

Discrimination against British Christians

There is a widespread feeling amongst Christians in the UK that discrimination against them is increasing. Part of this is because of various high profile cases of alleged discrimination against Christians, which I examine below. There are also allegations such as local authorities banning reference to Christmas or supermarkets reluctantly and inadequately stocking Easter eggs (which have a Christian message). On the latter, the Bishop of Oxford, who chairs the Church of England's Board of Education, said; "There seems to be a clear cut agenda to keep credible products, with any connection to Christianity, off the shelves." The Bishop of Middleton, said: "It seems incredible that the only Easter egg gift on the market, which caters for the Christian community, is rejected or marginalised by our biggest retailers."

Statistics on alleged discrimination

Premier Christian Media commissioned a ComRes poll in October 2011 which reported that:

- 71% of Christians felt the marginalisation of Christianity in British public life is increasing.
- 74% of Christians feel there is more negative discrimination against Christians than people of other faiths (compared to 66% in November 2009).
- 66% of Christians felt marginalisation was increasing in government (compared to 59% in November 2010).

A ComRes poll in March 2011 found that 37% of the general public felt the Government favours other religions over Christianity.

However Premier noted that in another poll, only 12% of Christians said they had experienced victimisation directly.

These Christians feel the courts are inconsistent in the way they apply and interpret equality laws with respect to Christians. They feel the media often conveys a negative image of Christians, often portraying them as "complaining", "bigoted" or "extreme". They also see secularism and apathy (towards religion) as the greatest threats to the Christian faith.

Peter Kerridge, Chief Executive at Premier Christian Media, stated: "It is hard enough to stand up as a Christian anyway and having the law against you makes it even worse. We have to be very careful because marginalisation, the stage in which we are right now, is only a few steps away from persecution."

Westminster 2010: Declaration of Christian Conscience

Easter Day 2010 saw the launch of *Westminster 2010: Declaration of Christian Conscience* which was signed by Lord Carey and many prominent Christian leaders. It stated that the signatories would be subject to governing authorities except in participating in or facilitating abortion, embryo-destructive research, assisted suicide, euthanasia or "any edict forcing us to equate any other form of sexual partnership with marriage." It added: "We will not be intimidated by any cultural or political power into silence or acquiescence and we will reject measures that seek to over-rule our Christian consciences or to restrict our freedoms to express Christian beliefs, or to worship and obey God." People such as Lord Carey, Michael Nazir-Ali have spoken out in favour of the people involved in the high profile cases mentioned above whom they believe have been subject to anti-Christian discrimination.

The Clearing the Ground Commission

In November 2011 Gary Streeter, MP for SW Devon and chair of the cross-party Christians in Parliament held the first meeting of the *Clearing the Ground* commission which is looking into whether Christians are being marginalised and whether changes in the law and recent court decisions have adversely affected Christian freedom in the UK. The commission is not an official government body but an initiative of Christians in Parliament. In the first session the commission heard from the Evangelical Alliance, Premier

Christian Radio, the Lawyers Christian Fellowship, and the Maranatha Community.

In an interview with the Plymouth Herald Streeter said: "It's a genuine open-ended inquiry and taking evidence from a wide variety of people to try and get to the bottom of what Christians can say and do in 21st century Britain. We are going into this with no preconceived ideas at all."

The Church of England, the Catholic Church, and the Baptist/Methodist/URC churches gave evidence at the second session. According to the Church Times, the commission were told that the Christian faith in the UK is facing its "biggest challenge in the last 400 years" as Christians experience rising intolerance in society.

Streeter also said that there was religious freedom in Britain, but some groups were whipping up an alternative view and generating fear where there did not need to be any. He said: "That fear is growing, that voice is growing. There is a particular problem. In the last 12 months, we have had legal cases that provoked concern. These now need to be tackled."

