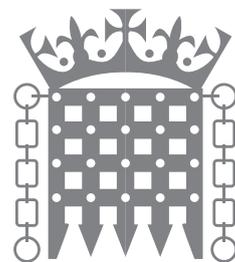




Clearing the Ground inquiry

Preliminary report into the freedom of Christians in the UK



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Christians in Parliament

Christians in Parliament is an official All-Party Parliamentary Group. It is comprised of MPs and Peers from across the political spectrum.

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Executive summary

Key finding

Christians in the UK face problems in living out their faith and these problems have been mostly caused and exacerbated by social, cultural and legal changes over the past decade.

The inquiry

- The Clearing the Ground inquiry was set up in the light of high profile court cases and media reports suggesting Christians are marginalised in the UK.
- The inquiry sought to determine the extent of these problems, what caused them, and what needed to be done in response.
- The aims of the inquiry were:
 - To clarify the situation that Christians in the UK face in their everyday lives.
 - To identify any particular challenges that Christians face, in particular identifying what aspects of legislation have created these challenges.
 - To identify what changes could be made to address these challenges.
 - To encourage Christians to continue to make positive contributions to all aspects of society.

The inquiry was overseen by Christians in Parliament, an official All-Party Parliamentary Group and the committee included MPs and Peers from the three major parties and from a range of Christian traditions.

The inquiry took oral evidence in three sessions from key organisations, denominations and experts. Written evidence was submitted from a further 40 groups and individuals. All the evidence can be accessed online at www.eauk.org/clearingtheground

Context

- Christians in the UK are not persecuted. To suggest that they are is to minimise the suffering of Christians in many parts of the world who face repression, imprisonment and death if they worship, preach or convert.
- The recent wave of Christians in the courts does not in and of itself demonstrate that Christianity is badly treated.
- However, the frequency and nature of the cases indicates a narrowing of the space for the articulation, expression and demonstration of Christian belief.
- Some of the legal activity, associated campaigning and media coverage has been unwise and possibly counter-productive to the positive role that Christians play in society.

Religious illiteracy

- There is a high level of religious illiteracy which has led to many situations where religious belief is misunderstood and subsequently restricted. This comes from a social and cultural minimisation of Christianity in public life.
- Religious illiteracy has led to legal restrictions on the way that faith can be expressed. Recent changes have compelled Christians to provide services that they had never previously offered and which may be contrary to their beliefs.

Accommodation of religious belief

- It is evident that in some cases considerable effort is made to accommodate religious belief, with employers willing to make arrangements to ensure that employees do not have to participate in activities which would infringe their convictions.
- In many cases, there is a failure to achieve sufficient accommodation, and in some cases to even attempt to understand or accommodate belief and its manifestation.

Findings

- The experiences of Christians in the UK seeking to live out their beliefs and speak freely illustrate a very real problem in the way religious belief, and in particular Christianity is understood and handled. The problem is a pressing challenge to our idea of a plural society.
- The way that the media cover many of the cases and the associated issues is often poor and contributes to perceptions of a polarisation between Christianity and public life.
- The inquiry made the following specific findings:
 - The Equality Act 2010 fails to deal with the tensions between different strands of equality policy.
 - Court decisions have relegated religious beliefs below other strands and effectively created a hierarchy of rights.
 - The place of religious belief suffers because companies, institutions and the government do not take sufficient action to accommodate it.
 - The 1986 Public Order Act, and specifically Section 5, places the bar too low through its prohibition on insulting language.
 - The policing of the Public Order Act and other legislation demonstrates a lack of understanding of what is a legitimate expression of Christian belief.
 - Government departments handle religious belief in a complex and confused manner and lack sufficient coordination.
 - Advice from government departments on how to handle religious belief in the public sector varies and in many cases fails to grasp the nature and implications of belief.
 - Guidance from professional bodies on religious belief often fails to understand, and therefore safeguard, a role for belief in public life.
 - Across the UK, local authorities handle their relationships with religious groups in very different ways.

Some authorities demonstrate excellent understanding and cooperation, while some authorities place unnecessary barriers to wider Christian contribution.

These findings form the inquiry's conclusion that there is a problem with how Christianity is understood and handled in Britain today. This problem is legal and cultural. It plays out on a national, local and personal level through laws, policies and regulations that restrict the freedom of Christians to articulate and live out their beliefs.

Recommendations

There are specific and necessary steps which the government should take, and national and local bodies should implement to enable Christians and other faiths to have greater confidence in their freedom to express their beliefs.

The committee heard from many witnesses supporting the introduction of statutory guidelines for reasonable accommodation. This would mean that employers and service providers have to make an effort to accommodate religious beliefs in a similar manner as they currently do with disabilities. This sort of approach acknowledges diversity and rather than promote a single universal resolution to a situation accepts that in different cases the response may, and often should, vary.

