curriculum of what has until now been called Religious Education⁶. This freedom to discriminate is compounded by the general over-provision of religious schools in Wales. Evidence suggests that many families have little or no choice over whether the school they go to is a faith school or not.

But these problems go wider than one religious institution. 14% of all state-funded schools in Wales are schools 'with a religious character' – the legal term for faith schools. Like Church in Wales schools, they are also permitted to design their own curriculum, discriminate on the basis of religion when appointing teachers, and can control their own admissions, prioritising members of their own faith and putting those of other religions or who are non-religious to the back of the queue for places if they so wish. This discriminates against children on the basis of beliefs they are too young to confidently hold for themselves, reduces the access of local parents to local schools, and leads to communities that are divided along lines of religion, and, as a knock-on consequence, race and family income.

The OECD recently conducted a survey of member countries, looking for where state schools discriminate on the basis of religion in admissions. The only countries it identified were the UK, Ireland (where the Government is making steps to address the problem), Estonia, and Israel.⁷ No other countries were found to discriminate against children by religion in this way, as is common in Wales and the rest of the UK.

We want to see Wales adopt an inclusive, secular school system, where children and young people of all different backgrounds and beliefs can learn with and from each other.

Wales has already shown it can be a leader within the UK and within Europe with its curriculum. By addressing issues with

schools that were historically neglected by the UK Parliament, the Senedd and Welsh Government can address the discriminatory impact of religious schools and make their education system one of the fairest in the world.

RECOMMENDATION: Wales should support fully inclusive school admissions, employment, and curriculum policies, with no discrimination on the basis of religion.

COLLECTIVE WORSHIP

Other weaknesses in our education law relate to anomalies inherited from the English education system, decades before a say over education was devolved to Wales. In fact, the duty to enforce collective worship in 1944 was opposed by many Welsh MPs including the Labour MP for Aberavon, William Cove, who said 'For the first time in British history the State comes in and decrees that there shall be in every elementary school throughout the length and breadth of the land a collective act of worship, and does this as an answer to the largely neutral feeling in Britain as far as religion is concerned, and the secularism of the twentieth century.'⁸

The UK, including Wales, is the only country in the world to impose daily Christian worship in state schools as standard, despite the broad range of different religions and beliefs of pupils today and despite 70% of those aged between 18-24 (the youngest age group surveyed) saying they are non-religious.⁹

⁶ Welsh Government. Pupil Level Annual School Census. 2019. Available at: <https://stats.wales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Pupil-Level-Annual-School-Census/Schools>

⁷ Pauline Musset. OECD Education Working Papers No. 66. School Choice and Equity: Current Policies in OECD Countries and a Literature Review. 2012. Available at: <https://www.oecd-ilibrary.org/docserver/5k9fq23507vc-en.pdf?expires=1582748442&id=id&accname=guest&checksum=A5A3EB96C0E1F79CFD457BFFBF559037>

⁸ William Cove MP. Education Bill. 12 May 1944. Available at: <https://api.parliament.uk/historic-hansard/commons/1944/may/12/education-bill>

⁹ NatCen. 'Church of England numbers at record low'. 2018. Available at: <http://www.natcen.ac.uk/news-media/press-releases/2018/september/church-of-england-numbers-at-record-low/>



While parents can opt their child out of collective worship, few do so as they do not want to single out their child, or for them to miss the valuable elements of school assemblies such as the celebration of shared values, and participation in the broader school community.

There is no recognised legal requirement to provide a meaningful alternative for those withdrawn that is of equal educational worth. Last year in Oxfordshire, two parents won a settlement from an Anglican-owned multi-academy trust which runs their school of no religious character.¹⁰ Although not binding, this seems to suggest that the 76-year-old law mandating collective worship would not stand up to full legal challenge. However, neither the UK nor Welsh governments has yet taken up the implications of the case.

We believe the law should change so every child can enjoy assemblies which promote the spiritual, moral, social, and cultural development of all pupils, without discriminating against them on the basis of their religion or non-religious beliefs.

The forthcoming new Curriculum for Wales has shown the success to be found in framing the fundamental questions about education around children's rights. This same approach should be taken to removing outdated elements of education law inherited from the time before devolution.

RECOMMENDATION: The Welsh Government should introduce inclusive assemblies for all in the place of mandatory collective worship in Wales.

¹⁰ Humanists UK. 'School concedes in collective worship legal case - will provide alternative assemblies'. 2019. Available at: <https://humanism.org.uk/2019/11/20/school-concedes-in-collective-worship-legal-case-will-provide-alternative-assemblies/>

¹¹ Humanists UK. 'New NHS obligation to provide equal pastoral care to non-religious in England', 2015. Available at: <https://humanism.org.uk/2015/03/06/new-nhs-obligation-provide-equal-pastoral-care-non-religious-england/>

NHS CHAPLAINCY AND PASTORAL SUPPORT

We welcome the growth of multifaith and belief chaplaincy and pastoral support teams in Wales as further evidence of the pluralistic and diverse civic space which Wales developed early on in the absence of an established church. But barriers to equality continue, especially for the non-religious. Non-religious people in Wales still face discrimination in access to non-religious pastoral support in hospitals and prisons, or in employment as part of all pastoral care teams.

