

**CHARITY COMMISSION FOR ENGLAND AND WALES
THE DRUID NETWORK
DECISION MADE ON 21 SEPTEMBER 2010**

APPLICATION FOR REGISTRATION OF THE DRUID NETWORK

Issues before the Commission

- 1 The Commission considered an application by The Druid Network, an unincorporated association, for registration as a charity. If The Druid Network is established as a charity it should be registered in the Register of Charities in accordance with section 3A (1) of the Charities Act 1993.

Decision

- 2 The Commission having considered:
 - the case that had been put to it by and on behalf of The Druid Network; and
 - the relevant lawconcluded that it is established for exclusively charitable purposes for public benefit and can be entered onto the Register of Charities.
- 3 The decision was made under the Commission's decision review procedures by Andrew Purkis and John Wood as Members of the Commission's Board ('the Board Members') under delegated authority, and ratified by the Board at its meeting on 21 September 2010.
- 4 The Board Members, in making their decision, reviewed the comprehensive and detailed information submitted by the Druid Network in support of the application, including its governing document, details of activities, various submissions, supporting evidence including an academic report. They also had the opportunity to discuss the submission with one of the trustees of The Druid Network.

Background to the Decision

The objects of The Druid Network

- 5 The Druid Network is an unincorporated association governed by its Constitution adopted on 27 December 2005 (the Constitution). Its objects are:

To provide information on the principles and practice of Druidry for the benefit of all and to inspire and facilitate that practice for those who have committed themselves to this spiritual path.

- 6 The definition of Druidry and its practice, as used by the Druid Network, is set out in the Foreword to the Constitution (Annex 1).

The activities

- 7 The Druid Network provides information on the principles and practices of Druidry and aims to inspire and facilitate the practice of Druidry. The way in which it furthers its objects are set out at Clause 4 (a) – (k) of the Constitution. In summary, The Druid Network provides information about Druidry; puts interested members of the public into contact with their local groups; supports members in providing public rituals; advertises public rituals; assists in the establishment and

running of new groups; supports the organisation of a public ritual both at mid-winter and mid-summer at Stonehenge; produces a newsletter; provides a forum on the website and supports environmental projects. The majority of the work is carried out through its website.

- 8 The Druid Network provided comprehensive and detailed information about its beliefs, practices, activities and evidence of public benefit in support of the application to register. It also presented a report prepared by Dr Graham Harvey, Reader in Religious Studies The Open University and Secretary of the British Association for the Study of Religions.

The framework for the issues considered by the Board Members in their review of the decision

- 9 To be a charity, an organisation has to be established for charitable purposes only. A charitable purpose is one that falls within the descriptions of purposes in section 2 (2) of the Charities Act 2006 ('the 2006 Act') and is for the public benefit (s.2 (1) (b)).
- 10 The approach adopted by the Commission in deciding if an organisation's aims are charitable for the public benefit is set out in Part D of *Charities and Public Benefit* and Part 4 of *The Analysis of the law underpinning Charities and Public Benefit*. To make a determination it is necessary to:
 - (a) clarify what the aims are;
 - (b) decide whether those aims are charitable i.e. fall within, or are analogous to one or more of the descriptions of charitable purposes; and
 - (c) ensure that each of the aims are, will or may be carried out for the public benefit.
- 11 The Druid Network asked the Commission to consider its application for registration as a charity for the charitable purpose of the advancement of religion for public benefit and no other purpose. The Board Members took the view that it was open to them to consider whether the aim of The Druid Network falls within any of the descriptions of purposes in section 2 of the 2006 Act.
- 12 The Board Members recognised the Commission's public law duties and in particular, the relevance of and the need to comply with its duties as a public authority under s.6 Human Rights Act 1998 and otherwise in relation to the decision, in particular the relevant articles of the European Convention of Human Rights. The Board Members identified three articles which are relevant to and may impact upon the Commission's decisions to register organisations with aims for the advancement of religion:
 - Article 9 (freedom of thought, conscience and religion and freedom to manifest ones religion or belief);
 - Article 1 of the First Protocol (peaceful enjoyment of possessions); and
 - Article 14 (freedom from discrimination on the grounds of religion or belief).

They noted the consideration of these articles in relation to a religion or belief system previously in the Commission's decisions on The Church of Scientology and the Gnostics Centre. They also noted that the Commission's understanding

of charity law definition of advancing religion for public benefit as set out in the Analysis of the law underpinning *The Advancement of Religion for the Public Benefit* sought to ensure that this was consistent with the approach of the courts and compatible with human rights law.

- 13 The Board Members noted that the charity law definition of a religion, which it is charitable to advance, differs from the definition of a religion or belief system protected by Articles 9 and 14, not least that charity law requires that advancing a religion or belief system must be for public benefit. However, they also noted that the courts have established that not all beliefs will qualify for protection under these Articles and that certain requirements must be met. These requirements are considered by the Commission to be reflected within the essential characteristics of a religion in charity law, as set out in paragraph 20 below.
- 14 The Board Members noted that some might argue that a decision that a particular organisation is not a charity in law might interfere with the freedom to manifest a religion or a belief system (Article 9); or with the peaceful enjoyment of possessions (Article 1 of the First Protocol) but that the Commission had not formed the conclusion that this was the case generally.
- 15 In addition, the organisation, if not able to establish itself as a religion within the meaning of charity law, may be eligible for registration as a charity under the promotion of moral or spiritual welfare or improvement for the benefit of the community, if it can be demonstrated that it is established for the public benefit. The test of public benefit, for both a charity established for the advancement of religion and one for the promotion of moral or spiritual welfare or improvement for the benefit of the community, is the same.
- 16 In making their decision, the Board Members expressed the need to ensure that organisations seeking registration as charities for the advancement of religion are not discriminated against on the basis that they might be newly established or represent religious minorities. They reaffirmed the importance of looking at each application on a case by case basis and assessing it against the law.

