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A British Legal Framework for Religious Hate and the Challenges of Defining Anti-Muslim Hatred

Dr Daniel Allington

Counter Extremism Group

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Counter Extremism Group
2 Leman Street
London E1W 9US

www.counterextremism.org.uk

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About the Author

Dr Daniel Allington is a Senior Associate Fellow at the Counter Extremism Group. He is also a Reader in Social Analytics at King's College London, Deputy Editor of Journal of Contemporary Antisemitism, and a Research Fellow of the London Centre for the Study of Contemporary Antisemitism.

About the Counter Extremism Group

The Counter Extremism Group is a leading London-based research centre dedicated to providing practical policy solutions to the growth of extremist ideologies.

Our mission is to help elected representatives, government officials, the media, and wider society better understand extremism and how to respond effectively.

Our work involves identifying manifestations of extremism and subsequently producing non-partisan research, commentary, and policy advice.

Executive Summary

The government is considering a working definition on anti-Muslim hatred. This process began in February 2025 with the creation of a Working Group on Anti-Muslim Hatred/Islamophobia Definition which submitted advice to the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government in October 2025.

However, the best response to anti-Muslim hate is an even-handed re-assertion of the existing British legal framework for religious hate, rather than singling out one community and introducing a new definition or legislation that could be counterproductive and divisive.

That framework provides equal religious rights for all and is a positive offer to all people living in Britain. Equitable outcomes can only be achieved through equal application of existing law, without favour towards members or representatives of any particular group.

Therefore, rather than adopting an official definition of anti-Muslim hate, the government should affirm and explain the existing British legal framework for religious hate of all kinds, demonstrating that this framework protects everyone equally.

This report includes a one-page guide to that framework, explaining that everyone has the same *rights* to practise, reject or criticise religion; and the same *protection* from discrimination and criminal hostility linked to religion or belief. It also gives examples of what *could* and also of what *cannot* be considered to constitute religious hate under British law.

This report also finds that:

Existing British law already provides adequate protection for members of all faith groups, including Muslims.

- » Members of all faith groups in the UK are protected by several interlocking pieces of legislation, which were formulated in such a way as to protect all citizens from harm, and to provide *all citizens* with *equal rights*.
- » These pieces of legislation act to protect neither religions, nor religious groups, but *individuals*.
- » However, they also recognise that particular harms can arise where individuals are *targeted* as members of groups, or where there is *incitement against* groups.
- » The terms employed in this legislation – especially with regard to belief and to group membership, whether ‘racial’ or religious – are very flexible, providing *protection for all*.
- » There exists a delicate balance wherein the *very same laws* which protect the right to practise and to proselytise a religion without fear *simultaneously protect* the right to criticise that very same religion and its associated practices, again without fear.

Attempts to ‘go beyond the law’ in protecting the sensibilities of any one faith group could potentially constitute *unlawful discrimination* towards members of other faith groups, and for this reason should be guarded against.

The official adoption of a definition of anti-Muslim hate could have serious unintended consequences.

- » *In practice*, local government institutions, schools, and the police would be likely to treat even a non-statutory definition as equivalent to a statutory definition. This could impact the functioning of such organisations in *unpredictable ways*.

- » Other minority faith groups, including Hindus, Sikhs, Baha'is, and Christians (especially in the African diaspora), as well as Muslim groups (such as Ahmadis and Alevis) whose status as Muslim is regarded as controversial by some other Muslims, would be likely to perceive an official definition of anti-Muslim hate as *evidence of favouritism*, either towards Muslims as a group or towards self-appointed Muslim community leaders (some of whom are known to pursue politicised agendas).
- » Inter-communal relations, which are already highly strained in many parts of the UK, would consequently come under *further pressure*.

There is no evidence of a compelling need for specific measures singling out anti-Muslim hate.

- » Available evidence suggests that a British Muslim is *more likely* to be targeted with hate on the basis of immutable 'racial' characteristics than on the basis of his or her religion.
- » Religiously-aggravated hate crime appears to be *far more of a problem* for the UK's Jewish than for its Muslim minority.
- » While anti-Muslim hate crime is wholly unacceptable, its rates *remain stable* relative to the size of the Muslim population.
- » Secularism may manifest in the form of misgivings towards very highly religious people (regardless of the specific religion that they practise), but is *not to be confused with hate*.
- » Anti-Muslim hate appears to follow a mechanism whereby the Muslim population is held *collectively responsible* for the alleged or real actions of individual Muslims or groups of Muslims, and visibly Muslim individuals are *targeted as proxies* for the Muslim population as a whole.
- » This same mechanism can be observed to operate in *other forms of group-based hate*.

1 Introduction

This report began as a response to current debates on how the British state should respond to the problem of anti-Muslim hate. The intention was to develop a non-statutory definition that assisted the protection of Muslims from hate crime and unlawful discrimination, but which was also consistent with freedom of speech, inclusive of British Muslim experiences, and widely acceptable across relevant stakeholders. However, the study of this problem led to the conclusion that the best response to anti-Muslim hate would be an even-handed re-assertion of the existing British legal framework for religious hate, rather than singling out one community and introducing a new definition or legislation that could be counterproductive and divisive. As this report will show, that framework provides equal religious rights for all and is a positive offer to all people living in Britain.

Since the 1990s, the form of hate and discrimination that is directed specifically at Muslims living in western countries such as the UK has become a contested political and intellectual battleground. Much of the activist and academic discourse around this topic has been politically radical in character. The struggle to define the form of prejudice faced by Muslims is accompanied by a struggle over what to name it, with the radical strand of opinion strongly advocating for the ambiguous term ‘Islamophobia’ rather than a more neutral and conceptually precise term such as ‘anti-Muslim hate’.

The result has been a deluge of reports, books, and articles, many of which define their terms in ways which are incompatible with domestic law, and make demands which would be impossible to satisfy without a fundamental reorientation of the British state.

This report argues that such a reorientation would be both unnecessary and undesirable. When it comes to hate crime and inequality, Britain has some of the most comprehensive legislation in the world, and there is no evidence that this legislation is inadequate to protect Muslims. To bring about changes to the law or its application for the sake of a single faith group — including through the issuing of a non-statutory definition or code — would be extremely controversial. It would also be likely to lead to unintended consequences, and to destabilise the relationships between faith groups. For example, perceptions of ‘two-tier’ justice, or special treatment for particular groups, have a corrosive effect on social cohesion, regardless of whether those perceptions are held by white British people or by members of ethnic and religious minority communities.

In place of a definition or code, this report presents a simple, single-page explanation of the UK’s existing legal framework for religious hate, which could form the basis of something the government and its partners, as well as wider civil society, could adopt as part of a commitment to tackling religious hate. Promoting this single-page document could serve to reassure people of all faiths and none that they have equal protection under the law. It could also assist police forces by helping them to avoid under- or over-application of the law, and help many other institutions or organisations to avoid practices which might carry a legal risk.

The argument presented here has been developed through extensive reading of the literature, in consultation with ten expert interviewees, including legislators, former senior police officers, academics, counter-extremism professionals, and communal and interfaith charity representatives. Findings were also tested at a round table with relevant stakeholders.

Contributions from these experts served to inform the entire report, and are directly quoted where appropriate. Where direct quotes from original interviews are used, italic font has been employed in order to distinguish these from quotations from the literature.

2 Anti-Muslim Hate in the Contemporary UK: A Case Study in Religious Hate

The response to religious hate proposed in this report was informed by a detailed consideration of anti-Muslim hate, based on the best available data and academic literature.

2.1 The Scale of Anti-Muslim Hate

British law allows for multiple overlapping bases for ‘racial’ categorisation on the basis of immutable characteristics, such as nationality or ethnic origin. It provides equal but conceptually distinct protection against hatred on the basis of mutable characteristics, such as religion. This means that Muslims in the UK might face multiple different forms of hate, related to both immutable and to mutable characteristics. It is easy to lose sight of this distinction, because only around 6% of Britain’s Muslims are white, with the great majority being members of communities with ethnic and national origins outside the UK.¹

Although there are no publicly available datasets with which to determine whether a given individual is more likely to be targeted with hate on a racial or a religious basis, one can arrive at a reasonable sense of this from official statistics regarding the prevalence of racially and religiously aggravated hate crimes. Such statistics may also provide a sense of whether the rate of specifically anti-Muslim hate crimes is rising, declining, or stable. Rapid growth in the prevalence of anti-Muslim hate crime might, for example, support the view that Britain’s current legal framework is inadequate to deal with anti-Muslim hate.