The inquiry recommends:

- Reasonable accommodation is a concept that has merit and warrants further consideration. If proved viable it may help prevent legal cases where religious activity is unduly restricted.
- Areas of the law that permit the arrest of individuals for insulting behaviour need to be significantly amended or reinforced with guidance that permits freedom for preaching and the public articulation of Christian beliefs.
- Guidance for local authorities on how to deal with faith groups needs to be strengthened.
- Professional bodies need better guidance relating to religious identity, activity and freedom.
- Better guidance for government departments and professional bodies to help accommodate religious belief and the way it works itself out in everyday life.
- Clear guidelines should be provided to local authorities to reaffirm that children can be adopted and fostered by people with religious beliefs.
- Better coordination is needed of policy relating to religion in and across government, and urgent effort is required to address religious illiteracy.
- The Equality and Human Rights Commission should be reviewed and restructured to better include and represent religious beliefs.

The problems that Christians face are far from universal, but they do represent a trend towards a reduction in the space given to belief in public life. As a result this leads to an assumption that religious belief should be a private activity.

Christians in Parliament intends to use the findings and recommendations in this report as a basis for dialogue with other faith groups on the broader question of religion in public life. The report will also be discussed with the government, the Equality and Human Rights Commission and other groups to see how we can find a way to resolve these complex but important issues.

How the Church should respond

- Many of the challenges identified are not wholly the responsibility of the government to resolve. There is a growing need for churches and Christian organisations to take responsibility when their actions may have contributed to a perception that the scale of the problem facing Christians is greater than it is.
- Christians have, and will always, experience tensions between their beliefs and the shifting values of the societies that they live in. To some extent the present tensions should be seen as an encouragement of faithful witness.
- Ahead of bringing cases to court, Christians need to consider the potential impact their actions might have on politics, public opinion and the confidence of other Christians in their mission.
- The last century saw a privatisation of faith and the development of a sacred-secular divide through which Christianity lost much of its social and political influence. Now, too often the Church is defined by what it opposes rather than what it stands for. It is essential that Christians once again provide hope and a vision for society that goes beyond defending their own interests and includes the good of all.
- For many Christians public life is seen as a way of living out their beliefs, and across all denominations there is a growing awareness of the need to respond to the challenges that face our communities, nation and world. This shift is already transforming many, often deprived, parts of the country, however, there is much more that remains to be done in demonstrating this vital role of faith.
- Christians need to take seriously their historical role in leading and serving in public life, and church discipleship needs to account for this role – because the gospel is good news for society.

“We are a Christian country. And we should not be afraid to say so... the Bible has helped to give Britain a set of values and morals which make Britain what it is today. Values and morals we should actively stand up and defend...”

“I believe the Church – and indeed all our religious leaders and their communities in Britain – have a vital role to play in helping to achieve this.”

Rt Hon David Cameron, Prime Minister (16 Dec 2011)

Introduction

Why was this inquiry needed?

Religious freedom is in the news. The statutory framework affecting the manifestation of religious belief has changed extensively over the past decade in the UK - and recent high profile cases have demonstrated how Christian believers have increasingly found themselves in conflict with some elements of the UK's new legal landscape.

The more familiar cases include: the bed and breakfast owners taken to court; the Catholic adoption agencies forced to close; the registrar unwilling to officiate civil partnerships and consequently losing her job; and the employee disciplined for displaying a cross in his work van. Behind the often incendiary headlines, these cases raise fundamental questions about freedom of belief and speech. These issues are relevant to all, regardless of their faith, and highlight a particular conflict between Christian belief and practice and the legal system.

In this context, it has become easier for accusations of persecution to develop, and there is now a growing perception that it is becoming harder to live as a Christian in the UK. To clarify the context, **Christians in Parliament**, an official All-Party Parliamentary Group (APPG), launched the Clearing the Ground committee of inquiry.

The inquiry was tasked with considering the question: **Are Christians marginalised in the UK?** We sought to maintain a healthy scepticism to ensure we did not too readily accept perceptions within the faith community, without examining the evidence.

This is a preliminary report of the committee's findings, and while a great deal of ground has

been covered, it has become evident that much more work is required. We make recommendations which set out the direction that work could take.

Drawing from both Houses of Parliament, the three major parties and a variety of Christian traditions were represented. The committee was chaired by **Gary Streeter MP**, who is also the chair of the All-Party Parliamentary Group, Christians in Parliament. The other members of the committee were **Baroness Berridge of the Vale of Catmose, Baroness Brinton of Kenardington, Lord Edmiston of Lapworth, Fiona Bruce MP, David Burrowes MP, Jim Dobbin MP** and **Gavin Shaker MP**.

This report reflects the findings and views of the committee and is issued by Christians in Parliament.

Christianity in the UK

Christianity has a rich cultural heritage in the UK. For more than 1,600 years, it has shaped the way people in the British Isles think and act, both personally and publicly. It is by far the most significant single historical influence of our social and political culture and,¹ latterly, has been joined by other influences, many of which are antithetical to Judeo-Christian perspectives. Although Christianity has (negatively and positively) contributed to the evolution of our political culture, it is indisputable that the social and political landscape for authentic Christian witness in the UK has changed dramatically over the last 100 years.² The past century has seen, in the place of a Christian public ethos, many atheistic ideas come to the fore. These have been tried and tested in politics and society. The result is that, although

¹ Spencer, N (2011) *Freedom and Order: History, Politics and the English Bible*, London, Hodder.