Advancing religion for the purposes of charity law

- 17 The Board Members noted that the object is not expressed to be for the advancement of religion.
- 18 The advancement of religion falls under section 2(2) (c) of the descriptions of purposes in the 2006 Act. The word *religion* in section 2 (3) (a) includes:
 1. *a religion which involves belief in more than one god; and*
 2. *a religion which does not involve belief in a god.*
- 19 The Board Members reviewed the summary of the law and guidance in *The Advancement of Religion for the Public Benefit* and the *Analysis of the law underpinning* this, and applied the principles and approach in their consideration.
- 20 The Board Members accepted the Commission's view of the characteristics of a religion for the purposes of charity law, as set out in its public benefit guidance. These have been discerned from legal authorities detailed in paragraph 2.13 of

Analysis of the law underpinning that guidance and further refined by the 2006 Act :¹

- 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;*
- d. *an identifiable positive, beneficial, moral or ethical framework.*

Consideration of the various characteristics of a religion:

- **Belief in a supreme being or entity**

- 21 To be a religion in charity law, the belief system must involve a belief in a god, a supreme being or divine or transcendental being or entity or spiritual principle which is the object or focus of the religion (“a supreme being or entity”). The belief system however must be more than a philosophy or way of life to constitute a religion.²
- 22 The Board Members noted that the definition of Druidry within the Constitution includes: *As an ancient pagan religion, Druidry is based on the reverential, sacred and honourable relationship between the people and the land. In its personal expression, modern Druidry is the spiritual interaction between an individual and the spirits of nature, including those of landscape and ancestry, together with the continuities of spiritual, literary and cultural heritage.* The Board Members considered the application for registration as a charity on the basis of the information provided about the present belief system and activities of The Druid Network.
- 23 The Druid Network confirmed that “nature” is regarded as the supreme being or entity within Druidry, *“To a Druid, there is nothing outside Nature, not because they do not believe in a Supreme Spiritual Principle but because this is their Supreme Being, Entity or Spiritual Principle.”* This is explained further, *“Nature encompasses the natural environment , with its plants, animals, mountains and rivers etc, but also and includes the spiritual dimension of all these things: the spirits of plants, animals, mountains etc....To a Druid, all these spirits and places, whether they have a physical dimension to them or not, are manifestations of Nature. Whilst different Druids relate to different gods, ancestors, spirits etc, all see these beings as part of Nature and, through their relationship with these beings, deepen their connection and relationship with Nature.”*
- 24 The Druid Network explained that Druidry is animistic and based on a belief that everything has a spiritual dimension. Nature is more than physicality; spirit is

¹ Section C2 and Annex A of *The Advancement of Religion for the Public Benefit* and Paragraph 2.13 of *The Analysis of the law underpinning* and see also paragraph 6 of the Church of Scientology decision.

² *R v Registrar General ex parte Segerdal* [1970] 2 QB 697, *South Place Ethical Society* [1980] 1 WLR 1565, Dillon J at 1573A

inherent within nature and it is divine. They explained that the gods worshipped within Druidry exist both within and separate from the physicality of nature.

- 25 The Board Members took into account the information contained within the report prepared by Dr Graham Harvey who acknowledges there is some debate amongst academics about the use of the term “nature” and confirms that the notion of nature is far from unambiguous. Despite this ambiguity, he expressed the view that, within Druidry, nature clearly refers to a religious significant world.
- 26 The Board Members clarified the concept of nature and its spiritual dimension with the applicants, who confirmed that the beliefs are not simply based on a concern for the physical environment but based on a sacred and honourable relationship with nature. It is concerned with forming a relationship with nature, which Druids consider to be sacred, and through spiritual interaction there is a quest for divine inspiration, “*known as awen, the force that flows into his/her own sacred creativity of living, allowing depths of understanding and wisdom*”³. All life is considered to be sacred and this extends to humanity, the natural and built environment, the universe and everything within it. Nature is the creating and perpetual force which is all there is and ever will be. Behaviour and decisions are not based on a concern for the environment and humanity but on the basis of honouring gods and performing sacred duties. The belief in the supreme being or entity can be envisaged as both the wholeness of nature and the sacredness that is in everything, or as particular manifestations taking the form of deities and spirits. Belief in this divine entity and spiritual principle underlies Druidry.
- 27 The deities revered are identified within the Constitution as *the most powerful forces of nature (such as thunder, sun and earth), spirits of place (such as mountains and rivers), and divine guides of a people (such as Brigid, Rhiannon and Bran)*. The Constitution confirms that the deities are many and varied:

Druidry cannot be defined by or limited to the reverence of one deity or a pantheon. Thus while most within Druidry honour what are known as the Celtic named and mythologized deities, others honour Christian, Saxon, Nordic or Classical Pagan gods. Many honour animistic and conceptual forms of deity. These differences do not divide or dilute the tradition, however, for such differences are integral parts of the tradition’s essential nature.

- 28 The Druid Network referred to information on its website to explain the concept of deities within Druidry (Annex 2).
- 29 The Druid Network’s website explains that the Constitution is based upon Druidry as a religion. They are clear that Druidry is a religion that they wish to advance, although it is acknowledged that some followers may prefer to use the word “spirituality” because they do not like the connotations of the word “religion” as it applies to some monotheistic traditions.
- 30 The website explains that there is an acceptance of all gods and other religions within Druidry on the basis that *Druids are polytheistic and/or pantheistic, so their attitude is naturally pluralistic, and thus accepting of others’ beliefs and ideas*. The website clarifies that whilst Druids may be accepting of other beliefs there is a distinction between Druidry and other religions.

³ Foreword to the Constitution The Druid Network paragraph 2(a)

Holding a pluralistic perspective, it is possible that a Druid might find value in and respect the teachings of the Christian religion, and its heritage within Britain, including that of the Culdee or Celtic Christian Church. However, the Druid does not acknowledge deity to be existent outside of Nature, for nothing is beyond Nature: the Druidic understanding is of Nature as All, in a process of perpetual self-creating. This is not Christianity. At the same time, it is possible for a Christian to respect the teachings of Druidry, and to perceive the whole of Nature as created by his one god, and thus profoundly sacred. However, the Christian god is supernatural, i.e. transcendent of Nature. This is not Druidry.