This section of the report therefore presents an original analysis of the latter.

2.1.1 Data

In this section of the report, published Home Office figures for police-recorded hate crimes are analysed across the five-year period from 2019–2020 to 2023–2024. Although much crime goes unreported, these figures are argued to be the best source of data available on the relative prevalence of different forms of hate crime. This is for several reasons, which are acknowledged in official reporting of what is probably the second-best source of data, i.e. the Crime Survey of England and Wales (CSEW).

Firstly, random sample surveys by their nature struggle to capture minority populations and rare events (hence the aggregation of CSEW figures over multiple years for reporting purposes).² Secondly, police recording classifies crimes through the expert judgement of trained police officers who have considered the known facts of each case, whereas members of the CSEW sample are only ‘asked whether they think a crime was committed because of a motivating factor’.³ Thirdly, ‘[p]olice-recorded crime figures include crimes against people of all ages, ... crimes where there is not a direct victim, such as public order offences[, ... and crimes against] businesses and institutions’, whereas ‘[t]he CSEW is a victimisation survey which covers adults aged 16 and over’: a particular problem, given that hate crime often targets religious or other community institutions and minority-owned businesses, and that ‘public order offences account for over ... half of police-recorded hate crime’.⁴

While there will inevitably be some disparities, reporting strands in police-recorded hate crimes are treated here as the most reasonable proxy for the relative prevalence of different forms of hate crime. Indeed, findings from the CSEW indicate that individual victims are substantially more likely to report hate crimes to the police than other forms of crime,⁵ which should serve to increase confidence in these figures.

1. IIFL, *Britain’s Diverse Muslims*, 2024, <https://iifl.org.uk/blogs/britains-diverse-muslims/>.
2. Home Office Official Statistics, ‘Hate Crime, England and Wales, 2019/20: Statistics on Hate Crimes Recorded by the Police and Information on Hate Crime from the Crime Survey for England and Wales’, (London: Home Office, 13 October 2020), <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2019-to-2020>, pp. 5, 21.
3. Home Office Official Statistics, p. 6.
4. Home Office Official Statistics, p. 5.
5. Home Office Official Statistics, p. 19.

2.1.2 Analysis

Figure 1 shows the percentages of police-recorded hate crimes by reporting strand for every year from 2019–2020 to 2023–2024, using official police figures for England and Wales as published by the Home Office.⁶ Note that individual crimes may be recorded as having been aggravated under multiple categories.

As this visualisation shows, racially aggravated hate crimes are by far the most prevalent form of hate crime, vastly outnumbering religiously aggravated hate crimes. Indeed, religiously aggravated hate crimes are only the fourth most common form of hate crime, being less frequent than hate crimes aggravated both by sexual orientation and by disability. Percentages of all five forms of hate crimes remain roughly flat across the five-year period, showing neither consistent rises nor consistent falls.

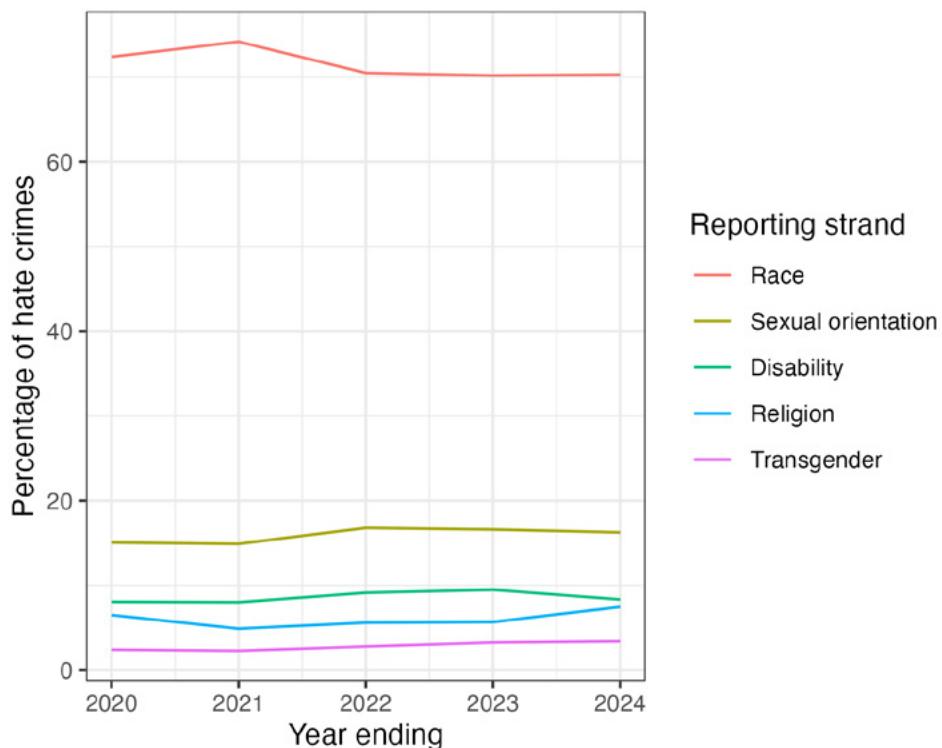


Figure 1: Percentages of police-recorded hate crimes, by reporting strand

6. Home Office Official Statistics, 'Hate Crime, England and Wales, 2019 to 2020', (London: Home Office, 28 October 2020), <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2019-to-2020/hate-crime-england-and-wales-2019-to-2020>; Home Office Official Statistics, 'Hate Crime, England and Wales, 2020 to 2021', (London: Home Office, 12 October 2021), <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2020-to-2021/hate-crime-england-and-wales-2020-to-2021>; Home Office Official Statistics, 'Hate Crime, England and Wales, 2021 to 2022', (London: Home Office, 6 October 2022), <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>; Home Office Official Statistics, 'Hate Crime, England and Wales, 2022 to 2023, Second Edition', (London: Home Office, 2024), <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023>; Home Office Official Statistics, 'Hate Crime, England and Wales, Year Ending March 2024', (London: Home Office, 2024), <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-year-ending-march-2024/hate-crime-england-and-wales-year-ending-march-2024>.

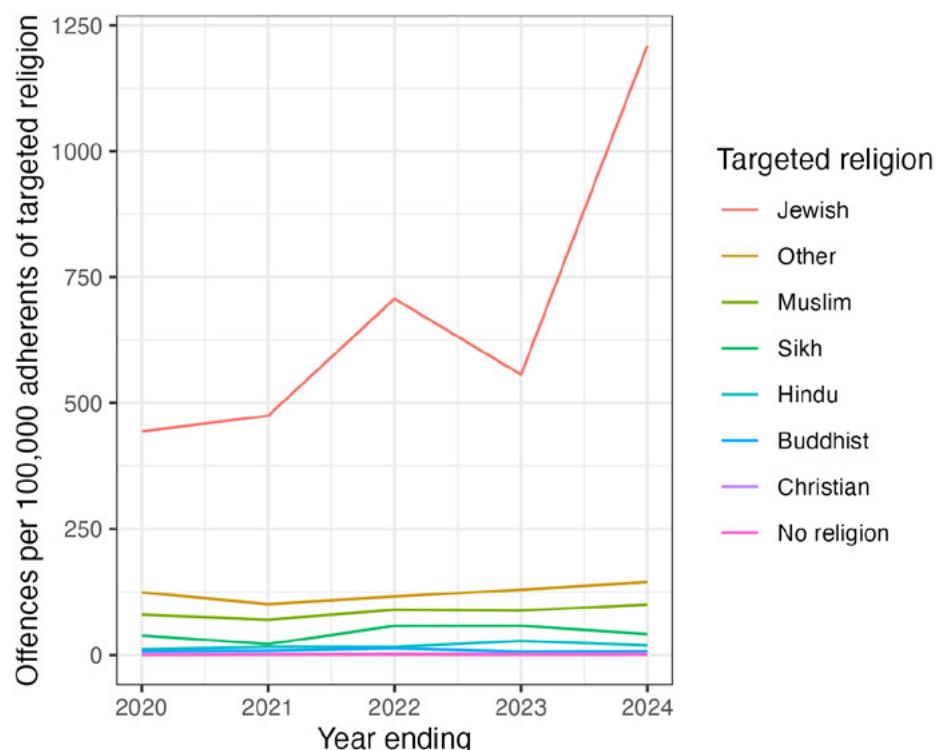


Figure 2: Numbers of police-recorded religiously aggravated hate crimes per 100,000 members of the targeted religion

Figure 2 shows the numbers of police-recorded religiously aggravated hate crimes for each of the same years in England and Wales, per 100,000 members of the religious group to which the victim was perceived to belong (according to the 2021 census).⁷ Note that individual religiously aggravated crimes may target victims of multiple perceived religious groups.