Actual examples of alleged discrimination

The Equality and Human Rights Commission are particularly interested in four cases:

- **Nadia Eweida**, a British Airways employee who was asked to cover up a necklace which included a cross. She refused and also turned down a position where the rule would not apply. She argued that people of other faiths were allowed to wear religious garments at work. It was pointed out that some religions require the wearing of such garments whereas Christianity does not require the wearing of a cross. Eventually BA gave way but refused to compensate Nadia's loss of earnings. She refused an out of court settlement.
- **Gary McFarlane**, a relationship counsellor sacked by Relate for not providing sex therapy to a gay couple. A condition of his employment was to accept that he must ensure: "that no person... [receive] less favourable treatment on the basis of characteristics, such as... sexual orientation." Subsequent to his employment he was asked to confirm he would abide by this condition and he did so. But afterwards he refused to put this into practice. He was refused access to the court of appeal.
- **Shirley Chaplin**, a nurse who was banned from working on hospital wards after she refused to remove a cross from her neck. The hospital dress code prohibits front-line staff from wearing any type of necklace in case patients try to grab them. The hospital offered the compromise of her wearing the cross pinned inside a uniform lapel or pocket, but she said this hiding of her faith was "disrespectful".

The Archbishop of Canterbury, in his 2010 Easter sermon, commented: "With a bit of a sigh, we read about yet another legal wrangle over the right to wear a cross in public while engaged in professional duties; one more small but significant mark of what many Christians feel is a sustained effort to discriminate against them and render their faith invisible and impotent in the public sphere. One more mark of the curious contemporary belief that Christians are both too unimportant for their convictions to be worth bothering with and too dangerous for them to be allowed to manifest those convictions... Now it is quite likely that this latest folly, like others, is less a sign of deep anti-Christian feeling as such than the result of wooden-headed bureaucratic silliness combined with a well-meaning and completely misplaced anxiety about giving offence to non-Christians.

- **Lillian Ladele**, former registrar, was disciplined by Islington Council for refusing to conduct same-sex civil partnership ceremonies. An Employment Tribunal ruled that she had been discriminated against but an Employment Appeal Tribunal disagreed and said the earlier tribunal had been mistaken in law. She was refused leave to appeal to the Supreme Court because her case did not raise legal points of "general public importance."

But there are other cases:

- **Dr Richard Scott**, a doctor in Margate, faced the possibility of disciplinary action for suggesting to a patient that they may benefit from the Christian faith. He said the conversation happened after they had finished discussing medical options and that he had asked permission to refer to his Christian faith. The

patient was of another faith and Dr Scott is accused of distressing the patient. The GMC sent him a warning letter which he refused to accept. This led to a disciplinary hearing.

In 2009 Jane O'Brien, GMC Assistant Director for Standards and Fitness to Practise, wrote a letter to the Daily Telegraph saying:

'Nothing in the GMC's guidance Personal Beliefs and Medical Practice (2008) precludes doctors from praying with their patients. It says that the focus must be on a patient's needs and wishes. Any offer to pray should follow on from a discussion which establishes that the patient might be receptive. It must be tactful, so that the patient can decline without embarrassment – because, while some may welcome the suggestion, others may regard it as inappropriate.'

The GMC Guidelines: *Personal Beliefs and Medical Practice* state that:

- Doctors sensitively discussing a patient's personal beliefs may be important for some patients, but must be agreed to by the patient.
 - Doctors should not normally discuss their own personal belief (i.e. the doctor's belief) with a patient unless it is relevant to the patient's care.
 - Doctors must not impose their beliefs on patients or cause distress by insensitive expression of religious beliefs.
 - The GMC does not give advice on how doctors should dress.
 - If a particular procedure or giving advice about it conflicts with a doctor's religion s/he must refer the patient to another doctor.
- **Caroline Petrie**, the nurse suspended for offering to pray for an elderly patient (who was not offended by the offer). She was accused of breaking nursing guidelines by failing to "demonstrate a personal and professional commitment to equality and diversity". After legal intervention, Caroline was reinstated. She was told that she could offer prayer so long as she first asked if a patient had any spiritual needs. The matter was raised at the British Medical Association conference. The conference recognised that the NHS is committed to providing spiritual care to patients. But it fell short of supporting doctors initiating faith matters with patients.

N Somerset NHS eventually published a *New statement regarding Caroline Petrie*, which said: "For some people of faith, prayer is seen as an integral part of health care and the healing process. That is why NHS services in North Somerset offer spiritual support such as chaplaincy and prayer rooms, for example, available for use by people of all faiths. It is acceptable to offer spiritual support as part of care when the patient asks for it. But for nurses, whose principal role is giving nursing care, the initiative lies with the patient and not with the nurse. Nurses like Caroline do not have to set aside their faith, but personal beliefs and practices should be secondary to the needs and beliefs of the patient and the requirements of professional practice."