31 The Board Members gave careful consideration to the nature of a supreme being or entity as set out in the relevant case law as clarified by the Charities Act 2006. In particular, they were concerned to see that Druidry, as defined by the Druid Network, was not simply a way of life or philosophy but that it had a spiritual reverence, veneration and recognition of a divine being or entity or spiritual principle and therefore a religious perspective. They considered whether Druid belief, as promoted by the Druid Network, in the sacredness and spiritual dimension of nature fell within this definition. They were particularly concerned whether the existence of a divine aspect of this definition was present, given the identification of and with nature as an essential element in their belief.⁴

32 The Board Members reaffirmed the Commission's view that belief in a supreme being or entity remained a necessary characteristic of religion for the purposes of English charity law. They also reaffirmed the Commission's view that it would not be proper to specify too precisely the nature of that supreme being or entity, or to require it to be analogous to the deity or supreme being of any particular religion. Given that English law does not enquire into the nature, worth or value of religious belief, the Board Members would accept that the sincerely held belief of spirit within and arising from nature as an essential and core element of belief within Druidry, as promoted by the Druid Network, represented a divine being or entity or spiritual principle for the purposes of charity law.

- **Worship of, reverence for or veneration of the supreme being or entity**

33 The Board Members looked at whether Druidry, as defined by The Druid Network, involves a relationship with the supreme being or entity which has some or all of the qualities of deep respect, homage, adoration, devotion, obeisance, submission, prayer and meditation.⁵ It is accepted that this relationship may be spiritual in nature.

34 The Druid Network explained that all Druid practices are about worship, reverence and veneration of nature (seen as sacred) and its spirits and deities. The practices are aimed at strengthening the spiritual relationship with nature, and the fundamental concern is the deepening of the connection with the sacred force of life in nature. The statement of their common beliefs (Annex 3) confirms

⁴Annex A of *The Advancement of Religion for the Public Benefit* states: '*This relationship with the supreme being or entity is usually spiritual in nature, characterised by feelings of connectedness or unity with a force or power that is greater than the self, which is apart from the self but which may also exist within. It is this feeling of connectedness or unity that followers or adherents regard as sacred and revered.*'

⁵ *R v Registrar General ex parte Segerdal*

“Nature is considered to be unconditionally sacred and an expression or manifestation of deity and divinity. Everything exists as an interconnected web... All Druids honour the powers of nature... Because the gods are forces of nature, they exist within every aspect of nature. Instead of reaching to a single abstract concept of deity (a one creative supernatural god), Druids find the divine within nature: through study, ritual, music, meditation, prayer, dance.”

35 The Board Members noted that the centrality of reverence for nature is exhibited within the Constitution where there are clear references to the reverence of nature and to a spiritual connection. The Constitution states *“modern Druidry is the spiritual interaction between an individual and the spirits of nature”*.

36 The applicants confirmed that their followers honour a variety of deities; celebrate seasonal festivals and rites of passage in life; and perform rituals. Although some worship is performed outside by individuals on their own, and is of an experiential and often meditative nature, followers do attend public celebrations and rituals. The creation of communities of worshippers is said by the Druids themselves and by Dr Harvey to be characteristic of Druidry.⁶

37 The Board Members concluded that The Druid Network does facilitate and encourage worship of, reverence for and veneration of the supreme being or entity. The relationship between followers and the supreme being or entity is spiritual in nature and characterised by feelings of connectedness with a power which is apart from and greater than the self.⁷

- **Cogency, cohesion, seriousness and importance in the belief system**

38 The Board Members considered the public benefit guidance which confirms *“a religion must be a sincere belief system of substance or significance, capable of benefiting society, having a certain level of cogency, coherence, seriousness and importance; as opposed to a self-promoting organisation set up to promote one or two persons, or a trivial system set up for, perhaps, frivolous reasons”*. They considered the definition of ‘belief’ in human rights case law which has defined ‘beliefs’ as *‘more than just mere opinions or deeply held feelings’ which involve ‘a holding of spiritual or philosophical convictions which have an identifiable formal content’*.⁸ The promotion of religion means *“the promotion of spiritual teaching in a wide sense, and the maintenance of the doctrines on which it rests, and the observances that serve to promote and manifest it.”*⁹

39 The Board Members examined the extent to which the beliefs and practices of The Druid Network constitute an organised or integrated system of belief amongst Druids and whether there is sufficient cohesion between the diverse beliefs and practices to enable a single religion and religious practice to be recognised.

⁶ It is the public nature of the religious practice which is essential to it being charitable *Re Hetherington* [1990] Ch 1

⁷ Annex A of *The Advancement of Religion for the Public Benefit* states: *‘This relationship with the supreme being or entity is usually spiritual in nature, characterised by feelings of connectedness or unity with a force or power that is greater than the self, which is apart from the self but which may also exist within. It is this feeling of connectedness or unity that followers or adherents regard as sacred and revered.’*

⁸ Annex A of *The Advancement of Religion for the Public Benefit* and *The analysis of the law underpinning. Campbell and Cousans v UK* [1982] 4 EHRR 293 at 304

⁹ Lord Hanworth MR in *Keren Kayemeth Le Jisroel v IRC* [1931] 2 K.B. 467, affirmed [1932] A.C. 650.