These figures suggest that Jews are by far the most likely to be targeted with religiously aggravated hate crimes than members of any other religious group, followed by members of ‘other’ (i.e. very small minority) religious groups and then Muslims. Moreover, while the rate of hate crimes against Jews rises steeply across the five-year period, the rate of hate crimes against all other religious groups remains flat.

2.1.3 Discussion

Again, it is important to acknowledge that all statistics are imperfect. However, given the greater reporting rate of hate crimes as compared to other crimes (see above), as well as the overlap between Muslim identity and non-white identity in the contemporary UK (see above), it would be implausible to attribute the gap in frequency between racially and religiously aggravated crimes to under-reporting by members of marginalised groups. The most plausible interpretation of the figures is thus that racial, rather than religious, hate presents the greatest threat to members of Muslim communities. Indeed, this is also the interpretation best supported by CSEW findings, which are (as we have seen) problematic with regard to this form of crime and have wide margins of error, but which likewise suggest that racially aggravated hate crime is far more common than religiously aggravated hate crime.⁸

A good example of how Muslim communities may suffer as a result of sentiment that is not directed specifically towards Muslims is provided by a Survation poll of adult British Muslims carried out after the an-

7. ONS, ‘Religion, England and Wales: Census 2021: The Religion of Usual Residents and Household Religious Composition in England and Wales, Census 2021 Data’, (London: Office for National Statistics, 2022), <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/bulletins/religionenglandandwales/census2021>.

8. Home Office Official Statistics, ‘Hate Crime, England and Wales, 2019/20’, p. 20.

ti-immigration riots of July–August 2024 following the murder of three young girls in Southport. This found that a clear majority (62%) of respondents agreed that ‘the potential of risk to harm to Muslim communities’ had increased either ‘somewhat’ or ‘significantly’.⁹

Because British Muslim communities generally have ethnic and national origins outside the UK, anti-immigrant agitation is bound to have an impact on those communities – along with many other communities, including both Hindu and Sikh communities. One expert interviewee was particularly clear on this:

I think [the riots are] anti a particular type of immigrant, if I’m being honest. I think this is largely driven by the [small] boats issue. ...

Do I feel completely safe when something like Ballymena or Southport happens? No, I don’t. ... I’m only too aware of where that could end up going, ... but ... I think this is very much targeted on illegal immigration specifically.

This supports the argument that members of Muslim communities may face hate because of their (multiple and diverse) ‘racial’ identities (many of which will be shared by members of multiple faith groups), and that religious hate is unlikely to be the primary form of hate which threatens them.

The analysis presented here thus finds that:

- » Because British Muslims are overwhelmingly non-white, and live in a majority-white country where racially aggravated hate crime is much more common than religiously aggravated hate crime, they are more likely to be targeted as members of various non-white or non-British ethnic and national groups than as Muslims
- » Religiously aggravated hate is probably far more of a problem for Britain’s Jewish population than for its Muslim population
- » While antisemitic hate crime is a rapidly rising problem, rates of anti-Muslim hate crime remain stable

These findings do not support the conclusion that Britain’s existing legal framework is inadequate to deal with anti-Muslim hate.

2.2 The Nature of Anti-Muslim Hate

There exists a great wealth of qualitative and quantitative research on the subject of anti-Muslim hate. Below, this is carefully surveyed and put into dialogue with interviewee perspectives.

2.2.1 The Big Picture

As we have seen in Section 2.1, a given Muslim might face multiple different forms of hate, only some of which will be directly related to his or her identity as a Muslim. Indeed, the crime statistics examined suggest that a British Muslim is probably more likely to be targeted on the basis of immutable ‘racial’ characteristics than on the basis of his or her religion.

This finding may be combined with the repeat finding across the literature that non-Muslim antipathy towards Muslims, for the most part, appears to be an expression of a general antipathy towards members of groups to which one does not belong. This may be seen from Marc Helbling’s review of research on attitudes to Muslims in the West, in which the term ‘Islamophobia’ is used to cover various measures of anti-Muslim sentiment:

9. Tell MAMA, ‘Tell MAMA’s Survey Finds That 1 in 3 British Muslims Are Considering Leaving the U.K: Tell MAMA British Muslim Poll Findings (30th September – 14th October 2024)’, (London: Tell MAMA, 2024), <https://tellmamauk.org/tell-mamas-survey-finds-that-1-in-3-british-muslims-are-considering-leaving-the-u-k/>.

Sniderman and Hagendoorn ... found that measures for prejudice for different groups are very similar. Even if there is a hierarchy of acceptance ... , those who dislike one minority group are systematically hostile to others. In his study on the US, Love ... argues that Islamophobia is not always about Islam and Muslims per se, but rather, often about prejudice and discrimination directed at people who look different.

Giugni and Morariu ... [find in Switzerland] that there are people ... who dislike Muslims out of an impulse that makes them universally hostile toward all people who are different from them ... [and that] those who dislike one minority group are systematically hostile to others.

Working in [a] US context, Kalkan and ... Uslaner ... [find] that the roots of hostility toward Muslims are much the same as those governing attitudes toward other outgroups.

Giugni and Morariu ... and Kalkan and Uslaner ... explain Islamophobia with general intolerance Using factor analyses, Stolz ... as well as Kühnel and Leibold ... show that Islamophobia cannot be differentiated from xenophobia. Stolz ... and Strabac and Listhaug ... also tested the impact of a series of widely used [variables] on both xenophobia and Islamophobia, to see whether or not similar patterns were present. They were unable to reveal any major differences.¹⁰

The above summary supports the view that, where Muslims in the West face hate, this is not typically the result of a specific prejudice against their religion, as it may instead be a manifestation of a generalised prejudice against outgroups.

In a highly secular country such as the UK, a further contributing factor in attitudes towards Muslims may be a mistrust of religiosity in general. Together with Richard Traunmüller, Helbling carried out a sophisticated experiment on a large, demographically representative sample of UK residents, and found that 'It]he current political conflict is only partly between Muslims and Christians and between immigrants and native citizens', as 'It]o a large extent, it is also a conflict between political liberalism and religious fundamentalism', such that 'what drives citizens' antipathy toward Muslim immigrants is primarily a dislike of "fundamentalist" or "radical" forms of religiosity'.¹¹ That is, much negative sentiment towards Muslims may be explicable in terms of a general secular mistrust of highly religious people, combined with a perception that Muslims are more religious than the British norm.

While such a perception could arguably be considered a prejudice, it probably has a foundation in observed reality: a survey of attitudes to science found that 65.8% of British Muslims agreed with the statement that '[e]verything in the Sacred Writing is absolutely true without question', and 69.9% disagreed with the statement that '[t]he Sacred Writing is NOT really the words of God, but the words of its human authors'.¹²

For some to hold religious or philosophical views such as these, and for others to view those people cautiously because of those views, is not a matter in which the British state can or should take an interest. Religious and irreligious people are equally entitled to their views, and alike hold the right to make and to express negative judgements with regard to those whose views they consider wrong or dangerous (see Section 3). An irreligious person's mistrust of highly religious people — as seen, for example, in the familiar charge that they are irrational — is no more hateful than a highly religious person's mistrust of irreligious people — as seen, for example, in the familiar charge that they are immoral.

10. Marc Helbling, 'Islamophobia in the West: An Introduction', in *Islamophobia in the West: Measuring and Explaining Individual Attitudes*, ed. Marc Helbling, (London / New York: Routledge, 2012), p. 10.
11. Marc Helbling and Richard Traunmüller, 'What Is Islamophobia? Disentangling Citizens' Feelings Toward Ethnicity, Religion and Religiosity Using a Survey Experiment', *British Journal of Political Science* 50, no. 3, (2018), <https://doi.org/10.1017/S0007123418000054>, pp. 812, 814.
12. Stephen H. Jones and Amy Unsworth, *The Dinner Table Prejudice: Islamophobia in Contemporary Britain*, (Birmingham: University of Birmingham, 2022), <https://www.birmingham.ac.uk/documents/college-artslaw/ptr/90172-univ73-islamophobia-in-the-uk-report-final.pdf>, p. 19.