- **Peter and Hazel Bull**, Christian hoteliers who would not allow unmarried couples to share double rooms because they do not believe in sex before marriage and so refused to allow a gay couple to share a room at their hotel. They would allow unmarried heterosexual couples or homosexual couples to share a twin bedded room. But the judge decided they were guilty of unlawful discrimination because the homosexual couple concerned were in a civil relationship and so, legally, should have been treated the same as a married couple. Judge Andrew Rutherford awarded the homosexual couple damages.
- **Owen and Eunice Johns**, the Christian foster carers who were refused another foster child because of their views on homosexuality. Eunice said she was brought up to believe that "having a different sexual orientation was unnatural and wrong." When asked if "they would be able to support a young person who, for example was confused about their sexuality, the answer was in the negative." However Eunice said that "her nephew, who lived in the U.S., is gay, and that she has been to stay with him and his partner, and had not treated them any differently from anyone else." She said she would never seek to impose her belief system on a child or to denigrate the parents for their lifestyle or sexual orientation. However she did speak of "gently turning round" a child who was confused about his/her sexuality. At one point Eunice said: "I will not lie and tell you I will say it is ok to be a homosexual. I will love and respect, no matter what sexuality. I cannot lie and I cannot hate, but I cannot tell a child that it is ok to be

homosexual. Then you will not be able to trust me. There has got to be different ways of going through this without having to compromise my faith.”

In his High Court Judgement, Lord Justice Munby said: “The defendant [Derby City Council] says that it has approved foster carers who are very committed Christians who hold to orthodox beliefs – whatever that means – and devout Muslim carers who are similarly committed to their religion, but who in both instances are able to value diversity notwithstanding their strongly held religious beliefs. But again there is no evidence in support.” He decided in favour of the Council.

- **Jennie Cain**, the school receptionist who was sacked after she sent an email to friends asking prayer for her child who was reprimanded by her teacher for talking about Jesus. Five year old Jasmine said to a five year old friend: “I believe in God and Jesus and I'm going to Heaven.” A seven-year-old then asked: “How do you go to Hell then?” Jasmine replied: “By not believing in Jesus.” The head said it was acceptable for children to talk about religion but not to scare other children (as was the case on this occasion) by talking about Hell. Jennie sued the school over religious discrimination but accepted an out of court settlement.

Is this persecution of British Christians?

In all this, we must, of course, keep a sense of proportion. Distressing though the above stories are, we do not experience anything like the persecution Christians face in certain other countries.

However, we also need to be critical in our approach to these and other examples of “persecution” in Britain. Are the courts really biased against Christians?

What the judges actually said

Rather than jumping to conclusions or following the crowd over allegations of anti-Christian bias in the courts, it is important to study what the judges actually said and to critique it. The judgments of Judge Andrew Rutherford in these cases include some very important statements about the current state of British Law.

In the **Gary McFarlane** case *Lord Carey* gave a witness statement to the court in which he said:

- He disputed that the Christian attitude to same sex unions was discriminatory.
- A person who holds this view is not a homophobe and disreputable.
- The criticisms made of Christianity are crude, insensitive and disparaging to the religious belief of the vast majority of 2 billion Christians.
- Christianity was a message of love which included not wanting people to harm themselves through wrong sexual behaviour but rather wanting people to enjoy an eternal future with the Lord.
- “It is, of course, but a short step from the dismissal of a sincere Christian from employment to a 'religious bar' to any employment by Christians. If Christian views on sexual ethics can be described as '*discriminatory*', such views cannot be '*worthy of respect in a democratic society*'. An employer could dismiss a Christian, refuse to employ a Christian and actively undermine Christian beliefs. I believe that further Judicial decisions are likely to end up at this point and this why I believe it is necessary to intervene now...”
- He was concerned that judges were taking such views of the Christian faith.
- He requested a special panel of judges who have a proven sensitivity and understanding of religious issues.