² Brown, C (2001) *The Death of Christian Britain – Christianity and Society in the Modern World*, London, Routledge.

the UK is still constitutionally Christian, it is also religiously plural³ and has a public discourse heavily influenced by secular humanist ideas.

Religion may well be becoming more significant globally⁴ with freedom of religion being seen by many as a litmus test for developing democracies⁵, but as with many other western societies, it seems that the UK is now less knowledgeable and appreciative of faith. The shifting priorities for our social relations reflect this fact. Research published by the Evangelical Alliance in 2011⁶ showed that 77 per cent of evangelical Christians felt that it was becoming harder to live as a Christian.

A further 81 per cent agreed that Britain was a Christian country and that this should be reflected in its laws. Premier Media Group have commissioned a series of polls to measure the perception and experience of Christians in the UK and submitted a comprehensive report⁷ to the inquiry. One of the key findings was that among the general public 38 per cent thought that marginalisation of Christianity was increasing in public life, but when Christians were surveyed this jumped to 77 per cent.

A poll of Christians also asked: "What do you think is the biggest issue facing Christians in the UK at the moment?" The top answers included apathy, secularisation, discrimination against Christians and the rise of Islam.

In spite of this growing sense of marginalisation, Christians continue to make a substantial social contribution. Research⁸ highlights the contribution that Christians make to the Big Society agenda, with the average evangelical Christian volunteering two hours a week. They also found evangelical Christians are more likely to hold positions of responsibility than the general public, such as a charity trustee or a school governor.

Local church audits reinforce this message. A survey commissioned by Swindon Churches Together showed that 4,800 people are involved in church-based voluntary work and 3,000 church members are involved in voluntary work outside the church. This means that a total of 610,000 volunteer hours are given by church members each year⁹ in the Swindon area alone.

The inquiry and the subsequent report consider the position of Christians in the UK only. It is important to recognise that Christians in many parts of the world experience genuine persecution for their beliefs. In the United Kingdom Christians do not risk their lives to meet to worship, are not prevented by the law from preaching and do not face the death penalty if they have converted from another faith. Whatever difficulties may be experienced by Christians in the UK, they are not comparable with those encountered by fellow believers elsewhere in the world.

³ Spencer, N (2004) *Asylum and Migration: A Christian Perspectives on a Polarised Debate*, London, Paternoster.

⁴ Berger, P (1999) *The Desecularization of the World: The Resurgence of Religion in World Politics*, Washington, EPPC. See also; Micklewait, J & Wooldridge, A (2009) *God is Back: How the Global Rise of Faith is Changing the World*, London, Penguin.

⁵ The European Parliament resolution on the situation of Christians in relation to freedom of religion: www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2011-0054&language=EN

⁶ www.eauk.org/snapshot/21st-century-evangelicals.cfm

⁷ Premier Media Group (2011), *Report on the Marginalisation of Christianity in British Public Life 2007-2011* www.premier.org.uk/~media/906806AC2C844635BAD1F9518A48CCD2.ashx

⁸ Evangelical Alliance (2011), *21st Century Evangelicals* www.eauk.org/snapshot/21st-century-evangelicals.cfm

⁹ Churches' Council for Industry and Responsibility (2011) Swindon Churches Audit p7 www.swindonchurches.org/index.php?module=pagesmith&uop=view_page&id=89

Christianity in the UK: Fact file

According to the 2001 Census, when asked 'what is your religion?' 71% of people in England and Wales described themselves as 'Christian'. In Scotland the figure was 65%; in Northern Ireland it was 85%.

The British Social Attitudes (BSA) survey in 2010 asked 'do you regard yourself as belonging to any particular religion? If yes: Which?' This question revealed different figures, with 44% declaring some form of Christianity. 50% of respondents chose no religion.

The BSA survey shows that 14% of those who affiliate or were brought up in a religion attend services weekly, with a further 9% attending monthly. 56% of those who affiliate or were brought up in a religion never attend religious services.

According to UK Church Statistics 2005-15, in 2010, 11.2% of the population were members of a church, equating to 5.5 million people in the UK.

Research by the Evangelical Alliance in 2010 of 17,000 Christians at conferences and festivals showed that 58% of Evangelical Christians volunteer at least once a week.

76% of evangelical Christians agree a lot with the premise that it is important for Christians to engage with government, national assemblies and parliament; 85% of evangelical Christians describe their church as engaged with the local community; and 88% agree to some degree that it is a Christian's duty to volunteer in activities that serve the local community.

81% of evangelical Christians have signed a petition in the last year, 52% had contacted a MP or councillor, 29% had met and talked with their MP or councillor, and 19% had taken part in a lobby, demonstration or public meeting.

Objectives

To address the central question of Christian freedom in the UK, the inquiry required the pursuit of four primary objectives:

1. **To clarify the situation that Christians face in their everyday lives.** We have sought to clear away some of the fog and fear that is produced by complex legislation, court judgments, the media presentation and sometimes the actions of Christians themselves, to attain a picture of what the position is for Christians as they act in accordance to their beliefs.
2. **To identify any particular challenges that Christians face, in particular identifying what aspects of legislation had created these**

challenges. As parliamentarians this was an area that we wanted to give close attention to. Many of us were involved in the passage of laws in previous parliamentary sessions that may have given rise to recent problems.