One of the expert interviewees expressed a very similar opinion:

There is always going to be some ... dislike against religion because of the secular makeup of this country and the foundational principles and how [it] evolved ... historically. So, when religion tries to assert itself into the public domain, there is going to be kind of a reaction to it. And I think that's perfectly acceptable and natural ... , although I'm a religious [Muslim].

The above discussion suggests considerable complexity and ambiguity in non-Muslim attitudes towards members of Britain's Muslim communities, and indeed, there is much complexity and ambiguity in Edin Kozaric's recent review of the literature on Muslim experiences of social exclusion in multiple Western societies, including the UK:

Exploring how Pakistani and Bangladeshi youth in Birmingham experience inclusion and exclusion in their schooling, Ghaill and Haywood ... find that 'there is no settled understanding of why exclusion is taking place', with interviewees considering Islamophobia, racism, and classism as possible motivations. Furthermore, Lynch and Veale ... , in their study on Muslim youth in Ireland, find that their interlocutors did not understand their experiences with discrimination in relation to events such as 9/11, 7/7 and the War on Terror, and that 'there was no evidence of a rehearsed rhetoric that incorporated grand narratives related to the victimisation of Muslims or any conspiracy against Islam' Another common finding is that interlocutors don't regard prejudiced people as representative of their communities as a whole Similarly, in Moosavi's ... study on white converts in Britain, he finds that they 'typically conveyed their experiences of Islamophobic [...] slurs as a nuisance that arose every now and then rather than a persistent problem' Finally, some Muslims also blame the wrongdoings of other Muslims for their experiences with exclusion.¹³

2.2.2 'Offensiveness to Muslims'

As Section 3 of this report will emphasise, British law is focused (like the above-quoted discussion) on harm to individuals. However, there has been a campaign to establish criticism of Islam as anti-Muslim. As Kenan Malik argues, 'from *The Satanic Verses* to Charlie Hebdo, speech regarded as offensive to Muslims is often described as "Islamophobic"', but what is regarded as offensive to Muslims often reflects the priorities not of Muslims as a whole, but of powerful but unrepresentative figures within Muslim communities who wish to silence internal opposition.¹⁴ More will be said about the perceived influence of self-appointed community leaders below.

Such accusations of offence may be employed against non-Muslims and Muslims alike — with particular risks being faced by members of sects or movements whose status as Muslim is contested by the accusers (such as Ahmadiyya Muslims).¹⁵ It is thus vitally important that the idea of anti-Muslim hate is kept separate from the divisive politics, not only of Islamists, but also of sectarian and anti-blasphemy groups, some of which combine intimidating street protests and reckless public denunciations with 'campaigns to make what they define as Islamophobia a criminal offence in the UK'.¹⁶

13. Edin Kozaric, 'Are Muslim Experiences Taken Seriously in Theories of Islamophobia? A Literature Review of Muslim Experiences with Social Exclusion in the West', *Ethnic and Racial Studies* 47, no. 5, (2024), <https://doi.org/10.1080/01419870.2023.2268179>, pp. 917–18.

14. Kenan Malik, 'Fear, Indifference, and Engagement: Rethinking the Challenge of Anti-Muslim Bigotry', in *Islamophobia: Still a Challenge for Us All*, ed. Farah Elahi and Omar Khan, (London: Runnymede Trust, 2017), <https://www.runnymedetrust.org/publications/islamophobia-still-a-challenge-for-us-all>, p. 74.

15. Alexander Meleagrou-Hitchens, *Understanding and Responding to Blasphemy Extremism in the UK*, (London: Commission for Counter-Extremism, 2024), <https://www.gov.uk/government/publications/understanding-and-responding-to-blasphemy-extremism>.

16. Meleagrou-Hitchens, p. 14.

2.2.3 The Ascription of Collective Responsibility

One important source on what true anti-Muslim hate might look like in practice is Irene Zempi and Imran Awan's analysis of interviews with Muslim adults in the UK who had faced abuse both online and offline.¹⁷ This extensive study provides an insight into the kinds of hostility and aggression to which Muslims may be subjected when targeted on the basis of their identity as Muslims rather than on the basis of (for example) their identity as members of non-white ethnic communities or of communities associated with immigrant status or past immigrant status.

Insults such as 'jihadi' or 'jihadist', 'bomber', 'terrorist', 'groomer', and 'paedophile', or accusations of involvement in terrorism, were frequently reported by Zempi and Awan's interviewees.¹⁸ Multiple interviewees reported being targeted for wearing traditional Muslim clothing, especially the hijab, jilbab, and niqab, with the clothing itself in some cases becoming a target, for example where hijabs were pulled from their wearers' heads.¹⁹

The study thus suggests a pattern in which all Muslims are held collectively responsible for the actions of certain Muslim groups (including terrorism, but also other forms of crime, such as child rape), leading to expressions of hostility towards visibly Muslim individuals: it is not that the individual hijab-wearing woman, say, is literally believed to be a bomber or paedophile in her own right, but that she is treated as the available representative of a group which *collectively* carries out these crimes through the direct agency of *some* of its members.

Similar accounts can be found in Chris Allen and colleagues' interviews with Muslim women who had been targeted with abuse and/or violence because of their religion. Particular focuses for abuse included the wearing of articles of clothing such as the hijab or niqab, and alleged identity as a 'terrorist'.²⁰ At least in some cases, women appear to have been targeted with violence because they wore the hijab²¹ — and indeed, 'all but one of those interviewed wore clothing — hijab or niqab — that "visually identified" them as being Muslim'.²² As Allen argues in an earlier publication, the underlying mechanism appears to be one in which 'all Muslims without differentiation ... become equatable with ... fringe figures and their typically radical voices and opinions'²³ — which is, again, an ascription of collective responsibility.

This mechanism appears to be common to other forms of religious hatred. Contemporary antisemitism, for example, often involves '[h]olding Jews collectively responsible for actions of the state of Israel',²⁴ while the fundamental principle of Nazi antisemitism was the idea that all Jews — even the most impoverished and powerless — were collectively responsible for a mythical plot to take over the world.²⁵ As this comparison shows, the crimes for which the prejudiced hold group members collectively responsible may be completely imaginary. But, even where that is not the case, the deeper problem is the same, i.e. the *fundamental injustice* of any ascription of collective responsibility to all members of a religious or ethnic group.

2.2.4 The Charge of 'Islamophobia'

Although the idea of collective responsibility is common to other forms of group-based hate, the last point above is particularly important in the particular case of anti-Muslim hate. This is because, in the UK today, the acts of wrongdoing for which Muslims are held collectively responsible are typically real — albeit carried

17. Irene Zempi and Imran Awan, *Islamophobia: Lived Experiences of Online and Offline Victimation*, (Bristol: Bristol University Press / Policy Press, 2016).
18. Zempi and Awan, pp. 52, 58–60, 62–65, 67, 77.
19. Zempi and Awan, pp. 17, 47–53, 57, 60, 62–67.
20. Chris Allen, Arshad Isakjee, and Özlem Öğtem Young, *'Maybe We Are Hated': The Experience and Impact of Anti-Muslim Hate on British Muslim Women*, (London: Tell MAMA, 2013), <https://tellmama.org/wp-content/uploads/2013/11/maybewearehated.pdf>, pp. 14–16.
21. Allen, Isakjee, and Young, pp. 16–18.
22. Allen, Isakjee, and Young, p. 27.
23. Chris Allen, *Islamophobia*, (London / New York: Routledge, 2010), p. 213 (online edition).
24. IHRA, 'Working Definition of Antisemitism', (Budapest: International Holocaust Remembrance Alliance, 26 May 2016), <https://holocaustremembrance.com/resources/working-definition-antisemitism>.
25. Norman S. Cohn, *Warrant for Genocide: The Myth of the Jewish World-Conspiracy and the Protocols of the Elders of Zion*, (London: Eyre & Spottiswoode, 1967).

out by specific groups of Muslims for whose actions the majority cannot reasonably be held accountable. However, that point is missed by many advocates of the term ‘Islamophobia’ (see Section I).