Meanwhile, non-religious pastoral carers of the sort trained by Wales Humanists in Wales have enjoyed high degrees of success in Scotland, England, and Northern Ireland.

NHS England's 2015 guidelines *Promoting Excellence in Pastoral, Spiritual and Religious Care* mandates equal pastoral support and care to non-religious people on the same basis as chaplaincy is provided to the religious.¹¹ At the time of writing, NHS Wales is reviewing its own guidance and we hope that it will make a similar move.

RECOMMENDATION: NHS Wales should mandate equal treatment for the non-religious in its new NHS guidelines on Spirituality, Health, and Wellbeing.



LEGAL RECOGNITION OF HUMANIST MARRIAGES

Humanist weddings are non-religious wedding ceremonies conducted by a humanist celebrant which are personal occasions that are fully customised to match the deepest-held values and beliefs of the couple getting married. At present, non-religious couples in England and Wales face discrimination as they, unlike their religious counterparts, are unable to have a legally recognised wedding in line with their (non-religious) beliefs.

England and Wales are lagging behind in this respect. Humanist marriages are legally recognised in the rest of the UK, Ireland, and some of the crown dependencies. Marriage law is not devolved to Wales. While the UK Government has held the power to enact legal recognition to humanist marriages by statutory instrument since 2013, it has failed to do so, in spite of multiple reviews of the matter, a Northern Ireland 2018 Court of Appeal judgment on a human rights challenge leading to the first legally recognised humanist marriages there, and a recent High Court ruling in England that found the current law to be 'discriminatory'.¹²

¹² Humanists UK. 2020. 'High Court rules humanist marriage recognition failure is "discriminatory", but stops short of formal breach due to ongoing review.' Available at: <https://humanism.org.uk/2020/07/31/humanist-marriage-case-outcome/>

¹³ Humanists UK. 2019. 'Humanist marriages continue to rise in Scotland, new figures show'. Available at: <https://humanism.org.uk/2019/11/20/humanist-marriages-continue-to-rise-in-scotland-new-figures-show/>

¹⁴ Humanists UK. 2020. 'Humanist weddings in Wales banned during firebreak lockdown, while religious marriages can continue'. Available at: <https://humanism.org.uk/2020/10/24/humanist-weddings-in-wales-banned-during-firebreak-lockdown-while-religious-marriages-can-continue/>

There is enormous demand for them in every jurisdiction where they enjoy legal recognition. Since 2019 there have been more humanist than Christian marriages in Scotland.¹³ Moreover, by virtue of humanist weddings being not legally recognised in Wales, there have been instances of humanists being further discriminated against by both the Welsh and UK governments during the coronavirus lockdowns. This is because weddings that aren't legally recognised have at times been banned by coronavirus regulations, unlike legally recognised marriages. That has meant that humanists have not been able to have a wedding in line with their beliefs, unlike religious people, who can have a legally recognised religious marriage. This has happened twice in Wales in 2020, for instance during the Welsh 'firebreak'.¹⁴

RECOMMENDATION: The Welsh Government should press for the devolution of marriage law to Wales in order for Wales to legally recognise humanist marriages, or press for the UK Government to extend legal recognition to humanist marriages in Wales.



INCLUSIVE PUBLIC CEREMONIES

We believe the Welsh National Remembrance Ceremony should be civic in character in order to fully represent and appropriately remember the diversity of individuals who fought and gave their lives for this country.

While we celebrate that 2018 marked the first year in which humanists were formally represented at the Welsh national ceremony, where former MS and patron of Wales Humanists Lorraine Barrett spoke, the national service continues to be organised as a distinctively Christian ceremony. This is despite the fact that the majority of the Welsh population is non-

religious, and also ignores the growth of non-Christian religions. And things went backwards in 2020 when, due to the Welsh national 'firebreak' as a result of the COVID pandemic, the Welsh National Ceremony was held on a smaller scale and defaulted to a Christian service, with no other representation from faith or belief groups.¹⁵

RECOMMENDATION: The Welsh Government should ensure the Welsh National Remembrance Service is civic and not religious in character, to be inclusive of all who serve their country and all who mourn and remember.

¹⁵ The Royal British Legion programme. Gwasanaeth Coffa Cenedlaethol Cymru/The National Service of Remembrance for Wales, 2020. Available at: <https://www.cardiff.gov.uk/ENG/Your-Council/Armed-Forces-Covenant/Remembrance-Sunday-2020/Documents/Remembrance%20programme%202020.pdf>

CONCLUSION

The impact of the Welsh Church Act 1914 can still be felt today and runs through everyday life in Wales, from school desks and hospital corridors to the floor of the Senedd. While its successes are numerous and have led to a more confident and proud nation, there are areas in which the principles underpinning the Act can be extended to build on Wales' strong record of celebrating pluralism and to guarantee now and in the future that everyone in Wales is treated equally regardless of religion or belief.





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