3. **To identify what changes could be made.** While this does include making recommendations for legislative changes, it is not limited to this. We are aware that many of the challenges arise not only from the legislation that is passed in parliament, but also through the implementation of laws and their interpretation in the courts. The inquiry also sought to understand the impact of the plethora of guidance emanating from local authorities, professional bodies and quangos that affects issues of religion and belief.

4. To encourage Christians to continue to make positive contributions to all aspects of society.

As a result of clarifying the legal position and identifying where particular challenges were evident, we wanted to establish a platform for Christians to be more confident of the freedoms they possess, and to live out their faith on a daily basis for the benefit of all.

Evidence

In August 2011, a wide range of Christian organisations and denominations who are involved in legal and public policy issues were invited to submit evidence to the Clearing the Ground inquiry. In addition, specific individuals with experience or expertise particularly relevant to the interaction of Christian beliefs and the legal system were also asked to contribute. Most of the 56 written submissions were made through a proforma that was developed to ascertain answers to core questions that the committee would consider. Several took the form of letters to the committee, as well as a detailed breakdown of legal cases from a firm of solicitors who were involved in many of the cases that have attracted publicity.

This was not a general call for evidence. However, we were delighted that a number of individuals from churches across the UK did submit evidence of their experience and opinions. As the inquiry progressed additional information and cases came to the committee's attention and these too have been considered in the preparation of this report.

A further restriction on the call for evidence was that we specifically invited only Christian organisations to participate. We have no doubt that many other groups would have valuable

contributions to make, and hopefully these can be solicited and considered for future inquiries. However, as the Christian APPG, we wanted to hear from the Christian community about what challenges they faced and produce a public report that made recommendations to local and national government, as well as to other key public and private bodies. This report is also a resource for Christians to inform them about the law and their freedoms.

In restricting the report to Christian contributions, two exceptions were made. First, we asked Relate to provide a submission to the inquiry because they were a party to one of the key cases to attract significant media attention. Their submission sets out their position in relation to the case of Gary McFarlane and does not touch on the broader issues under discussion. The second exception was the Equality and Human Rights Commission (EHRC) who submitted a brief written document along with research they have published on religion and belief.

Following the submission of written evidence, which in several cases was supplemented by research and supporting documents, the inquiry convened three oral evidence sessions to question 11 representatives of organisations with important public policy functions. A prominent academic also gave oral evidence. During the final evidence session several individuals involved with cases of alleged marginalisation shared their stories with the committee.

These sessions took place in the Palace of Westminster during November 2011 and were open to the public. All the written evidence and the audio recordings of the oral hearings are available at: www.eauk.org/clearingtheground

Witnesses at Clearing the ground evidence sessions:

Evangelical Alliance	Dr Don Horrocks, Head of Public Affairs
Premier Christian Radio	Peter Kerridge, Chief Executive and Martyn Eden, Political Editor
Lawyer's Christian Fellowship	Mark Barrell, Executive Director and Tom Cordrey
The Maranatha Community	Dennis Wrigley, Community Leader
Church of England	Revd Dr Malcolm Brown, Director of Mission and Public Affairs
Catholic Bishop's Conference of England and Wales	Richard Kornicki, Parliamentary Coordinator
Joint Public Issues Team (Methodist, Baptist, URC)	Rachel Lampard, Team Leader and Policy Advisor Paul Morrison, Policy Advisor
CARE	Dr Dan Boucher, Director of Parliamentary Affairs
Christian Concern	Andrew Marsh, Campaigns Director and Paul Coleman
Christian Institute	Mike Judge, Head of Communications and Sam Webster, In house lawyer
Christian Medical Fellowship	Dr Peter Saunders, Chief Executive
Julian Rivers	Professor of Jurisprudence

All those providing written submissions to the committee are listed in the Appendix

This report represents the beginning of a long process to clear the ground for the free and fruitful expression of Christian belief in public life. There remains a significant task beyond these preliminary findings. We will seek greater interaction with the relevant equalities bodies and government departments. We will also explore

how better information and guidance can be developed for public bodies to understand and engage with Christianity. Further, it is our hope that this report will be discussed with other faith communities in the UK to see if the issues identified are commonly experienced or if they are unique to Christians.

1. Is there a problem?

During the three committee sessions, many witnesses gave evidence that they believed demonstrated the marginalisation of Christianity in society. Most of the cases cited have been supported and brought by either the Christian Institute or Christian Concern (and its sister organisation, the Christian Legal Centre). In addition to their written evidence Christian Concern submitted a dossier outlining a wide range of cases they have been involved with. Aughton-Ainsworth, a firm of solicitors regularly instructed by the Christian Institute, also provided a summary of cases they have been involved with.

Several submissions asserted that cases which had come before the courts represent only a small proportion of situations in which Christians have been challenged on the basis of their faith. Both Christian Concern and the Christian Institute insisted that the cases that eventually reach the courts and elicit media attention, are a tiny minority of the situations that they see arise. This can be attributed to two key factors: firstly, that the problem is perhaps bigger than currently realised; and secondly, that many potential cases are resolved without the need for legal action. These are themes which we return to in later chapters.