For example, an article in the academic journal *Islamic Studies* argues that perceiving ‘[s]ubjugation through “jihad”’ as a security threat is an indicator of Islamophobia,²⁶ while an academic monograph on Islamophobia complains that the case for military action against the specific jihadist group Al-Qaeda constituted ‘an Islamophobic narrative that ... invoked three common Islamophobic stereotypes: Islam as violent, antidemocratic, and misogynist’.²⁷ It ought to be obvious that attacks by jihadi groups *really do* constitute a security threat, and that such groups *really are* violent, antidemocratic, and misogynist. Thus, anti-Muslim hate is expressed not through recognition that *some* Muslims are jihadists, but through the ascription to *all* Muslims of collective responsibility for the actions of jihadists.

Similar observations may be made about the allegation of ‘Muslim entryism in politics, government, or other societal institutions’, which was included in the contentious list of ‘Contemporary examples of Islamophobia’ which accompanied the highly controversial definition of ‘Islamophobia’ produced by the All-Party Parliamentary Group on British Muslims (here referred to as the APPG Definition).²⁸

Entryism is an explicit strategy of Islamist groups such as the Muslim Brotherhood, both in western and in Muslim-majority countries, and its contemporary success in France was documented in a recent report.²⁹ As the latter report explains, this form of entryism involves ‘getting involved in [national] infrastructure ... in order to change it from the inside’, thereby imposing conservative Islamic norms on wider society.³⁰ Because this is a real and documented phenomenon, anti-Muslim hate must consist not in acknowledging that it occurs (as figures on the far left appeared to argue in response to the French report),³¹ but in holding all Muslims collectively responsible for it.

The danger of presenting particular kinds of allegations, rather than the ascription of collective responsibility for the alleged wrongdoing, as hateful, may also be seen in the false characterisation of attempts to expose the 2014 Birmingham schools incident (also known as the Trojan Horse scandal) as ‘Islamophobic’.

As established by a series of official inquiries, a group of Muslim activists, led by Tahir Alam, the chair of the education committee of the Muslim Council of Britain (MCB), took control of a number of Birmingham schools. They subsequently imposed changes to the curriculum, segregated classrooms by gender (with girls made to sit at the back), engaged in nepotistic employment practices, and ‘ranted in school assemblies against the West, Christians, and white people’.³² Alam is now banned from having any involvement with schools. Yet Muslims who spoke out against this child safeguarding catastrophe, such as Shaista Gohir of the Muslim Women’s Network UK, faced accusations of ‘stoking up Islamophobia’.³³

An interviewee spoken to for this report explained as follows:

It is entryism ... I preached [for] ... 15 years at least in [MOSQUE NAME REDACTED] in ... Birmingham, ... [and] the thing about ... the Trojan Horse incident ... [is that] I know for a fact [that] it's true ... [that] this was their ambition, those people — I know them personally — all of those people, they used to come to me and

26. Zafar Iqbal, ‘Islamophobia or Islamophobias: Towards Developing a Process Model’, *Islamic Studies* 49, no. 1, (2010), <https://www.jstor.org/stable/41429246>, p. 99.

27. Todd H. Green, *The Fear of Islam: An Introduction to Islamophobia in the West*, 2nd ed., (Minneapolis: Fortress Press, 2019), <https://doi.org/10.2307/j.ctvcb5c4r>, p. 113.

28. APPG on British Muslims, *Islamophobia Defined: The Inquiry into a Working Definition of Islamophobia*, (London: All Party Parliamentary Group on British Muslims, 2018), <https://static1.squarespace.com/static/599c3d2febb-dla90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>, p. 56.

29. Hugh Schofield, ‘French Report Warns of Islamist ‘Entryism’ as Risk to National Cohesion’, *BBC News*, 21 May 2025, <https://www.bbc.co.uk/news/articles/ckgnnelvz0do>, n.p.

30. Schofield, n.p.

31. Schofield, n.p.

32. Andrew Gilligan and Damon Perry, *Bad Faith Actor: A Study of the Centre for Media Monitoring (CfMM)*, Policy Exchange, 2025, <https://policyexchange.org.uk/publication/bad-faith-actor/>, pp. 28–29.

33. Sonia Sodha, *Observer*, 20 February 2022, <https://www.theguardian.com/commentisfree/2022/feb/20/the-trojan-horse-affair-how-serial-podcast-got-it-so-wrong>.

actually [spoke] at our conferences ... and ... those guys came to me and said, 'We have to become ... school governors so we can [bring] change from within and we can Islamicise this'.

A parallel may be drawn with the finding, in Baroness Casey's official audit of the handling of multiple group-based child sexual exploitation and abuse cases (collectively known to popular discourse as the 'grooming gangs' scandal), that sensitivity around the ethnic and/or religious identity of many of the perpetrators had obstructed investigation and reporting of widespread and extremely serious criminality.³⁴ This is unsurprising: there have been numerous high-profile attempts to characterise discussion of that criminality as 'Islamophobic', including by such organisations as the MCB's Centre for Media Monitoring³⁵ and Muslim Engagement and Development (MEND),³⁶ as well as within the aforementioned list of examples accompanying the APPG Definition.³⁷

This was an important area of concern for a different interviewee, young members of whose faith group had been systematically targeted by some of the criminals in question:

[According to the APPG definition,] if you are to talk about ... over-representation [of men of Muslim Pakistani heritage] in convictions of these crimes, that makes you an Islamophobe. So that's quite worrying for the Sikh community: we want open and free debate about these issues because — look at Telford! The inquiry said that the fear or nervousness around talking about race actually emboldened the perpetrators and made the abuse much worse. We certainly don't want that to happen to any girl in this country — or any child. We want the authorities and people to be able to freely talk about this without being labeled racist.

The implication is that identifying certain types of accusation as *inherently* anti-Muslim makes it more difficult to point the finger at the guilty, when anti-Muslim hate consists not in accusing the guilty, but in treating guilt as a quality shared also by the literally innocent, simply because they have the same religion.

This principle is misunderstood in the Runnymede Trust's 2017 report on 'Islamophobia', which recommends political control over press reporting as a means of reducing anti-Muslim hate.³⁸ Tellingly, the report's editors refer to '[t]he "Trojan horse" hoax' as an example of 'the inflection of Islamophobia in the policing of Muslim mobilisation',³⁹ and one contributor dismisses the 'grooming gangs' scandal as a moral panic emanating from a 'racist "commonsense"' composed of 'racial and ethnic stereotypes [which] have been dusted down and recycled'.⁴⁰ The idea appears to be that, if reporting of such incidents could be suppressed, then Muslim-haters would not be able to make use of it.

Such thinking is unfortunately widespread. The real problem — overlooked by many commentators — is not that the wrongdoing of some individual Muslims, and groups of Muslims, may become known to the general population through reporting in the press, but that some members of the population may illegitimately hold all Muslims responsible for such wrongdoing.

34. Baroness Casey, *National Audit on Group-Based Child Sexual Exploitation and Abuse*, (London: Home Office, 2025), <https://www.gov.uk/government/publications/national-audit-on-group-based-child-sexual-exploitation-and-abuse>.

35. Centre for Media Monitoring, *British TV Reporting on the 'Grooming Gangs' Taskforce*, (London: Muslim Council of Britain, 2023), <https://web.archive.org/web/20230929103401/https://cfmm.org.uk/resources/publication/cfmm-british-tv-reporting-on-the-grooming-gangs-taskforce-2023/>.

36. MEND, (London: Muslim Engagement & Development (MEND), 2025), <https://www.mend.org.uk/debunking-the-racist-muslim-grooming-gangs-narrative/>.

37. APPG on British Muslims, *Islamophobia Defined*, p. 57.

38. Farah Elahi and Omar Khan, 'Executive Summary', in *Islamophobia: Still a Challenge for Us All*, ed. Farah Elahi and Omar Khan, (London: Runnymede Trust, 2017), <https://www.runnymedetrust.org/publications/islamophobia-still-a-challenge-for-us-all>, p. 3; Farah Elahi and Omar Khan, 'Introduction: What Is Islamophobia?', in *Islamophobia: Still a Challenge for Us All*, ed. Farah Elahi and Omar Khan, (London: Runnymede Trust, 2017), <https://www.runnymedetrust.org/publications/islamophobia-still-a-challenge-for-us-all>, p. 9.

39. Elahi and Khan, 'Introduction', p. 12.

40. Claire Alexander, 'Raceing Islamophobia', in *Islamophobia: Still a Challenge for Us All*, ed. Farah Elahi and Omar Khan, (London: Runnymede Trust, 2017), <https://www.runnymedetrust.org/publications/islamophobia-still-a-challenge-for-us-all>, p. 14.