- 40 The applicants confirmed that Druidry is an oral tradition which is experiential and the beliefs are not set out in any authoritative source. They acknowledge that there are differences and diversity amongst Druids because individuals take their inspiration from nature and the diversity of landscape is reflected in the practice of individuals and local groups.
- 41 The Druid Network explained that it has set out what it considers to be a definition of Druidry and its practice within the Constitution. In formulating this, the applicants consulted other Druids organisations throughout the world and canvassed their views as to the core beliefs. Those organisations were asked if they considered whether the definition was right and they all generally agreed that it was, although some might have added to it. Whilst the level of understanding may differ between followers because it is an experiential religion, the definition used by The Druid Network represents a coherent statement of the core and basic principles of Druidry. Druid groups and members who avail themselves of the services of The Druid Network are asked to confirm their assent to the definition of Druidry and its practice as set out in its Constitution.
- 42 The applicants set out what they considered to be common belief within Druidry (Annex 3) and this helped the Board Members decide there was a degree of cogency.
- 43 The applicants confirmed that all local groups are different because they take their inspiration from the locality. The operation of groups is often dependant on who facilitates it but there is an identifiable commonality of practice to include:
- a. Eight major festivals in the year, solar and fire festivals;
 - b. Rituals at various phases of the moon;
 - c. Rites of passage – naming ceremonies, welcoming newborns, starting school; weddings; funerals; honouring of the dead; rites of separation on relationship breakdown; rites of elderhood (retirement, arrival of grandchildren, menopause); dedication to their god, their work, their community;
 - d. Public gorsedd¹⁰ which are free and open to public;
 - e. Grove practice¹¹ which takes inspiration from the locality; and
 - f. Private practice
- 44 Dr Harvey's report concludes that *"there is sufficient coherence among the varied expressions and experiences labelled as Druidry to be certain that this is a religious movement (not merely a loose amalgam of individual fantasies)."* He asserts that the lived practice of all religions leads to diversity and some level of differentiation. Despite these differences, he considers coherence is maintained in the practices of ritual and bardic performance by the structures of common protocols which make it easy to recognise that it is Druidic rather than any other sort of practice.
- 45 The Board Members noted there was some recognition of Druidry:

¹⁰ Defined on The Druid Network website - *a Gorsedd is a gathering of bards, traditionally held on a sacred hill or mound*

¹¹ Defined on The Druid Network website - *a Grove is a group of people who come together within the Druid tradition to honour life, landscape, ancestry, heritage and each other*

- West Hertfordshire Hospitals Trust appointed a Volunteer Hospital Chaplain for Pagans and Druids;
 - The Prison Service makes provision for the practice of Paganism in prisons and attendance of a Pagan Chaplain and includes Druidry within that;
 - Manchester Museum has consulted The Druid Network on a number of projects including the treatment of ancient human remains;
 - Dr Harvey's report confirms that Druidry "*is the subject of extensive critical study in academic departments and conferences concerned with "religion(s)" internationally*".
- 46 The Board Members clarified with the applicants the extent to which Druidry was distinct from other belief systems. The applicants recognise that Druidry may have parallels with and overlap other belief systems based on a reverence of nature but identify its distinctive characteristics as a nature spiritual tradition based on a sacred honourable relationship with nature, involving spiritual interaction, adherence to Celtic lands, worship of Celtic gods and a quest for divine inspiration. Some belief systems may have elements of Druidry but not all of its characteristics.
- 47 The Board Members gave careful consideration to the extent to which Druidry, as promoted by The Druid Network, was able to demonstrate that, as a system of belief, it manifested sufficient cogency, cohesion, seriousness and importance to be accepted as a system of religious belief. The Board Members felt that this was a particularly difficult area given the diversity of the belief as practised and promoted by The Druid Network, its oral tradition and experiential nature. The Board Members reaffirmed the Commission's view that a core system of conduct or practice in the form of doctrines and practices giving effect to the religious belief as indicative of cogency and cohesion remained an essential characteristic of religion for the purposes of English charity law. They did, however, accept that this could arise by custom and practice, as opposed to a written tradition, provided this had sufficient provenance.
- 48 Having carefully examined the beliefs and practices of Druidry, as promoted by The Druid Network, the Board Members concluded that The Druid Network had demonstrated a sufficient element of core practices and beliefs for them to conclude that the characteristics of cogency, cohesion, seriousness and importance of their religious beliefs were met. The key elements that, in the Board Members view, constitute a degree of coherence and of formal content are:
- the belief in the supreme being or entity and the understanding that this can be revered either as a whole sacred life force, or as manifested by particular deities and spirits, as in some other religions;
 - the rationale for connecting with this sacred nature, as explained in the common beliefs at Annex 3;
 - the consequential characteristic emphasis on the importance of ancestors, of cultural heritage and of the natural environment;
 - the significant common elements of ritual and worship flowing from these beliefs; and

- the clear integration of ethical and moral frameworks for behaviour, linked clearly to the basic belief system.
- **An identifiable positive, beneficial, moral or ethical framework promoted by the belief system**

49 The Board Members noted that to be charitable, a religious purpose must tend directly or indirectly to the moral and spiritual improvement of the public.¹² The definition of Druidry and its practice within the Constitution makes specific reference to “*reverence and respect for life itself, and the practice of seeking honourable relationship with all*”. It states “*Druidic sacrifice is expressed through work that benefits the wider community and the planet as a whole, such as environmental volunteering, ethical consumerism, spiritual education, dissemination of information, caring for family and community (notably children, the sick, the elderly and dying) and creative expression*”.

50 The Druid Network explained that the principle of honourable relationships is about living in peace and harmony with others and nature. The principles of honour, respect, truth and justice are of primary importance and constitute the basis of all Druid practice. Druid ethics are concerned with trying to restore peace and harmony which includes fostering understanding between people, upholding human and animal rights, caring for and protecting the environment, and behaving in a peaceful and positive way.

51 The Board Members looked at the material on the website of The Druid Network and found evidence of the promotion of ethical codes which were an integral and central part of the belief system. They are integrated explicitly in the objects of The Druid Network:

c) Promoting the conservation, protection and improvement of the natural environment, and the understanding of how individuals might live with conscious personal responsibility with regard to the environment.

d) Promoting the preservation of Heritage and Culture.

e) The promotion of ethical standards of living and conduct including, but not exclusively restricted to, the promotion of human and animal rights.

f) Promoting peace both within the individual, the local community and the furtherance of the cause of 'World Peace'.

g) The promotion of religious harmony and diversity, interfaith dialogue and understanding.