Despite the recent visibility of Christians in the courts, we heard evidence that suggested that this is not an easy or obvious route to take. Alongside an acknowledgement that many Christians value a relational approach to civil and social issues, some submissions noted that the reluctance to pursue legal redress may also be attributable to factors such as; the prohibitive cost of legal action; the possibility of misrepresentation in the media; and likelihood of being targeted by obscenities and abuse. However, it is also likely that the attitude also reflects a theological commitment that

emphasises Christ's command to settle disputes before a court is convened.¹⁰

"Christians are naturally not litigious. That may explain why they are reluctant to go to court."

Dr Don Horrocks, Evangelical Alliance

"There are some Christians who think 'I'd better keep my head down.'"

Mike Judge, Christian Institute

"Funding is an issue. More cases would be fought with more funding."

Peter Kerridge, Premier Media Group

Are Christians involved in legal action because they are becoming more litigious, or because they are forced into positions where legal recourse is the only option available? We consider the validity of two other possible factors: whether the media focus upon such cases is exaggerating or accentuating the situation; and whether the behaviour of Christian campaign groups is accelerating the trend.

Religious illiteracy

The first significant theme that emerged from our evidence sessions was the deep and widespread level of religious illiteracy in public life.

The most recent British Social Attitudes survey shows that far fewer people consider themselves to belong to a particular religion and even fewer attend church on a weekly basis. Knowledge and understanding of the content and nature of Christian belief is considerably diminished from what it was in previous eras. This has had the effect of eroding appreciation of the cultural value of

¹⁰ See: Matthew 5:24-26

Christianity in the UK, which was acknowledged by the prime minister in late 2011 in his speech on the 400th anniversary of the King James Bible.¹¹

Today, census figures and surveys by the Office for National Statistics show that the majority of the population consistently describe themselves as Christian, but it is clear that biblical illiteracy¹² and poor knowledge of the historical contribution of Christianity to British culture are widespread. With many people largely ignorant of faith or indifferent to it, our national life has been coasting along on the assumptions of cultural Christianity – enjoying the fruits, but neglecting the roots. If freedom of religion is to be valued as foundational for the many other freedoms that we enjoy, it is clear that Christians have an important and urgent task to help society understand.

We are aware that many of the cases that are prominent in the media revolve around the sensitive issue of sexual orientation. As a result of the publicity that some of these cases receive, a perception is fostered that Christians are either obsessed by (or opposed to) sex, or are homophobic. Undoubtedly, some Christians reinforce this misconception by the tone and content of some of their words and actions.

However, in a society that does not adequately understand the nature of Christian belief, legal difficulties will inevitably arise because of the non-mandatory nature of Christian activity.

In some faiths, the wearing of certain clothes or symbols is compulsory, but this is not the case in Christianity. While a court might uphold that an obligatory item should be exempt from uniform codes, there is not always such allowance for items that might be widely chosen to express identity with a faith but are not required by it. We find this problematic.

"Because Christianity is driven by individual conscience and convictions – [other] more cohesive, mandatory religions are easier for the law to regulate."

Professor Julian Rivers

"We live in a society which has an incredibly truncated understanding of religion."

Dr Dan Boucher, Care

Many Christians would consider that the actions that stem from their belief are optional. The core of traditional Christian belief is that salvation is accomplished, not by the actions of each individual Christian, but by Jesus on their behalf. The nature of grace is that the actions of a Christian in worship of God, and living in accordance to Christian teaching, are not criteria for salvation. In the UK today, we are aware that differences do exist within and between Christian traditions over the nature of salvation. However, for theologically orthodox Christianity the non-obligatory nature of activity remains a significant and common element of the faith. This essentially non-religious nature of Christianity makes it difficult for governments to describe or define religious activities.

If two Christians are asked to work on a Sunday, one may consent while the other may refuse - perhaps on the basis they are attending their weekly act of worship. And the one who refuses may well think she 'must' do so. In the Christian faith, where different people will manifest their belief in different ways, there is a challenge for a secularly-shaped state and legal system that seeks to define religious belief through a series of 'tick boxes'. Our liberal political culture prefers to engage religions as a homogeneous 'faith sector'. By viewing faith as a fruit puree rather than a fruit salad, government often sets a poor example in social relations by denying the obvious distinctive gifts that different religions bring to public life.

¹¹ www.number10.gov.uk/news/king-james-bible/

¹² The National Biblical Literacy Survey 2009: www.dur.ac.uk/news/newsitem/?itemno=8234

“One of the consequences of the lack of understanding about religion is the common public perception that all religions are the same kind of phenomenon.”

Revd Dr Malcolm Brown, Church of England

The evidence that we received saw religious illiteracy demonstrated in different ways and in different spheres of public life. The following examples do not represent an exhaustive description, but they do illustrate the extent of the problem.

Furthermore, we found evidence of religious illiteracy in the way that laws are drafted. During the passage of the 2010 Equality Act the original government proposals for Genuine Occupation Requirements, which allow religious organisations to insist that certain employees have to share the same faith, would have failed to cover most church leaders, including (as noted in the House of Lords debate¹³) the Archbishop of York.