Lord Justice Laws responded by saying:

- Judges had never called the Christian attitude to same sex unions homophobia, disreputable or bigoted.
- Lord Carey misunderstands discrimination: The law forbids discrimination not by reference to a person's *motives* but by reference to the *outcome* of his/her acts. Hence the law allows some discrimination which has good effects. “*Accordingly the proposition that if conduct is accepted as discriminatory it thereby falls to be condemned as disreputable or bigoted is a non sequitur.*”

- *The law upholds the right to hold and express a belief. But it does not offer any protection to the content of that belief.*
- *The law may protect a particular Christian social or moral position but only if there is a rational reason for it.*
- *“In the eye of everyone save the believer religious faith is necessarily subjective, being incommunicable by any kind of proof or evidence. It may of course be true; but the ascertainment of such a truth lies beyond the means by which laws are made in a reasonable society. Therefore it lies only in the heart of the believer, who is alone bound by it. No one else is or can be so bound, unless by his own free choice he accepts its claims. The promulgation of law for the protection of a position held purely on religious grounds cannot therefore be justified. It is irrational, as preferring the subjective over the objective. But it is also divisive, capricious and arbitrary. (It may be helpful to mention that Lord Justice Laws is said to be a devout Christian and churchwarden).*

Lord Carey commented: “The judgment in the McFarlane case is deeply worrying and continues a trend on the part of the courts to downgrade the right of religious believers to manifest their faith in what has become a deeply unedifying collision of human rights. The judgment heralds a secular state rather than a neutral one. And while with one hand the ruling seeks to protect the right of religious believers to hold and express their faith, with the other it takes away those same rights. It says that the sacking of religious believers in recent cases was not a denial of their rights even though religious belief cannot be divided from its expression in every area of the believer's life.”

In the **Peter and Hazel Bull** case, Judge Andrew Rutherford referred to the “*Judaeo-Christian roots from which the common law of England was derived.*” He continued that:

- *“Those Judaeo-Christian principles, standards and beliefs which were accepted as normal in times past are no longer so accepted The English common law, developed and interpreted by the judges over the centuries, has been largely superceded.”*
- *In our parliamentary democracy “laws will from time to time cut across deeply held beliefs of individuals and sections of society for they reflect the social attitudes and morals prevailing at the time that they are made The standards and principles governing our behaviour which were unquestioningly accepted in one generation may not be so accepted in the next it is no longer the case that our laws must, or should, automatically reflect the Judaeo- Christian position.” “It is not so very long ago that these beliefs of the defendants [on sexual matters] would have been those accepted as normal by society at large. Now it is the other way around.”*
- *The defendants’ right to manifest their religion is protected in law. “This right however is not absolute and can be limited to protect the rights and freedoms of the claimants.”*
- *“It is not an answer to say that those who hold the views of the defendants should not be free to offer services to sections of the public unless they are prepared to act inconsistently with their religious beliefs. Such an approach would lead to the withdrawal of persons holding such a belief from society and it would be unfortunate to replace past legal oppression of one community (same sex couples) with current legal oppression of another (persons holding the same beliefs as the defendants).”*
- *He was giving the defendants the right to appeal because “this decision does affect the human rights of the defendants to manifest their religion and forces them to act in a manner contrary to their deeply and genuinely held beliefs.” They have since appealed. (Again, it may be helpful to record that Judge Rutherford is chair of the Church of England Legal Aid Commission).*

John Wadham, legal director of the Equality and Human Rights Commission, said: “*The right of an individual to practise their religion and live out their beliefs is one of the most fundamental rights a person can have, but so is the right not to be turned away by a hotel just because you are gay. The law works both ways. Hotel owners would similarly not be able to turn away people whose religious beliefs they disagreed with. When Mr and Mrs Bull chose to open their home as a hotel, their private home became a commercial enterprise. This decision means that community standards, not private ones, must be upheld.*”

In the **Owen and Eunice Johns** case, Lord Justice Munby made the following statements.

- In response to statements made by the Johns’ lawyer, the judge said: “*No one is asserting that*

Christians (or, for that matter, Jews or Muslims) are not 'fit and proper' persons to foster or adopt. No one is contending for a blanket ban. No one is seeking to de-legitimise Christianity or any other faith or belief. No one is seeking to force Christians or adherents of other faiths into the closet. No one is asserting that the claimants are bigots. No one is seeking to give Christians, Jews or Muslims or, indeed, peoples of any faith, a second class status. On the contrary, it is fundamental to our law, to our polity and to our way of life, that everyone is equal: equal before the law and equal as a human being endowed with reason and entitled to dignity and respect."

