

It is apparent that the decision of the Charity Commission to grant charitable status to The Druid Network (“TDN”) for the purpose of the advancement of religion is proving controversial both within the Druid community and externally. Having read most of the press reports, blogs, Facebook and forum blogs on this, I believe that a lot, but not all, of this controversy is as a result of people reacting to largely inaccurate press reports.

### The Legal Process

The decision of the Druid Network <[http://www.charitycommission.gov.uk/Library/about\\_us/druidddec.pdf](http://www.charitycommission.gov.uk/Library/about_us/druidddec.pdf)> is a legal decision; it is certainly not, and was never intended to be, a decision as to what constitutes modern Druidry. There is no mechanism for state approval of religions or indeed any such thing as an ‘official religion’, contrary to what has widely been reported in the world’s press. There is also no legal definition of what constitutes a religion in the UK. Indeed, there is no academic consensus either.

Having said this, charities have been around for hundreds of years and attract favourable status from the government (tax advantages), and from other not-for-profit and welfare bodies who prefer to deal only with charities. It follows from this that there must be some definition as to what constitutes a charity and what does not. It was back in 1601 when a list of what activities would attract favourable charity status was first enacted (the Statute of Elizabeth). This has been changed and refined over the years with the latest list enacted under the Charities Act 2006.

One of the charitable purposes is the advancement of religion. If a charity organises religious activities for the public (rituals for example), then it must be registered under this purpose. To be registered under this purpose, it must prove that it advances a particular religion or religions, and charity law has set down criteria over the years as to what a valid religion is for the purpose of being a charity. These criteria are set down in case law – previous well-reasoned legal decisions that must be followed by the courts and the Charity Commission when they make later decisions.

The Druid Network is a network of individuals and groups (principally Groves and Gorseddau) who assist each other and the public by sharing information, knowledge, skills and finances to help others fulfil Druidry-related objectives - from simply learning more about Druidry, to setting up Druid organisations, to undertaking environmental projects, and much more. It is not an Order, it certainly does not dictate what Druidry is or promote any particular brand of Druidry save that its members have always viewed Druidry as a religion: as being about a spiritual relationship with nature, which is held to be sacred.

When I first became involved with TDN's application, the state of the law as to what constituted a religion for the purpose of a charity law was set out in various legal cases, the principal one being the decision of the Church of Scientology of 1999 <<http://www.charity-commission.gov.uk/library/start/cosfulldoc.pdf>>. The criteria were:

1. a belief in a supreme being;
2. the worship of that Supreme Being; and
3. principles and doctrines of belief which are neither immoral nor illegal.

Other cases specified that the Supreme Being must be transcendental or supernatural (exist outside nature), i.e. akin to God in Judaism, Christianity and Islam.

In practice, religions that did not adhere to these criteria, such as Hinduism, Buddhism, etc, were given charitable status simply as they were generally accepted as religions.

The way that charity law stood appeared to leave Druidry and Paganism out in the cold. Several Pagan organisations tried to register over the years but were refused.

Nevertheless, there is a principle in English Charity Law that the law should adapt to changing social needs. In a pluralistic society, where spirituality takes many different forms, a definition that harked back to the Abrahamic traditions seems outdated.

An opportunity for change came with the implementation of the Charities Act 2006. It stated for the first time that a religion could involve a belief in more than one god or a belief in no god at all. After its implementation, the Charity Commission embarked on a lengthy process of consultation on how this Act affected charity law, which it followed by drafting various guidance documents that set down how it would interpret the law. TDN engaged with the consultation process and, although some of its recommendations were adopted, many were not. The Commission chose not to depart from the Church of Scientology decision fully but to broaden it.

The result was that that the criteria for a religion were now defined as:

- a. belief in a god (or gods) or goddess (or goddesses), or supreme being, or divine or transcendental being or entity or spiritual principle, which is the object or focus of the religion (referred to ... as 'supreme being or entity');
- b. a relationship between the believer and the supreme being or entity by showing worship of, reverence for or veneration of the supreme being or entity;
- c. a degree of cogency, cohesion, seriousness and importance; and
- d. an identifiable positive, beneficial, moral or ethical framework.