This situation occurred because it required the religious role to be wholly or mainly concerned with teaching and preaching, and very few church leaders would spend a majority of their time on these two activities alone. As a consequence, the clause that had been drafted became useless. Much of this was due to a misunderstanding of the nature of religious identity and religious employment. The government eventually removed this clause.

At a local level, religious illiteracy is often identified when unrealistic demands are placed on churches and Christian charities as a condition of their partnership with local authorities or public bodies. This usually manifests itself in two forms: either through concerns about the group’s equality and diversity policies; or because of suspicions that the group may be using public money to proselytise.

Many churches and organisations do receive public funding for services they provide by

agreeing that they will not use the money for evangelism. However, problems sometimes occur with interpretation of practice. For example, does the saying of grace before a meal at a homeless shelter constitute evangelism? Or displaying texts on the wall of a church hall?

“I think probably the biggest challenge in general is that it is the first time in a generation when, for the most part, most administrators, most politicians, most professionals have no personal experience of what religion actually is. If they have an idea of it, it is that it’s a legally permissible private eccentricity practised behind closed doors responsibly by consenting adults. Whereas... religion is something that you are, not something that you do.”

Richard Kornicki, Catholic Bishops’ Conference

A church that provides a service to a community and uses publicly available funding might be granted the money on the condition that it will not use the funds to ‘evangelise’. Evidence to the inquiry suggests that many Christian charities are fearful of accessing public funding because of such restrictions.

While operating as a charity they may be focused on addressing an issue such as personal debt, but find themselves unable to hide their beliefs as they meet clients or when questioned about it. This is because they believe that faith and deeds are integral to Christian identity. Indeed, it is the primary driver that influences the motivations and the methods for charitable works. As such, many organisations providing social benefits need to be in a position to share their beliefs as well as provide practical assistance.

The condition that public funds cannot be used for evangelism is a reasonable requirement in a plural society. However, once an activity of an overt religious nature is labelled, often erroneously, as proselytism it is then restricted.

¹³ Hansard 15 December 2009 Column 1433

Public funding sometimes comes with so many criteria that it neuters the thing that makes it so effective, or places such a burden that organisations make do without it. In areas such as drug and prisoner rehabilitation, where the Christian dimension of the treatment is necessary for the success of the programme, such restrictions have the effect of greatly reducing the numbers of those who can be treated. This is regrettable given that such treatment is voluntarily entered into, and appears to achieve rehabilitation rates that are much higher than comparable secular treatments. The Centre for Social Justice's report *Locked Up Potential* cited research that showed how 6,000 faith-based volunteers contributed 16,300 hours of work in prisons each month¹⁴.

Another way in which public bodies and local authorities sometimes display religious illiteracy is through their interaction with the equality policies of churches and charities. Evidence to the inquiry suggests that, even if a service is provided without discrimination or conditions, the beliefs and other activities of the providing group can be used to imply that it does not treat all people equally.

Two recent case studies readily illustrate this point. Frontline Church in Liverpool received public funding to assist in the operation of a food-bank which provides emergency food parcels for families in hidden poverty. The funding was subsequently withdrawn, and a number of public bodies swiftly disassociated themselves with the church, after a newspaper reported that an internal ministry of the church was providing support for Christians with same-sex attraction. There was never any suggestion that the food-bank had restricted access on the basis of sexual orientation, but the continued operation of the service was placed in jeopardy because of disapproval of an unrelated service that the church provided.

Towy Community Church in Wales is working with the local council to develop a community

centre with a bowling alley and is due to receive a loan from the council to help fund this development. Due to malicious stories on a blog, public pressure was placed on the council to block the loan. It emerged that the church had made small donations to an American Christian organisation that offers support for women with life-controlling issues – which include sexuality issues. The publicity necessitated a full meeting of Carmarthen Council, who after investigation re-stated their commitment to the church and the project. However, despite the outcome, the affair reflects a widespread ignorance of what a Christian church is and does.

"Faith ignorance in this country is enormous... There is more confusion now than there has ever been."

Dennis Wrigley, Maranatha Community

With a declining level of adherence to Christianity in the UK over the last century, it is perhaps not surprising that the public understanding of faith has reduced and we see in the actions of government, public bodies and employers an inadequate grasp and inability (or unwillingness) to accommodate belief. However, latterly it has become apparent that the demise of religion has been greatly overstated, and that Christianity is still a significant factor in society. In this context the inquiry identified a frequent default position of suspicion towards Christianity as the most concerning effect of religious illiteracy. We consider that the task of public education to remedy this situation is an urgent priority.

"In parliament, civil service and local government, as well as quangos and other public bodies, widespread religious illiteracy means that the existence of and necessity for exceptions for religious groups in equalities legislation in order to make it workable is customarily met with hostility, ignorance, misunderstanding and opposition."