2.2.5 Discussion

The overall picture of anti-Muslim hate is thus of a group-based hatred similar to other group-based hatreds. In common with other hatreds, it tends to be indulged in by those who dislike everyone not of their own group; like antisemitism, it operates in large part through the ascription of collective responsibility. However, it may be contrasted with antisemitism in that the specific acts of wrongdoing for which Muslims currently tend to be held collectively responsible, i.e. terrorism, entryism, and (especially) paedophilia, are very recent – unlike the fantasy of a world-controlling Jewish or ‘Zionist’ conspiracy, which attained its definitive form with the 1903 publication of *The Protocols of the Elders of Zion*,⁴¹ and has its roots in medieval Christian superstitions.⁴²

There would seem to be little advantage, then, in treating anti-Muslim hate separately to other forms of religious hate. And, given that the acts with which haters charge Muslims with collective responsibility are recent and therefore probably subject to flux, no good purpose is likely to be served by reifying these specific accusations as essential characteristics of an eternal prejudice, as would be implied by their enshrinement within an official definition that would be troublesome to amend (as one interviewee put it, ‘*You can’t just turn up and say, “I’m the Minister of State at the Home Office, I want yet another bill on the definition of Islamophobia”*’). Moreover, identifying certain types of accusations as inherently anti-Muslim could serve to obstruct justice.

In summary, this section finds that:

- » Anti-Muslim hate typically involves attribution to *all* Muslims of responsibility for the (real or imaginary) speech and actions of *specific* Muslims
- » In this and other respects, it is similar in kind to other forms of hate directed towards outgroups
- » Visibly Muslim individuals – especially women wearing articles of clothing associated with Islam, such as the hijab – may be particularly likely to be targeted with such hate
- » Secular anti-religiousness is not to be confused with anti-Muslim hate
- » There are bad actors who routinely make accusations of ‘Islamophobia’, including against Muslims
- » Especially clear separation must be maintained between the idea of anti-Muslim hate and the question of what is ‘offensive to Muslims’, which is open to abuse by Islamists and others (including sectarian and anti-blasphemy activists)

2.3 Dealing with Anti-Muslim Hate in a Multi-Faith Secular Environment

Perspectives contributed by the expert interviewees were particularly helpful in developing an understanding of the complexities involved in addressing hate against Muslims in the UK. As several of them emphasised, the UK is a secular democracy in which multiple faith groups interact – and not always harmoniously. This report takes the view that any attempt to address hate against a single group must take into account the possibility of unintended consequences, and also the need to maintain legitimacy in the eyes of other groups.

2.3.1 Statutory and Non-Statutory Solutions

Most expert interviewees expressed grave reservations about the idea of a statutory definition of anti-Muslim hate, with all taking the view that existing legislation was sufficient to deal with the problem. Indeed, as one interviewee observed, the UK has ‘*the most comprehensive suite of hate crime legislation in the world*’.

41. For the definitive study, see Cohn, *Warrant for Genocide*.

42. Joshua Trachtenberg, *The Devil and the Jews: The Medieval Conception of the Jew and Its Relation to Modern Antisemitism*, (New Haven: Yale University Press, 1943).

However, the lack of need for a statutory definition does not imply the need for a non-statutory definition or code. Indeed, a number of interviewees expressed equally grave reservations about the possibility of such a thing. One interviewee argued as follows:

If we really believe that we need to do something about a tangible real problem, then we amend the [legislation] ... [And] that I can tolerate, because then ... I can, as a lawmaker, try to do my little bit in Parliament and make sure that all the wise heads in Parliament understand what's happening to the law. But when you have non-statutory stuff attempting to engineer culture and suppress ... freedoms and rights, it's the most dangerous instrument ... Law is the proper way things should be done.

2.3.2 The Potential for Unintended Consequences

A number of interviewees warned that institutions may fail to distinguish between a non-statutory definition and the law. For example, the interviewee quoted above argued that first-tier tribunals would be likely to place excessive weight on a non-statutory code or definition, which could potentially lead to legally incorrect decisions which have to be corrected on appeal.

A different interviewee spoke at length about the range of contexts within which a non-statutory definition might be employed as a quasi-legal instrument:

A [non-statutory or] working definition will effectively be treated as a statutory definition, in my view. I mean, once you've got something like that, it could be treated as that, and it'll be cited, it'll be used as an exemplar, etc., etc., etc. ...

I think that's quite obvious. If it's non-statutory, what's the purpose of it? ... If it's got no power, no legs, then why bother having it in the first place? So, it'll only be seen as a stepping stone towards ... a statutory definition, or it will be treated as a statutory definition [in its own right]. In fact, our public bodies will do that. I'm almost certain of it. I don't think they'll treat it as non-statutory. I don't think they'll be able to make the differentiation between one and the other.

[To give] just one example of that, if you were to seek planning permission for a particular building, and there may be genuine concerns about parking or traffic, whatever, could this definition be used as a way of rebutting those sorts of arguments? ...

It could be an application to ... send your child to a particular school, and the response that you have back is, 'Really sorry, we're absolutely oversubscribed. We can't take you on because we've got the numbers.' Will it be used for that? Could that be used [to argue that] you're discriminating ... because of x, y, z? Does that then mean the organisation has to ... justify the extra places that it's got? And how does it justify [them]? Does it justify [them] based on quota? Is it justified based on a first come, first served [basis]? ... I think the law of unintended consequences could take this [to] a totally different place that we haven't even thought through properly yet.

Several interviewees suggested that a non-statutory definition could have an impact on police work, with one arguing that senior police management would '*probably initiate a political drive to get [officers] to concentrate on this stuff, certainly at the start*', leading to '*a disproportionately increased [police] workload but without the consequent increase in results [i.e. convictions], because it will be generally low-end stuff*'. Police interventions could have substantial negative impacts on many ordinary people's lives, and ultimately bring the police into disrepute if those people were not subsequently established to have broken the law. As yet another expert interviewee explained,

To get on in the [police], if you want to go to the senior ranks, ... the community side of things or the sort of social activism side of things is ... uppermost in [your mind], which is ... another reason probably you get

these ... accusations of two-tier policing. If you want to scale the dizzy heights in the organisation, you've got to subscribe to this stuff. ... And if ... you get a whole load of accusations of Islamophobia come your way, ... you think, 'Oh god, if I don't handle this right, then it will affect my career prospects' ... Senior officers ... are often very, very jumpy about the whole community side of things. Rather than push back in any way, they will tend to just accept anything that a self-appointed community leader will say.

2.3.3 Potential Impact on Inter-Communal Relationships

Interviewees also raised the potential for a definition of anti-Muslim hate to impact relations between multiple religious and ethno-religious communities in the UK (including sects and movements within the Muslim population; see Section 2.2). This is an especially important concern with regard to superdiverse towns and cities such as Birmingham, Luton, Leicester, and Slough. In such environments, specific measures taken to protect one religious community but not others might lead to perceptions of favouritism, destabilising what are, in many cases, fairly fragile balances.

To quote one particular expert interviewee:

I come from a city which has completely tossed over the definition of what it means to be a minority. Completely tossed it aside. This is a city with largely four big blocs. If we're looking at religious groups, you've got Muslim, Christian, Hindu, and no religion. And then you've got [some that], whilst they're sizable in number, as a percentage, they're not near the big four chunks. So, the Sikh community is fairly big as well. ...

So, when people talk about minorities in this city, who are you talking about? Are you talking about the pagans and the Baha'i? Because they're actually minorities. Or the Jewish community? The Jewish community is a handful, an absolute handful. A very, very small number, 0.01%. ... The Church of England represents a stream of opinion on the Christian side, but actually the growing churches are the black-led churches in the city. ...

If you put into that environment a definition of anti-Muslim hate, or ... Islamophobia, whatever it's going to be called, specifically for one of those communities, ... that's going to have a massive detrimental effect. ...

The Church of England might take a slightly different position, because it is the established church, but clearly, ... the Pentecostal churches and others would say, 'Hang on! What's all this about?' The [response from the] Hindu community ... will be definitely negative. ... It would be, 'We are a large community, what about us? ... How do we fit into this landscape?' ... So that question of 'What about us?' will definitely come up – undoubtedly. ...