- He pointed out that the religious view of homosexuality is not monochrome and that *"the Church of England permits its clergy, so long as they remain celibate, to enter into civil partnerships."*
- He then addressed the important issue of **the place of Christianity in the British state and British law:**
- *"We live in this country in a democratic and pluralistic society, in a secular state not a theocracy."*
- *"Although historically this country is part of the Christian west, and although it has an established church which is Christian, there have been enormous changes in the social and religious life of our country over the last century. Our society is now pluralistic and largely secular."*
- For at least the last century (a landmark House of Lord's legal decision in 1917 – *Bowman v Secular Society*) Christianity has not been part of British law. Whereas common law respects an individual's religious principles it has *"an essentially neutral view of religious beliefs and benevolent tolerance of cultural and religious diversity. A secular judge must be wary of straying across the well-recognised divide between church and state. It is not for a judge to weigh one religion against another. The court recognises no religious distinctions and generally speaking passes no judgment on religious beliefs or on the tenets, doctrines or rules of any particular section of society. All are entitled to equal respect. And the civil courts are not concerned to adjudicate on purely religious issues, whether religious controversies within a religious community or between different religious communities."* (The same approach is required by the European Convention on Human Rights).
- *"Reliance upon religious belief, however conscientious the belief and however ancient and respectable the religion, can never of itself immunise the believer from the reach of the secular law. And invocation of religious belief does not necessarily provide a defence to what is otherwise a valid claim."*
- The fostering service ensures that children are placed in homes which will care for their needs, *"value diversity and promote equality."* *"Support around teenage ... sexual health should be provided to all young people in and leaving care, regardless of their sexual orientation or preference and should not be affected by individual practitioner's personal views."*

The main points of the judges' comments are:

- i. We live in a secular state in which the established church has become largely irrelevant.
- ii. The Judaeo-Christian principles are no longer accepted in society so it is no longer the case that our laws must, or should, automatically reflect those principles. "English common law, developed and interpreted by the judges over the centuries, has been largely superseded."
- iii. The law does not protect the content of any belief.
- iv. The law may only protect a Christian social or moral position if it can be defended rationally
- v. Religious belief is necessarily subjective and so irrational in that it is "incommunicable by any kind of proof or evidence ... it is also divisive, capricious and arbitrary."

Is the UK a Christian state?

The Constitution and Monarchy

How can the UK be a secular state when the Sovereign swears to uphold the "Protestant, reformed faith established by law" and when there is an established church?

The Queen is the head of state, and a prime minister is the head of government. The Queen's duties include:

- summoning and dissolving Parliament
- giving royal assent to legislation passed by the UK Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.
- formally appointing the prime minister and other government ministers, judges, officers in the armed

forces, governors, diplomats, bishops and some other senior clergy of the Church of England.

- granting peerages, knighthoods and other honours.

She has the power:

- to declare war and make peace,
- to recognise foreign states,
- to conclude treaties
- to take over or give up territory.

At her Coronation as head of state the Archbishop of Canterbury asked her: “Will you to the utmost of your power maintain the Laws of God and the true profession of the Gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law? Will you maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will you preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges, as by law do or shall appertain to them or any of them?” She replied: All this I promise to do.

In other words, the head of state who has the above-mentioned solemn duties must carry them out in a way which upholds the biblical laws of God and the Christian gospel, as understood by the Protestant Reformed church.

It follows that the UK is legally a Christian state. That is not altered by the decline in church attendance or increase in secularism. The Church of England itself is not part of the government. But its supreme governor is head of state.

It is clear that: “The law of the Church of England is part of the law of the land.” (Hill, *Ecclesiastical Law*, 2nd ed. (2001). “The ecclesiastical law of England is as much the law of the land as any other part of the law.” (Halsbury's *Laws of England*).

In 2003 The House of Lords Select Committee on Religious Offences in England and Wales stated: “The constitution of the United Kingdom is rooted in faith—specifically the Christian faith exemplified by the established status of the Church of England. The United Kingdom is not a secular state.” (Select Committee on Religious Offences in England and Wales, Volume I—Report 10th April 2003 section 132).