52 The Druid Network actively promotes its ethical codes by the provision of information on ethical living and caring for the environment guiding people in making choices in their daily living. Through its website it promotes opportunities provided by The Druid Network to participate in environmental projects such as tree planting and preservation of woodlands and promotes the work of other organisations engaged in caring for the environment, to at least one of which it has also made donations. The website contains articles on ethics, environmentalism and interfaith activities within Druidry and encourages people to act consistently with these. Through this they raise awareness of personal

¹²: *Cocks v Manners* [1871] LR 12 Eq 574, 585 per Wickens V-C.

development and responsibility, caring for and interaction with the community, animal welfare, human rights, social and religious diversity. The material on the website increases awareness and understanding of British heritage, literature and history. Their work includes promoting public access to and the protection and preservation of ancient monuments and artifacts. The Druid Network produced evidence to show their extensive work with Manchester Museum on a number of projects in support of its exhibitions. They have an Interfaith Co-ordinator and participate in interfaith groups. Volunteering is promoted as a way of furthering their beliefs; the website states: *“From a Druidic point of view, volunteering allows us to serve our communities and gives us a sense of wellbeing – a satisfaction that you touch the web honourably, that your actions directly improving other places, people or creatures.”* Further details are outlined in the Public Benefit section below.

53 The Board Members concluded that there is evidence of an identifiable positive beneficial ethical framework promoted by The Druid Network that is capable of having a beneficial impact on the community at large.

Summary of consideration of the various characteristics of a religion

54 The Board Members were satisfied that:

- there is sufficient belief in a supreme being or entity to constitute a religion for the purposes of charity law;
- there is evidence of worship of, reverence for and veneration of the supreme being or entity;
- there is a sufficient element of core practices and beliefs to conclude that the characteristics of cogency, cohesion, seriousness and importance of their religious beliefs were met; and
- there is evidence of an identifiable positive beneficial ethical framework that is capable of having a beneficial impact on the community at large

55 It was evident that the belief and practises are being advanced through the provision of information on the principles and practice of Druidry and inspiring and facilitating that practice.

56 The Board Members concluded that the aim does fall within s2 (2) (c) of the descriptions of purposes in the Charities Act 2006, the advancement of religion, and is capable of being charitable subject to meeting the public benefit requirement.

Public benefit

57 The Board Members noted that the law has changed following the introduction of the 2006 Act to remove the presumption of the public benefit requirement for charities established for the advancement of religion.¹³ All charities now need to provide evidence of public benefit consistent with the principles of public benefit

¹³ Section 2 (1) Charities Act 2006. *“When, however, the question is whether a particular gift for the advancement of religion satisfied the requirement of public benefit, a question of fact arises which must be answered by the court in the same manner as any other question of fact i.e. by means of evidence cognisable by the court”* *Gilmour v Coats* [1948] Ch 340 C.A. Lord Greene MR at page 347

as explained in the Commission's statutory guidance on Public Benefit¹⁴. The Board Members considered the law and principles set out in its public benefit guidance including the legal underpinning.

58 The Board members noted that the burden is upon organisations to demonstrate both its impact upon the community and that the impact is beneficial.¹⁵ They noted the principles emerging from the legal authorities, as set out in the Church of Scientology decision, as follows:

- A gift for the advancement of religion must be beneficial to the public (or a sufficient section of the public)¹⁶ and not simply for the benefit of the adherents of the particular religion themselves.¹⁷
- It is settled law that the question whether a particular gift satisfies the requirement of public benefit must be determined by the court and the opinion of the donor or testator is irrelevant.¹⁸
- The court must decide whether or not there is a benefit to the community in the light of evidence of a kind cognisable by the court.¹⁹

Principle 1: There must be an identifiable benefit or benefits - Principle 1a: It must be clear what the benefits are and Principle 1b: The benefits must be related to the aims.

59 The Druid Network provided a schedule of beneficial activities and evidence of these in support of the application which may be summarised as follows:

- The provision of information on the practice of Druidry to the public through its website
- Facilitating the practice of Druidry through conferences, camps, workshops, retreats and courses, and through its affiliated groups.
- Promoting the preservation of heritage and culture by increasing awareness and appreciation of and teaching about heritage and helping to protect heritage/monuments.
- Promoting conservation and preservation of the environment by encouraging people to live more ethically and providing opportunities for people to engage in environmental projects.
- Promoting personal development and ethics by promoting ethical standards of living; emphasising the importance of individual responsibility and interaction within families and communities; promoting social and religious diversity.
- Promoting peace within the individual and the local community.
- Promoting involvement in interfaith projects
- Supporting the formation and running of local groups and facilitating communication between groups. Putting the public in contact with groups.

60 The Board Members considered the evidence provided by the applicants in support of the application, looked at the website and took into account the evidence at paragraphs 51 and 52 above. They noted the public benefit guidance confirms that "*The benefits to the public should be capable of being recognised, identified, defined or described but that does not mean that they also have to be capable of being quantified. Benefits that can be quantified and measured may*

¹⁴ Charities and Public Benefit, available on the Commission's website

¹⁵ *Coats v Gilmour* supra

¹⁶ *National Anti-Vivisection Society v IRC* [1948] AC 31

¹⁷ *Holmes v Attorney General* The Times February 12th 1981

¹⁸ *Re Hummeltenberg* [1923] 1 Ch 237 and *National Anti-Vivisection Society v IRC* supra

¹⁹ *Gilmour v Coats* supra

be easier to identify but we also take non-quantifiable benefits into consideration, provided it is clear what the benefits are."²⁰

61 The Board Members considered there are benefits which are identifiable and related to the aim which include:

- The provision of public rituals and ceremonies;
- The provision of material on the internet to promote the beliefs and practices of Druidry;
- Supporting existing Druid groups and the formation of new groups;
- Contributing to the preservation of ancient monuments and artefacts and promoting public access to these;
- Involvement in environmental projects such as tree planting and protection of ancient woodlands;
- Financial support for environmental projects;
- Raising awareness and developing understanding of ethical and environmental issues, peace and human rights and encouraging people to act in ethical and responsible ways;
- Encouraging volunteering and providing opportunities for volunteering
- Involvement in interfaith activities; and
- Providing information about British heritage, literature and history

62 The Board Members were satisfied that there are clear identifiable benefits which are related to the aims and are sufficient to enable them to conclude that The Druid Network does meet these sub-principles. They were satisfied that The Druid Network demonstrated its positive and beneficial impact upon the public.