Dr Don Horrocks, Evangelical Alliance

¹⁴ The Centre for Social Justice (2009), *Locked Up Potential*, p81

We were alarmed to note as we finalised this report that a group of Christians in Bath has been told by the Advertising Standards Authority (ASA) that they could not “*make claims which stated or implied that, by receiving prayer from their volunteers, people could be healed of medical conditions*”¹⁵. At no point did the group insist that people would be healed, or discourage medical treatment, and they also offered to preface any reference to healing with ‘we believe’. This case shows both the lack of understanding of a core aspect of the Christian faith, and an attempt to prevent the public articulation of those beliefs. The effort to regulate religious claims through the ASA demonstrates a failure to grasp the nature of these claims as beliefs rather than scientific evidence of the sort that would be used to defend claims made for medicinal and beauty products.

Freedom of expression

During the inquiry, it became clear that, on the basis of their faith, Christians can face difficulties in their employment and involvement with public bodies. This was seen in evidence relating to a number of high profile court cases. These cases included, but were not limited to, situations where employment becomes untenable because of conditions and restrictions imposed upon the articulation and manifestation of belief.

The wearing and display of religious symbols is often cited as a point where religious belief comes into conflict with secular employment. This is often related to uniform codes which prohibit jewellery. However, cases that have received media attention vary widely in their substance, and the willingness of the employer to allow the expression of belief in an appropriate form is a key factor. An example of this could be seen when we were presented with a first-hand testimony of a case from electrician, Colin Atkinson. He had encountered a series of problems with his employer because he displayed a palm cross on the dashboard of his work van. It

is hard to conceive how this common and ancient tradition could have caused any offence, but his employer decided otherwise, suggesting it should be placed in the glove compartment out of sight. The case became a symbol of the excesses of political correctness.

“I asked why I had to remove the cross; it had been there for 14 years. All I was doing was expressing my faith. I asked the union guys how other faiths were accommodated, and they were accommodated in lots of ways. But, I was forced to remove the cross. The issue was that it could be seen by others. Company policy was chaos. They were quoting things which were obsolete. I would have liked to see a straightforward, agreed policy. It was so shambolic, and difficult to get reason out of them.”

Colin Atkinson

The focus around the display of religious symbols as an important matter of religious liberty can play into a functional understanding of Christianity, where belief is defined by a series of actions which are permissible or not in different contexts. Such subjectivity of judgment is problematic and, if unchecked, can propagate the assumption that belief should be private and not affect the believer’s public action. This attitude fails to grasp that Christianity is not only articulated through private beliefs but also through public actions.

Another case that was brought to the attention of the committee was that of Jamie Murray, the owner of the Salt and Light café in Blackpool. Mr Murray was informed by police officers that a complaint had been made regarding offensive and insulting homophobic material which was against the law under section 5 of the Public Order Act. The material referred to was a DVD of verses of the Bible displayed against a background of different scenes. Mr Murray was told that he could be arrested for displaying the Bible if the material was offensive and insulting. Questioned forcefully for more than 30 minutes, Mr Murray became

¹⁵ www.asa.org.uk/ASA-action/Adjudications/2012/2/Healing-on-the-Streets_Bath/SHP_ADJ_158433.aspx

increasingly anxious that he may be arrested if he did not agree to turn off the screen. An apology of sorts was given by the police but a formal written complaint is to be made against the police.

The committee is concerned about the wisdom of presenting scripture in this context in such a public way, but also recognises that the public proclamation of the Bible is an important feature of Christian life – and an important freedom in a plural society. In our view the audible or textual display of scripture should not lead to arrest, even if the form and manner might be considered unwise, and the content is controversial. Likewise the causing of offence should not, in and of itself, be justification for restricting freedom of expression.

In this case charges were not pressed, but the threat of arrest shows that, on occasions there can be too quick a presumption against the free expression of Christian beliefs. We do not deny the need for limitations on the manifestation of belief, and we accept that the actions and words of those who self-identify as Christians could in certain circumstance be construed as incitement to hatred. However, we consider that the police have sufficient powers of arrest under breach of the peace to deal with situations when words and actions move beyond causing offence. In a free society, in most situations, the plain reading of scripture, the presentation of the Christian faith or explanations of historic, orthodox Christian views on sexual ethics should not place the speaker at risk of arrest.

We acknowledge that there are appropriate restrictions on what someone should say in their workplace and how they should relate to others who may have very different beliefs and views to their own. Yet, evidence suggests that the response to comments and conversations is occasionally out of proportion to any possible offence they have or even could cause.

Two notable cases further highlight this problem. The first involved Dale McAlpine, a street preacher in Cumbria, who was arrested and charged

under section 5 of the Public Order Act 1986 for preaching passages from the Bible relating to sin. Told by the arresting officer that his declaration that 'homosexuality was a sin' was a hate crime, he was kept in a police cell for seven hours. He was charged and appeared before the criminal courts, and the criminal proceedings were subsequently dropped. Mr McAlpine made a civil claim for wrongful arrest, and an out-of-court settlement was reached with the police agreeing to pay damages, legal costs and to give a personal apology to him.