David Cameron, in a speech commemorating the 400th anniversary of the King James Bible on 16th December 2011, stated: “We are a Christian country. And we should not be afraid to say so Just as our language and culture is steeped in the Bible, so too is our politics. The Bible runs through our political history in a way that is often not properly recognised. The history and existence of a constitutional monarchy owes much to a Bible in which Kings were anointed and sanctified with the authority of God...and in which there was a clear emphasis on the respect for Royal Power and the need to maintain political order at the same time, the Judeo-Christian roots of the Bible also provide the foundations for protest and for the evolution of our freedom and democracy.”

Both houses of Parliament begin their sittings with prayer. In the Commons the Speaker's Chaplain will include the prayer: “Lord, the God of righteousness and truth, grant to our Queen and her government, to Members of Parliament and all in positions of responsibility, the guidance of your Spirit. May they never lead the nation wrongly through love of power, desire to please, or unworthy ideals but laying aside all private interests and prejudices keep in mind their responsibility to seek to improve the condition of all mankind; so may your kingdom come and your name be hallowed. Amen.”

The Independence of the Judiciary

However the Bill of Rights of 1689 sets out that the sovereign must not interfere with the law. She cannot act as a judge. The Act of Settlement 1701 lays down that judges may only be removed from office by Parliament. The Constitutional Reform Act 2005 reaffirmed the independence of the judiciary.

The Supremacy of Parliament

The Bill of Rights also lays down that Parliament must enjoy freedom of speech in all debates and proceedings and must not be impeached or questioned by any court or body outside Parliament. Parliament has the right to make, repeal or amend any law it wishes to. The judiciary respects the supremacy of Parliament and interprets its laws. The monarch formally signifies assent to a parliamentary bill so that it becomes an act and thus part of the law. Parliamentary sovereignty is the most fundamental part of the UK constitution. It determines the constitution. If a law is passed in Parliament it cannot violate the constitution even if it is contrary to an earlier law because that earlier law is thereby repealed.

It follows from this supremacy and independence of our democratic Parliament that legislation will only be Christian in two ways. Firstly, it will be as Christian as members of the House of Commons and House of Lords are individually at any one time. However, they will, and should, be influenced by popular opinion amongst British citizens. Secondly, it will be Christian if there are convincing non-religious reasons for any particular legislation which upholds Christian beliefs or values.

The dominant idea in modern legislation is equality i.e. that laws should reflect the rights of citizens regardless of ethnicity, gender, sexual orientation, class or religion. They should also reflect the opinions of the general population.

Lord Justice Laws said *“In our parliamentary democracy “laws will from time to time cut across deeply held beliefs of individuals and sections of society for they reflect the social attitudes and morals prevailing at the time that they are made The standards and principles governing our behaviour which were unquestioningly accepted in one generation may not be so accepted in the next it is no longer the case that our laws must, or should, automatically reflect the Judaeo- Christian position.” “It is not so very long ago that these beliefs of the defendants [Peter and Hazel Bull, Christian hoteliers] [on sexual matters] would have been those accepted as normal by society at large. Now it is the other way around.”*

Are the judges correct?

There are at least three important areas where it seems clear they are not correct.

Britain is not a secular nation

We have noted that Britain is a Christian state in terms of the Christian oaths and duties of the monarch. The constitution is rooted in the Christian Faith. However, the supremacy of Parliament is fundamental to the constitution and MPs are traditionally understood, not as delegates who must vote according to the views of their constituents, but as representatives who might consult their constituents but vote on the basis of their own judgment. So, in practice, the Christian nature of our legislation depends ultimately on the House of Commons (the House of Lords cannot permanently overturn a vote in the Commons).

However, an MP ought to take careful note and pay due respect to widely held views amongst constituents. There is a widely held view that England is now a secular country, and that view is dominant in the judges' opinions. It is, in fact, inaccurate.

The *British Social Attitudes Report* (Dec 2011) found that:

- 50% of the population “belong to a religion”, 44% of them to Christianity.
- 72% of the population, when asked: “What is your religion?” in the 2001 census, said: “Christian.”