- **Principle 1c: Benefits must be balanced against any detriment or harm.**

63 The public benefit guidance confirms that an organisation's public benefit will be affected where there is evidence of significant detriment or harm from what the organisation proposes to do, or practices, which outweigh the benefits of the organisation carrying out its aims.²¹

64 The Druid Network acknowledges that there may be public misconceptions about Druidry and the Constitution addresses this:

While sacrifice is a core notion within most world spiritual traditions, within Druidry it is confused by historical accounts of the killing of both human and animal victims. No such practice is deemed acceptable within modern Druidry. What is sacrificed within the tradition today is that which we value most highly in life and hold to with most passion: time, security, certainty, comfort, convenience, ignorance, and the like. Indeed, most Druidic sacrifice is expressed through work that benefits the wider community and the planet as a whole, such as environmental volunteering, ethical consumerism, spiritual education, dissemination of information, caring for family and community (notably children, the sick, the elderly and dying) and creative expression.

²⁰ Section D2 of *The Advancement of Religion for the Public Benefit*

²¹ Practices or doctrines that are adverse to the foundations of religion or subversive to morality or are illegal cannot be for the benefit of the public *Thornton v Howe*[1862] 31 Beav 14 and *Re Watson* [1973] 1 WLR 1472

- 65 Dr Graham commented on the notion of sacrifice, in his report, describing it as “*benefitting others before oneself*”. The Board Members accepted this was a core belief and practice of many religions.
- 66 The Board Members noted that The Druid Network has adopted a child protection policy.
- 67 The Board Members found no evidence of any significant detriment or harm arising from the beliefs and practices of The Druid Network and that there was nothing under this sub-principle that would affect the assessment of public benefit in this case.
- **Principle 2: Benefit must be to the public, or a section of the public - Principle 2a: The beneficiaries must be appropriate to the aims and Principle 2b: Where benefit is to a section of the public, the opportunity to benefit must not be unreasonably restricted by geographical or other restrictions.**
- 68 The Board Members considered the extent to which the beliefs are adopted and practised. The Druid Network confirmed its membership was currently 350 but emphasised that it is not a member focussed organisation. It delivers benefits beyond its membership by providing information to the wider public and it has had 1300 members past and present. The applicants did not know how many people are practising Druids but refer to information provided by the BBC in 2003 confirming numbers to be in the region of 10,000 in the UK.²²
- 69 The Board Members noted that membership is open to all who wish to join and the opportunity to learn about Druidry is open to the public through the website. The Druid Network supports groups in the provision of public rituals and ceremonies. It provides speakers and works in consultation with other bodies when a Druidic perspective is required.
- 70 The Druid Network confirmed that some local groups limit the number of members where they are unable to devote time to give instruction to new members. In these instances, people are offered advice and assistance in finding an alternative group or in setting up new groups. The Druid Network assists by supporting the formation and running of local groups.
- 71 The applicants also confirmed that some local groups teach Druidry through a series of grades but these are not an intrinsic part of Druid practice. Some have a process of initiation following the completion of a course of lessons at which their achievement is acknowledged and they are offered free entry to the next level. The Board Members recognised that there may be some occasions when people need to have reached a certain level of attainment to participate in events, but considered that this is not uncommon within other religions.
- 72 The Board Members clarified with the applicants the accessibility of local groups to the public and the applicant’s support of groups. The Druid Network confirms on its website that it will not support exclusivity and stated that it will not support any organisation or event that expresses exclusivity or is closed to the general

²² *The Analysis of the law underpinning The Advancement of Religion for the Public Benefit* at paragraph 3.21 explains that “*the actual number of people who can benefit at any one time can be quite small as long as anyone who could qualify for the benefit is eligible*” see *Le Cren Clarke* [1996] 1 All ER 715

public. The Druid Network assess all groups unknown to it to ensure they are not exclusive and all listings and requests for funding are monitored to ensure this requirement is met. The applicants confirmed that The Druid Network would not accept exclusive organisations into membership.

73 Although individuals do engage in solitary religious practice in common with many other religions, followers do practice in groups within local groups and at public gorsedd. ²³ The applicants explained that their beliefs place great emphasis on communal practice consistent with their belief in the importance of the community. ²⁴

74 The Board Members noted that the Commission had questioned whether there are private practices which are not available to all, in light of the statement within the definition of Druidry and its practice at Annex 1:

Although there are groups within the tradition who value their privacy, Druidry is not an occult tradition. A good part of its practice is openly celebrated. Some within the tradition share its essential tenets through public ritual in ceremonies marking the seasonal festivals that are open and free to all. Examples include the gorseddau at Avebury and Stonehenge (Wiltshire). As is true of any mystical religious tradition, the deeper mysteries and practices that would be confusing or detrimental to the novice are retained in the privacy of personal practice and close relationships

75 The applicants assured the Commission that not everyone wishes to explore the tradition to its full depth but the opportunity to learn all aspects of Druidry is available to everyone. In order to overcome any misunderstandings that might arise the applicants suggested alternative wording as follows:

"Most Druidic practice is celebrated openly. Public ritual ceremonies marking the seasonal festivals are open and free to all. Examples of these include the gorseddau at Avebury and Stonehenge (Wiltshire). Many Groves or individuals practise quiet ritual and meditation in public places, whether that be city parks, open beaches, forests or stone circles, while some prefer the privacy and convenience of their homes and gardens for prayers, ritual and meditation. There are no occult, secret or hidden practices within Druidry; teachings are open to all."