What a shift – from a 'supreme transcendental or supernatural being' to 'a god (or gods) or goddess (or goddesses), or Supreme Being, or divine or transcendental being or entity or spiritual principle, which is the object or focus of the religion'! Whilst not being all we hoped for, with all those 'ors', this was much more encompassing.

Whilst this process was going on, TDN canvassed many leading Druid organisations and personalities for their opinion on what constituted Druidry. Druids by nature (pun intended) don't wish to be tied down or submit to definitions; however, they all relate to the term 'Druid' so it must mean something, or it would simply be a meaningless word. Great thought, mediation and spiritual guidance went into the drafting of the definition of Druidry adopted by TDN (Annex 1 to the decision). It was intended as a statement of common ground held by the majority of Druids who felt that Druidry was a religion or deep spirituality; it was not a full definition. All those canvassed accepted the definition as being the fundamentals of Druidry although some wanted to add things. It is not, and was never intended to be, a creed or definition that all Druids must accept, but a legal explanation of common ground of those Druids who consider their path to be essentially religious.

TDN then made many submissions, both written and oral; and submitted volumes of evidence, including expert evidence from Dr Graham Harvey. The decision-making process was extremely thorough and inquisitorial in nature – the Spanish one would not have been disappointed – and finally resulted in the legal decision published on 21<sup>st</sup> September 2010.

### What it means

Apart from its effect on TDN, the decision has far-reaching consequences. This is the first decision where modern Pagan beliefs have been held to be a religion under charity law; in effect, it clarifies that modern Paganism can be a valid religion for charitable purposes.

It accepts animistic, polytheistic and/or pantheistic beliefs as being equally valid as monotheistic ones.

In the latest guidance notes, the Commission accepted our submissions that, once a religion had been accepted as such, no other organisation promoting the same religion, would have to re-prove the validity of that religion. In other words, any charitable organisation that agrees with TDN's definition, would automatically be accepted as on religious grounds, as long as it complied with the other criteria for a charity (public benefit, etc).

This opens the door for other Druid welfare and fund-raising organisations to achieve charitable status. What can be achieved in this area is only limited by the imagination but immediate ideas include fundraising to buy woodland to preserve and conduct rituals on, building stone circles, hospice organisations, burial/cremation funds, and many other such activities.

It makes it easier for certain other Pagan religious organisations to be accepted as charities; they can rely on this decision as a legal precedent.

I have seen some criticism that this move makes Druidry part of the establishment. I don't accept that. What it has done is to force the establishment to take Druidry seriously.

Some fear that this will somehow define or box in Druidry. It will not. The Commission accepted the diversity of beliefs and practices that represent Druidry and that these are a reflection of the diversity inherent in nature. Yet, they accepted there was sufficient common ground for it to be coherent: for the term Druidry to have some meaning.

Many dislike the label 'religion', with its associations of rigid dogma, archaic institutions and being told what to believe. However, the decision accepts that Druidry is an experiential religion: Druids' beliefs come from their experience and not from what they are told. They change and adapt over time and in different environments, just as nature differs according to time and space. This is not a case of Druidry being forced into the straightjacket of religion, but of the very definition of religion as accepted in charity law being changed to accommodate beliefs such as ours. Now, that is a huge achievement and something to be celebrated.

This decision does not mean that Druidry must be included in any official documents, censuses, and so on. It is limited to charity law, although will be influential in other areas too. Those who campaign for Druid or Pagan rights can refer to this decision in their aid.

This is a historic decision that does not change Druidry, but reflects a change in the way Druidry is perceived by the state. It brings opportunities for Druids and other Pagan organisations who wish to become involved in fundraising and welfare causes. Who is up for the challenge?

Celtic Knight, October 2010