A ComRes poll for the BBC in 2009 found that:

- 62% of the population want religion and the values derived from it to play an important role in British public life. (This included 77 per cent of 18-24 year olds and 65 per cent of 25-34 year olds).
- **63% of those questioned agreed that laws should respect and be influenced by the UK's religious values.**

A ComRes poll in November 2010 found that:

- 73% of the population agree that the right of people to wear Christian symbols such as a cross in their workplace should be protected by law.
- 87% of the population disagree that it is right that health care workers should be threatened with the sack for offering to pray with patients.
- 72% of the population agree that Christians should be able to refuse to act against their conscience without being penalised by their employer.
- 54% of the population disagree that would-be foster carers who hold that homosexual activity is morally wrong should be banned from fostering.

A research report *Churchgoing in the UK* (TEAR Fund April 2007) found that:

- 67% of the population believe in God.
- 66% of the population pray as individuals

The Opinion Research Business (ORB) *Attitudes towards the Church* survey 2005 found that:

- 72 per cent agreed with the statement ‘a place of worship is an important part of the local community.’
- 72 per cent agreed with the statement ‘places of worship provide valuable social and community facilities.’

An ORB report in 2003 found that:

- 42% think that local churches should receive funding from the State through central taxation.

Whatever the decline in religious practice, these statistics do not describe a country which is secular, in the sense of non-religious, let alone anti-Christian. The argument that the UK’s Christian heritage should be jettisoned because the majority of the population are not concerned about it is profoundly mistaken.

Christianity is no more subjective than secularism

Lord Justice Laws says that the law should “advance the general good on objective grounds.” But who decides what is objectively for the general good? There will be different opinions on this matter – some secular, some religious. Who decides that the religious opinions are invalid or inferior? Surely such a decision is a matter of opinion.

Lord Justice Laws states: *“In the eye of everyone save the believer religious faith is necessarily subjective, being incommunicable by any kind of proof or evidence. It may of course be true; but the ascertainment of such a truth lies beyond the means by which laws are made in a reasonable society. Therefore it lies only in the heart of the believer, who is alone bound by it. No one else is or can be so bound, unless by his own free choice he accepts its claims. The promulgation of law for the protection of a position held purely on religious grounds cannot therefore be justified. It is irrational, as preferring the subjective over the objective. But it is also divisive, capricious and arbitrary.”*

However, Christianity is based on historical facts (the life, teaching, death and resurrection of Jesus; the huge effect of Christianity on the world, the great amount of evidence of the beneficial effect of Christianity on individuals, etc., etc.) and upon claims about universal moral values which can be communicated and assessed rationally by other people. Although a practising Anglican, Judge Laws may not be aware of the

Anglican basis for Christian belief: Scripture, Tradition and Reason. These are not “necessarily subjective, being incommunicable by any kind of proof or evidence.”

On the other hand secularists have various beliefs. They *believe* that the empirical world is the only reality and that empirical evidence is the only valid evidence. So there is, they believe, no God, no soul, no afterlife. They believe moral values are social in origin, based upon the golden rule.

The Equality and Human Rights Commission criticises the judges

In 2011 four cases where Christians claimed they had been discriminated against by British courts were referred to the European Court of Human Rights (the cases of Nadia Eweida, Gary McFarlane, Shirley Chaplin and Lillian Ladelle). In July the Equality and Human Rights Commission (EHRC) published a document in which it said that, if allowed to intervene, it would argue that “the way existing human rights and equality law has been interpreted by judges is insufficient to protect freedom of religion or belief.” It stated that the courts had “set the bar too high for someone to prove that they have been discriminated against because of their religion.” It pointed out confusion in case law in both UK and European courts where, for example, “some Christians wanting to display religious symbols in the workplace have lost their legal claim so are not allowed to wear a cross, while others have been allowed to after reaching a compromise with their employer.” Hence employers were confused. The Commission said it would “propose the idea of ‘reasonable accommodations’ that will help employers and others manage how they allow people to manifest their religion or belief.”

However, a month later Angela Mason, one of the EHRC commissioners made a statement that the Commission would go back on its July statement. She said: “The commission has already decided not to put forward ‘reasonable adjustment’ arguments if we do continue with our intervention.” However the Commission did not comment.

It is hard not to be suspicious about what was going on, not least because Mason was formerly head of Stonewall, the gay activist group.