It could be weaponised in one way, which could be Muslim groups saying, 'We are protected', you know, 'hands off us'. On the other hand, it could be used as a way of attacking the Muslim community as well: 'You're given various advantages', and so on. And that then starts a lobby against Muslims as well. ... It won't be seen as a level playing field.

2.3.4 The Perceived Influence of Muslim Community Leaders

A number of interviewees hinted at a perception that Muslim community leaders have a degree of power and influence which exceeds that of comparable figures within other minority groups. One, for example, questioned the rationale behind the existence of the London Muslim Communities Forum, describing it as '*a forum where London's Muslim communities [can] enjoy direct contact with commanders and deputy assistant commissioners within the [Metropolitan Police Force]*', and noting that this contact constitutes '*a level of service that [the Metropolitan Police Force does not] provide to any other faith group*'. With reference to the well-publicised Batley Grammar School incident, in which a respected teacher and his family were forced into hiding after

Muslim anti-blasphemy groups launched a campaign of protests and denunciations,⁴³ a separate interviewee said, *'I struggle to imagine a situation under which ... Christian parent groups could stand outside a children's school and threaten a teacher to the extent they have to ... leave their home'*.

A further source of this perception was located in the incident which began after a child living in Wakefield came to school with a copy of the Qur'an, which subsequently received minor accidental damage:

A Labour councillor ... claimed [that] the Qur'an had been 'desecrated' ... and described the incident as a 'serious provocative action' that 'needs to be dealt with urgently by all the authorities, namely the police, the school, and the local authority'. ... [T]here were death threats. Other students reportedly threatened the boy with arson and beatings. There is no record of [those] students being disciplined, or of the police taking action against those issuing death threats.

A meeting was held in the Jamia Masjid Swafia mosque, chaired by the mosque's imam, Hafiz Muhammad Mateen Anwar, and attended by the boy's mother, police officers, and [the] headteacher of the school. The non-Muslim mother, wearing a hijab, ... repeatedly acknowledged how 'disrespectful' [her son's] actions had been and apologised on his behalf. Police Chief Inspector Andy Thornton nodded in agreement when Anwar told the attendees that Muslims will never tolerate disrespect of the Qur'an and will give their lives in its honour.⁴⁴

An interviewee from a smaller but still substantial faith group spoke of the alarm with which his co-religionists observed the affair:

It was almost like a pseudo-shari'a council with a police officer on it. And you kind of see all these things happening, and you think, ... 'Actually, people are likely not to say certain things because of fear of violence'. And so, I don't think [a] definition is the issue in isolation I think it's much more complicated, and I think [that] society is sort of going on towards this trajectory of a blasphemy law by virtue of fear of the consequences of talking about things in relation to Islam. I mean, people will mock Jesus and Buddha and Hindu gods all the time, and I think they'll probably do that without any fear, but I think it's a very different proposition [when you come to Islam]. ... I mean, [Salman] Rushdie ... is lucky he's alive.

There is indeed evidence of a culture of special deference to conservative Muslim sensibilities which extends beyond the police. Even though there is considerable diversity among Muslims with regard to the depiction of Muhammad,⁴⁵ a YouGov survey found that only a minority of teachers were willing to use images of Muhammad in the classroom,⁴⁶ and — in a similar vein — a recent Ipsos survey which asked respondents about a range of religious figures, teachings, and texts found that, while 'people [in the UK] tend to feel most able to say whatever they want about Jesus Christ, the Bible, or the teachings and beliefs of Christianity', they 'feel most like they have to hold back on expressing their opinions when speaking about Muhammed, the Qur'an, or the teachings and beliefs of Islam'.⁴⁷

Whether or not the perception of influence for Muslim community leaders is fair or accurate, it will be important not to exacerbate it by giving the impression that Muslims have been granted additional protections that are not extended to Hindus, Christians, Sikhs, Baha'is, etc.

43. Meleagrou-Hitchens, Understanding and Responding to Blasphemy Extremism in the UK, p. 14.

44. Damon L. Perry, *'Blasphemy' in Schools: Self-Censorship and Security Fears Amongst British Teachers*, 2023, <https://policyexchange.org.uk/publication/blasphemy-in-schools/>, p. 17.

45. Nadhim Zahawi, 'Foreword', in *'Blasphemy' in Schools: Self-Censorship and Security Fears Amongst British Teachers*, 2023, <https://policyexchange.org.uk/publication/blasphemy-in-schools/>, p. 6.

46. Perry, *'Blasphemy' in Schools*, p. 11.

47. Ipsos, *CCE Freedom of Expression Survey: Findings Report*, (London: Ipsos, 2025), <https://www.gov.uk/government/publications/freedom-of-expression-survey>, p. 36.

2.3.5 Discussion

Taking into account all of the above, this report takes the position that:

- » Religious hate should be addressed without singling out any particular group for special treatment, and without changes to existing law
- » Even a non-statutory definition or code would be likely to affect the functioning of multiple institutions (including the police) in unintended and unpredictable ways
- » Multiple religious communities might be reassured by the issuing of guidelines explaining the existing framework of legal protections

3 A Review of Existing Legislation

There are several key pieces of legislation which protect the right of people in the UK to engage in (or abstain from) religious life without fear of harm. These are the Public Order Act 1986,⁴⁸ the Crime and Disorder Act 1998,⁴⁹ and the Equality Act 2010.⁵⁰ They are reviewed here, alongside the other acts which have modified them, or modified their application.

The Racial and Religious Hatred Act 2006⁵¹ amended the Public Order Act 1986 by stipulating that ‘[a] person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred’, where “religious hatred” means hatred against a group of persons defined by reference to religious belief or lack of religious belief.⁵² The Act already included a similar form of words with regard to the stirring up of racial hatred through ‘threatening, abusive, or insulting’ words, behaviour, or written material,⁵³ where ‘racial hatred’ is defined as ‘hatred against a group of persons ... defined by reference to colour, race, nationality (including citizenship), or ethnic or national origins’.⁵⁴

Following amendment in the Anti-Terrorism, Crime, and Security Act 2001,⁵⁵ the Crime and Disorder Act 1998 provides for the category of racially or religiously aggravated offences, which are defined as criminal offences which are ‘motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group’ or which are accompanied by a demonstration, on the offender’s part, of ‘hostility [towards the victim] based on the victim’s membership (or [the offender’s] presumption of the victim’s] membership) of a racial or religious group’.⁵⁶ For these purposes, both ‘racial group’ and ‘religious group’ are defined using exactly the same form of words as that employed in the (amended) Public Order Act 1986.⁵⁷

Where offences are established to have been aggravated, this increases the sentencing powers available to the court, under a framework formalised in the Sentencing Act 2020.⁵⁸ Under the latter, an offence is considered to have been racially or religiously aggravated where the offence was accompanied by a demonstration of hostility towards the victim on the basis of his or her ‘membership (or presumed membership) of a ‘racial group’ or ‘religious group’, or where the offence was wholly or partially motivated by ‘hostility’ towards members of a ‘racial group’ or ‘religious group’ which is ‘based on their membership of that group’.⁵⁹ For the purposes of this act, a ‘racial group’ is defined flexibly as ‘a group of persons defined by reference to race, colour, nationality (including citizenship), or ethnic or national origins’, while a ‘religious group’ is defined as ‘a group of persons defined by reference to religious belief or lack of religious belief’, and ‘membership’ of a group (whether racial or religious) is defined to include ‘association with members of that group’.⁶⁰ This latter point is important, because it makes clear that what is at stake is the targeting of individuals on the basis of attitudes towards groups. Whether a given individual *really possesses* the attributes which are supposed to define membership of that group is irrelevant.

The Equality Act 2010 operates on a different conceptual basis to all of the above, because its focus is on protecting individuals from mistreatment on the basis, not of group membership or of perceived group

48. ‘Public Order Act’, (United Kingdom, 1986), <https://www.legislation.gov.uk/ukpga/1986/64>.

49. ‘Crime and Disorder Act’, (United Kingdom, 1998), <https://www.legislation.gov.uk/ukpga/1998/37>.

50. ‘Equality Act’, (United Kingdom, 2010), <https://www.legislation.gov.uk/ukpga/2010/15>.

51. ‘Racial and Religious Hatred Act’, (United Kingdom, 2006), <https://www.legislation.gov.uk/ukpga/2006/1>.

52. ‘Public Order Act’, pt. 3A, sec. 29.

53. ‘Public Order Act’, pt. 3, sec. 18.