The Board members considered that this alternative wording was preferable and the Constitution should be amended to incorporate this.

76 The Board Members concluded that the beneficiaries are appropriate to the aim and that the opportunity to benefit is not unreasonably restricted by geographical, religious, membership or other factors and these sub-principles are met

- **Principle 2b: Where benefit is to a section of the public, the opportunity to benefit must not be unreasonably restricted by ability to pay any fees charged and Principle 2c: People in poverty must not be excluded from the opportunity to benefit.**

²³ Fostering individual private religious practice is not charitable: *Gilmour v Coats; Hoare v Hoare*[1886] LT 147; *Re White* [1893] 2 Ch 41; *Cocks v Manners* [1871] LR 12 Eq 574

²⁴ Religious services that are open to the public are capable of conferring public benefit because of the edifying and improving effect on those who attend *Re Hetherington* [1990] Ch

77 The Board Members noted that The Druid Network provides free access to information and materials on its website and this is its predominant activity. The Druid Network confirmed it provides public rituals free or at low fees that the majority of people can afford. The membership fees of The Druid Network are £10 per annum. Concessionary membership is available to non-waged and disabled persons and is currently set at £3 for paper free and £5 for postal membership. The fees are considered to be low on the basis that the majority of people could afford them.²⁵ The applicants positively confirmed that cost would not be a barrier to membership or its services. It also operates a sponsorship learning fund to members and non-members to provide access to courses and events.

78 The Board Members concluded the opportunity to benefit is not unreasonably restricted by ability to pay and people in poverty are not excluded from the opportunity to benefit and that these sub-principles are met

- **Principle 2d: Any private benefits must be incidental.**

79 The Board Members looked at the potential for private benefit arising from The Druid Network carrying out its aim and did not identify any issues of private benefit. The Druid Network confirmed that none of the trustees are paid and all who offer their services to the running of the organisation do so voluntarily.

80 The Board Members concluded that this sub-principle is met.

Conclusion

81 Having concluded that all of the public benefit principles are fulfilled, the public benefit requirement is met. The Board members concluded that The Druid Network is established for exclusively charitable purposes for the advancement of religion for the public benefit.

²⁵ *Public Benefit and Fee Charging* Low fees: fees that most people could afford. What might be regarded as a 'low fee' will be considered in the context of an individual charity's circumstances, such as the social and economic circumstances of the people in the country in which it operates. C1 where a charity charges low fees that most people can afford, then the fee-charging is unlikely to give rise to public benefit difficulties

The definition of Druidry and its practice as used by the Druid Network

The definition of Druidry and its practice as used by The Druid Network (also referred to as 'The Network'), laid down for the purposes of its Constitution.

1) *Druidry was the native spiritual tradition of the peoples who inhabited the islands of Britain and Ireland, spreading through much of Europe. Though many consider it to have been a religion or political force that came to Britain with the influx of culture concurrent with the Iron Age, it is increasingly understood, and within the Network acknowledged, to be of an older indigenous if ever-evolving religious tradition sourced within these islands.*

2) a) *As an ancient pagan religion, Druidry is based on the reverential, sacred and honourable relationship between the people and the land. In its personal expression, modern Druidry is the spiritual interaction between an individual and the spirits of nature, including those of landscape and ancestry, together with the continuities of spiritual, literary and cultural heritage.*

b) *Through this reverence, Druidic practice is based on honour for the ancestors, considered sacred. In ancestral stories, in human nature and life's patterns, in the long river of history, in poetry and music, the Druid finds the divine inspiration known as awen, the force that flows into his/her own sacred creativity of living, allowing depths of understanding and wisdom.*

c) *Through this reverence, Druidic practice seeks too to understand the patterns of nature outside humanity, within our environment, honouring the powers of nature as wholly sacred. All life is deemed to be unconditionally sacred, bearing its own intrinsic validity and purpose.*

3) *Those who practise Druidry do so through a deep spiritual connection perceived and experienced with this land and culture, either directly (as residents) or through links and empathies of ancestry, literature, art, history, heritage, philosophy and mythology. So does Druidry continue to grow, not only in Britain, but all around the world.*

4) *Though many shy away from the word 'religion' with its connotations of political monotheism and authority, preferring the word spirituality, Druidry is a religion. Its practitioners revere their deities, most often perceived as the most powerful forces of nature (such as thunder, sun and earth), spirits of place (such as mountains and rivers), and divine guides of a people (such as Brigid, Rhiannon and Bran).*

5) a) *Druidry cannot be defined by or limited to the reverence of one deity or a pantheon. Thus while most within Druidry honour what are known as the Celtic named and mythologized deities, others honour Christian, Saxon, Nordic or Classical Pagan gods. Many honour animistic and conceptual forms of deity. These differences do not divide or dilute the tradition, however, for such differences are integral parts of the tradition's essential nature.*

b) *The spirits of a place bring the richness of ecological diversity, encouraging us to experience the wealth of different ecosystems, from moorland to meadows, mountains to wetlands. So does reverence for life and nature engender a diversity of practice in those expressing devotion and seeking to live in sacred relationship with the spirits of a place. Thus is locality another factor that brings diversity to the tradition.*

c) Ancestral lineage, local history and heritage add diversity in the same way. Generations of miners, fishermen or travellers, personal tragedy or wealth, close family or solitude: all are factors that affect our spiritual seeking and expression. As Druidry guides us to honour and learn from our ancestry and our path of life, so is this diversity too a defining factor in Druidic practice, as is acceptance and indeed celebration of this diversity.

d) Coherence is brought to Druidry upon the spiritual foundations of its reverence for nature.

6) a) Based on reverence and respect for life itself, and the practice of seeking honourable relationship with all, Druidry guides us to live with truth and responsibility.

b) While sacrifice is a core notion within most world spiritual traditions, within Druidry it is confused by historical accounts of the killing of both human and animal victims. No such practice is deemed acceptable within modern Druidry. What is sacrificed within the tradition today is that which we value most highly in life and hold to with most passion: time, security, certainty, comfort, convenience, ignorance, and the like. Indeed, most Druidic sacrifice is expressed through work that benefits the wider community and the planet as a whole, such as environmental volunteering, ethical consumerism, spiritual education, dissemination of information, caring for family and community (notably children, the sick, the elderly and dying) and creative expression.