Former Lord Chief Justice, Lord Woolf criticises legal decisions

Lord Woolf was speaking on the BBC’s *World This Weekend* in December 2010 about judicial interpretation which restricted Christians demonstrate their faith at work. He said it was “about time the tide turned”. He added: “We may have gone too far. If the law has gone too far in one direction, then the experience of the law is that it tends to move back ... The law must be above any sectional interest even if it is an interest of a faith but at the same time it must be aware of the proper concerns of that faith ... The law should be developed in ways that, wherever practicable, it allows that faith to be preserved and protected.”

Conclusion

I have sought to obtain all the relevant evidence on the above cases, including reading any court judgments. After careful consideration, giving due weight to the arguments used by judges and employers, I have concluded that these actions against Christians should not have taken place.

The preventing of Christians wearing a necklace with a cross (Nadia Eweida and Shirley Chaplin) is offensive. Christians should be allowed to wear the main symbol of their faith for religious reasons. It is noteworthy that despite long sleeves being banned for hygiene reasons, shortly after nurse Shirley Chaplin lost her case the NHS decided to allow Muslim doctors and nurses to wear disposable sleeves because Muslims regard having bare arms as immodest. Also Sikhs may wear bangles, as long as they can be pushed up the arm during direct patient care.

It is also offensive for doctors and nurses to be disciplined for offering to pray with or share their faith with patients who are happy with the offer (Dr Richard Scott and Caroline Petrie). This is a clear case of religious discrimination and deprives patients of an aspect of care.

As for Jennie Cain, the school receptionist who was sacked after she sent an email to friends asking prayer for her child who was reprimanded by her teacher for talking about Jesus. This is a ridiculous overreaction

by the school authorities.

Then there are the cases relating to sexual (particularly homosexual) orientation. The law helpfully already allows religious organisations to discriminate when they appoint staff whose work clearly requires them to follow a particular religion. Also, churches and similar religious bodies have been given the option of not celebrating civil relationships (the main issue being homosexual civil relationships). It follows that the law also could and should allow:

- Relationship counsellors the option of not providing sex therapies to homosexual couples (Gary McFarlane).
- Registrars the option of not conducting same-sex civil partnership ceremonies (Lillian Ladele). (in both cases the clients being dealt with by other colleagues happy to do so) and
- Foster carers the option of not fostering homosexual children (Owen and Eunice Johns).
- Hoteliers the option of not allowing unmarried couples to share double rooms (Peter and Hazel Bull).

After all, it should be remembered that there are 2 billion Christians in the world, the vast majority of whom have conservative views on homosexual practice, including the Established Church in this country (and that is not to mention other faiths). We have also noted the statistics which very clearly show that Britain is not a secular nation in terms of public opinion.

I think it is an overstatement to say that British Christians are being “persecuted.” This overstatement is being perpetuated through certain Christian organisations and sections of the press. It is certainly true that there are some people who are trying to marginalize or exclude Christianity. But in many cases, such as the court proceedings above, the judges are simply seeking to interpret and apply the law as best they could. It is the new legislation on equality which needs to be reassessed so that religious freedom is not undermined. Similarly, some of the employers concerned may not have had anti-religious motives but were merely trying to apply employment rules (which follow from the faulty law). However, some employers might be prejudiced against religion.

Both the judges and the employers have accepted the propaganda that Britain is no longer a Christian country in terms of public opinion. There are some militant secularists behind this propaganda, including the “new atheists” and other theologically illiterate dogmatists who really do want to marginalize Christians. There are far more people who like the judges have honourable intentions but, because they are taken in by the propaganda, finish up unintentionally helping the militants in their campaign.

A key element in this propaganda is the pro-gay lobby. The gay issue is, of course, important in itself, seeking respect and equality for homosexuals. But some people have joined the lobby in order to use the issue as a Trojan horse to marginalize orthodox Christians and the church. And it is proving very effective.

Christianity is being marginalised in important areas such as judicial proceedings and employment, as well as in parts of the media. Christians are being unfairly treated and excluded. New laws, whether from Westminster or Brussels, which have laudable aims, such as promoting equality and human rights, sometimes have a flip side which makes life increasingly difficult for orthodox Christians. This is likely to continue.

Are British Christians being “persecuted”? Well no, not yet. But some are being discriminated against and oppressed, including by well-meaning but misled people, and the future is likely to be even more difficult for them.