54. ‘Public Order Act’, pt. 3, sec. 17.

55. ‘Anti-Terrorism, Crime, and Security Act’, (United Kingdom, 2001), <https://www.legislation.gov.uk/ukpga/2001/24>.

56. ‘Crime and Disorder Act’, pt. 2, sec. 28.

57. See ‘Crime and Disorder Act’, pt. 2, sec. 28; ‘Public Order Act’, pt. 3, sec. 17.

58. ‘Sentencing Act’, (United Kingdom, 2020), <https://www.legislation.gov.uk/ukpga/2020/17/contents/england/2020-12-01>.

59. ‘Sentencing Act’, pt. 4, ch. 3, sec. 66.

60. ‘Sentencing Act’, pt. 4, ch. 3, sec. 66.

membership, but of protected characteristics. However, it has a great deal of overlap with them, because the characteristics which the Act protects are also characteristics which serve to define groups for the purposes of the aforementioned acts. In particular, the Equality Act specifies both race and religion or belief as protected characteristics.⁶¹ In this context, race is defined to include skin colour, nationality, and ethnic or national origin,⁶² while religion is defined to include any religion, as well as lack of religion, and belief is defined to include any religious or philosophical belief, as well as lack of belief.⁶³ In relation to these protected characteristics, the Equality Act prohibits both direct and indirect discrimination,⁶⁴ as well as harassment.⁶⁵

Under the above acts, the adherents and non-adherents of every religion, religious denomination, and sect are legally protected not only by virtue of belonging (or being perceived to belong) to groups of persons defined by reference to religious belief or non-belief (to use the language of the Public Order Act 1986, the Crime and Disorder Act 1998, and the Sentencing Act 2020), but also by virtue of having the protected characteristic of particular religious beliefs or non-beliefs (to use the language of the Equality Act 2010).

Because of the flexible way in which the legislation is expressed, the same laws come into play with equal force not only where non-Muslims subject Muslims to discrimination or hate – where we might most accurately speak of anti-Muslim hate – but also where Muslims of different schools or sects subject one another to discrimination and hate – where we might more accurately use such terms as, e.g. anti-Ahmadi or anti-Alevi hate – and even where non-members as well as current or former members of all of these groupings are subjected to discrimination and hate from their co-religionists as a result of perceptions of sacrilege, blasphemy, apostasy, insufficient piety, offensiveness, or even ‘Islamophobia’ – where easy categorisation breaks down, but *the law continues to apply*.

This does not mean that the law is applied in a fair and equal manner. Indeed, this report has already presented evidence of a widespread perception that it is not (see Section 2.3).

In this connection, it is worth emphasising that, while the law protects *people* and their religious *rights*, there is no protection for any specific religion, nor for religion in general. The archaic offences of blasphemy and blasphemous libel, which only ever protected the Christian faith, were abolished in the Criminal Justice and Immigration Act 2008⁶⁶ and the Hate Crime and Public Order (Scotland) Act 2021.⁶⁷

This abolition leaves no protection for any religion, even Christianity. But that was not an oversight. To protect one religion and not others would be at odds with secular democracy, and, because religions – and, often, denominations, schools, sects, and other groupings within religions – are mutually blasphemous, it would be impossible for the state to protect more than one specific faith.

Moreover, for the British state to protect any religion would potentially require repeal of the Human Rights Act 1998, which provides everyone in the UK with the right to ‘freedom of thought, conscience, and religion’, ‘[f]reedom to manifest [their] religion or beliefs’, and freedom of expression, which specifically includes ‘freedom to hold opinions and to receive and impart information and ideas without interference by public authority’.⁶⁸ The freedom to manifest belief and to impart ideas is at once the freedom to practise and proselytise the religion of one’s choice, and, at the same time, also the right to reject, criticise, ridicule, and blaspheme against that religion – and every other.

61. ‘Equality Act’, pt. 2, ch. 1, sec. 4.

62. ‘Equality Act’, pt. 2, ch. 1, sec. 9.

63. ‘Equality Act’, pt. 2, ch. 1, sec. 10.

64. ‘Equality Act’, pt. 2, ch. 2, sec. 13, 19.

65. ‘Equality Act’, pt. 2, ch. 2, sec. 26.

66. ‘Criminal Justice and Immigration Act’, (United Kingdom, 2008), <https://www.legislation.gov.uk/ukpga/2008/4>, pt. pt. 5, sec. 79.

67. ‘Hate Crime and Public Order (Scotland) Act’, (United Kingdom, 2021), <https://www.legislation.gov.uk/asp/2021/14>, pt. pt. 5, sec. 16.

68. ‘Human Rights Act’, (United Kingdom, 1998), <https://www.legislation.gov.uk/ukpga/1998/42>, art. 9-10.

Even before the passage of that act, the need to protect those same freedoms was anticipated by the following provision in the Public Order Act 1986, which initially dealt only with racial hatred, but (as noted above) was subsequently amended to criminalise the stirring up of religious hatred:

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism, or expressions of antipathy, dislike, ridicule, insult, or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.⁶⁹

All of these freedoms — which are, in reality, the same freedom — were, moreover, given active protection under the Equality Act 2010. As noted above, this outlaws discrimination on grounds of religious and philosophical belief and non-belief. This means that to ‘go beyond the law’ in providing protections which are not required by law might involve actively breaking the law. For example, an organisation which attempted to protect a particular group of believers by adopting disciplinary or contracting policies which penalised anyone whose speech or conduct those believers considered offensive could place itself at risk of being found to discriminate against *other* groups of believers, or non-believers in general — all of whose rights are every bit as important.

Again, however, there appears to be a lack of confidence that the law is being followed fairly, equitably, and without favour.

To summarise:

- » The relevant areas of British law do not protect religions
- » Rather, they provide individuals with rights, and protect them from harms
- » Religious and philosophical belief is a protected characteristic (and explicitly includes *lack of belief*)
- » Offence (including offence against religious beliefs) is not legally recognised as a harm
- » Attempts to ‘go beyond the law’ in protecting religious sensibilities are likely to trespass on individual rights, and may constitute discrimination with regard to protected characteristics (including contradictory religious and/or philosophical beliefs, as well as religious disbelief)

69. ‘Public Order Act’, pt. 3, sec. 29J.

4 The British Legal Framework for Religious Hate: A One-Page Guide

Under British law, everyone has the right to express their opinions and to manifest their religious and philosophical beliefs.

According to the law:

- » No one may be discriminated against on grounds of religious or philosophical belief or disbelief. This means that everyone should feel free to accept or reject the teachings of any and all religions without fear of discrimination — and, moreover, that they should feel free to manifest this acceptance or rejection in speech, writing, and action.
- » More severe punishments can be handed down for offences that are motivated or accompanied by demonstrations of hostility towards groups of people defined by religious belief or disbelief. This includes all religious groups, as well as people of no religion. (This does not give religious groups protection in law. It simply means that individuals who carry out crimes may be punished more severely if their crimes are motivated by hostility towards religious groups, or if they express such hostility before, after, or during their crimes.)
- » No one may stir up hatred against groups of people defined by religious belief or disbelief. Again, this includes all religious groups, including people of no religion. However, criticising, insulting, abusing, or ridiculing people's religious beliefs and practices (or lack of religious beliefs and practices) does not count as stirring up hatred.

Here are some examples of what *could* (depending on context) be considered to constitute religiously aggravated offences, under British law:

- » Vandalising property *because* it is owned or used (or perceived to be owned or used) by members (or non-members) of a particular religious group
- » Assaulting people *because* they belong, or do not belong (or are perceived to belong, or not to belong), to a particular religious group
- » Abusing, threatening, or harassing people because they belong, or do not belong (or are perceived to belong, or not to belong), to a particular religious group

Here are some examples of how hostility towards members of a religious group *could* be expressed (depending on context):

- » Holding *all* members (or non-members) of a religious group responsible for the (real or imaginary) bad actions of *some* members (or non-members) of that religious group
- » Justifying *discrimination against*, or *hostility towards*, members (or non-members) of a religious group by reference to a narrative about the religion with which that group is associated

Here are some examples of what *cannot* be considered to constitute religious hate, under British law:

- » Trying to *persuade* people to change their religious beliefs
- » *Criticising, ridiculing, abusing, or insulting* people's religious beliefs and practices
- » Expressing *dislike* or *disrespect* towards a religion or its venerated texts and figures

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