7) Although there are groups within the tradition who value their privacy, Druidry is not an occult tradition. A good part of its practice is openly celebrated. Some within the tradition share its essential tenets through public ritual in ceremonies marking the seasonal festivals that are open and free to all. Examples include the gorseddau at Avebury and Stonehenge (Wiltshire). As is true of any mystical religious tradition, the deeper mysteries and practices that would be confusing or detrimental to the novice are retained in the privacy of personal practice and close relationships.

The concept of deity within Druidry

Druidry has no asserted dogma that tightly defines how to perceive deity, instead allowing each individual to explore and experience their own connection with the divine and the sacred. Indeed, this pluralism is central to Druidry, experience of deity being central to Druidic practice rather than the acceptance of any imposed belief.

The majority of Druids do profess to be polytheistic, however. Their gods express every aspect of existence. Some are forces of nature that are obvious, such as sun, moon, star, earth, river, rain, corn and mountain. Some are powers of nature that hold the fabric of existence, such as fertility, love, gravity, death, hunger, fate and regeneration. And some gods are ancestral forces, powers that guide us as human beings in our relationship with the nonhuman world and with each other, being gods such as those of justice, trade and communication. Some refer to their gods with the names and teachings found in our myths, history and folktales, while others use personal and private names for their gods.

It is important to remember that, even if a Druid does not actively revere a particular deity, he will not dismiss a god as nonexistent. Polytheistic Druids may choose to nurture relationships with some gods and not with others. For example, a Druid may focus upon the gods of his own locality, such as the deity of the river that passes through his town, or the sea if he lives on the coast, a local mountain or range of hills, the earth itself if he is particularly depended upon its fertility, or the gods worshipped by ancestors of that landscape (evident, for example, in locally found Romano British inscriptions). Many Druids will have very strong relationships with two or three gods, a good working relationship with a dozen or so more, and knowledge a perhaps twenty or thirty beyond that. A Druid will accept the existence of all gods, even if he knows nothing about them.

The majority of Druids would also call themselves pantheistic. To the Druid, the word 'nature' is used to define the totality of existence: everything there is, human and nonhuman, upon the earth and into the furthest reaches beyond. Because Druidry is pluralistic, the word 'universe' tends to be avoided, as it implies there to be a unity or oneness which cannot be proven. Nature, however, describes the wholeness. For the pantheist, this wholeness might be referred to as deity.

Some may consider this wholeness to be the supreme divine principal, the great god, the source or ultimate mystery, and so be practising pantheists; others prefer to revere this wholeness through some of the many gods that are integral to its being, and so be better described as practising polytheists.

Druidry is essentially an animistic tradition in that Druids consider all aspects of nature to be inspirited or have soul; in other words, every aspect of nature has its own inherent value and purpose. Some would go further and say that at every layer of nature, from the micro- to the macrocosmic, from the subatomic to the galactic, there is consciousness.

A Druid is likely, then, to acknowledge a tree, river or stone to have spirit, or soul, or consciousness. This consciousness is as different from human consciousness as a stone's nature is different from human nature. However, perceiving the stone in this way the Druid recognises its sanctity, its history and its place within the environment.

Animism provides an ethical foundation based upon respecting every aspect of nature in this way.

Another way of understanding animism is to affirm that Druidic religion is not dualistic. Druids do not believe there is anything beyond nature: there is no creator god who made the world. Instead, nature is the creative force, perpetually self-creating, without beginning or end. Druids acknowledging this creativity in every aspect of nature.

Common belief within Druidry

A Druid's practice is aimed at seeking to understand and achieve sacred relationship with nature, and thus the gods. Belief implies blind faith and that is not the Druid way. Experience of sacred connection, wonder and understanding are the foundation stones of the tradition, not reliance of blind faith in something that one has not felt or perceived.

All Druids, however, seek to connect with the same source - nature - and that source provides some common areas of understanding if not belief. The following points are therefore presented as statements of common druidic understanding.

- *Nature is considered to be unconditionally sacred and an expression or manifestation of deity and divinity. Everything exists as an interconnected web.*
- *Although everything is interconnected, for many people that connection is not felt. They stand apart from the natural world and in many cases consider themselves superior to it. A Druid seeks to re-connect, use their senses and seek to develop them, open their spirit to the spirit that flows around them, to connect with that flow, that divine source. In other words, experience of the web is essential for honourable living.*
- *All Druids honour the powers of nature, as environment (the Three Worlds of land, sea and sky), as ancestors (of our blood, of our history and land, of our mythology), as heritage and wisdom, and through reverence for the sacred and for deity. What does this mean? In terms of an integrated system of belief and practice, Druids would be expected to:*
 - *Respect the natural world (non-human), care for the environment, to study nature (from trees to winds).*
 - *Respect human nature, work on their own intellectual and emotional development, care for the community, family and colleagues.*
 - *Respect our history, learn about our heritage, ancestors, their stories, languages, ways of life.*
 - *Respect the gods, the forces of nature that influence our worlds.*

All these are religious tasks, performed not just as a way of serving the gods, ancestors or community, but as a way of connecting with the gods, seeking religiously meaningful and, at times, ecstatic union. Because the gods are forces of nature, they exist within every aspect of nature. Instead of reaching to a single abstract concept of deity (a one creative supernatural god), Druids find the divine within nature: through study, ritual, music, meditation, prayer, dance. In other words, by singing an old song, learning an old language, sitting by the grave of an ancestor or within an old stone circle, meditating in the rain, planting trees, the druid opens their soul (mind, consciousness, heart) to connect with the forces of nature (gods) present and influential within that aspect of nature. This is religious practice (seeking connection with deity, the sacred powers of existence) and is found within all Druidry, throughout the world.