The second case is that of Adrian Smith who was disciplined by his employer Trafford Housing Trust after he posted a status update on his Facebook profile in which he courteously expressed disagreement with plans to introduce same-sex marriage. When asked about plans for same-sex marriage, Mr Smith commented that he thought it was "an equality too far". When then asked by a work colleague "Does this mean you don't approve?" Mr Smith responded: "No, not really. I don't understand why people who have no faith and don't believe in Christ would want to get hitched in church. The Bible is quite specific that marriage is for men and women. If the State wants to offer civil marriages to the same sex then that is up to the State; but the State shouldn't impose its rules on places of faith and conscience."

Suspended while an investigation took place, Mr Smith was told that this expression of his personal beliefs on a private website could be construed as homophobic. Charged with committing an act of gross misconduct warranting summary dismissal, after taking into account 18 years of loyal service, he was demoted with a large reduction in pay, and given a final written warning. Mr Smith has now issued legal proceedings against the Trust claiming that it was in breach of contract, violated his Convention rights under Article 9 and 10 and failed in its statutory duty under the Equality Act 2010.

In both of these cases, there is no evidence that either individual tried to force their views on anyone else, or discriminated against anyone

because they held alternative views. The two individuals expressed views that are common to orthodox Christian perspectives of appropriate sexual relationships. The cases show that it is becoming increasingly difficult for Christians to speak about their views on sexuality without fear of recriminations.

The place of prayer

We received substantial evidence about individuals who have encountered problems in their employment because of the role of prayer. We recognise that an employee has a job to do and this should be their principal responsibility. However, for Christians, prayer is a vital component of their faith. Unlike other faiths which prescribe set times and processes for prayer, Christianity sees it as a practical and indispensable outworking of belief which applies to all aspects of life – at all times. Therefore when a Christian encounters a situation of need as well as taking practical action, for example prescribing medical care, they will often also pray for God's intervention. One notable case in this area is that of Olive Jones, a teacher in North Somerset who lost her job after she had offered to pray for a pupil.

"I lost my teaching position for offering prayer to a student who was very ill. She wasn't in a condition to study. I didn't proceed with the prayer as her mother said no. I was sacked that afternoon. I lost my income. At the moment, I don't offer prayer to students. I didn't want to take the case to a tribunal because I didn't want to put people off God. I am sad that it is hard to offer prayer to students."

Olive Jones, teacher

Similarly, Dr Richard Scott was reprimanded and is under investigation by the General Medical Council (GMC) after offering to pray for a patient during a conversation at Bethesda Medical Centre in Margate. Dr Scott made a professional judgment that matters of religious faith were appropriate to talk about in the context of this patient. He offered to share about his own faith, and was encouraged to do so by the patient. The GMC does not dispute

that it is permissible to discuss religion within the guidance it provides, but questioned whether it was appropriate and sensitive in this case.

"I am in trouble with the GMC for offering Christianity to a patient who had left his own faith. When the patient's mother wrote to the GMC, they took her word as fact. It seems to me that Christians are actively discriminated against in the workplace... Christians are guilty until presumed innocent... we need some defence."

Dr Richard Scott

We think that there is certainly need for great sensitivity when offering to pray with someone who is in a position of vulnerability, under your authority or in your care. The key question to consider in every situation is whether the offer of prayer is a tacit imposition of belief on someone else or an appropriate component of a holistic vision for well-being. However, we also accept that in some situations a verbal offer of prayer could be construed as inappropriate, and any repetition of the offer after it had been declined should precipitate a complaint and professional sanction. This should not mean that prayer should be prohibited in all contexts. Handled with care and discretion there should be space within the provision of services and most jobs for Christians to openly pray.

The inquiry also received evidence relating to the public role of prayer, with a case in Devon raising particular concerns.

"A Bideford town councillor, Clive Bone, tabled a motion that the council should stop saying prayers at the start of council meetings (a tradition that could be traced back to Elizabethan times) on the ground that it discriminated against those who felt embarrassed or uncomfortable by the saying of prayers. The motion was defeated. Subsequently, the council received a letter from the National Secular Society (NSS) saying that the practice was unlawful and the council should cease saying prayers. The council took advice from the National Association of Local Councils and was told to consider discontinuing the tradition as it may discriminate against those who did not want to

say prayers. The council refused to put an end to the saying of prayers (as had been decided by a majority of the councillors). As a result the NSS issued Judicial Review proceedings in the High Court against the council asking the court to rule that the saying of prayers is unlawful on the ground that it amounts to religious discrimination under the Equality Act 2006 (which includes the lack of a religion or belief), breaches of the Human Rights Act 1998 and that the actions of the council was ultra vires."

Aughton-Ainsworth Solicitors.

On 10 February 2012 the court found that prayers in the council meeting were not discriminatory, nor did they breach anyone's human rights. However, to widespread public outrage, the judgment did consider that, on a legal technicality there was no express permission for councils to have prayers on the agenda. If this ruling is upheld councils in England and Wales will not be allowed to include prayers as part of the formal council business.

Provision of goods and services

During the final session of the inquiry several individuals who have been affected by issues relating to the provision of goods and services told their stories to the committee. Lesley Pilkington is a psychotherapist with 20 years of experience who offers support for people who, by their own admission, state they believe same-sex relationships to be incompatible with their Christian faith, but experience same-sex attraction. The services that she offers are based on her Christian faith and she is clear and open about this. To be clear, the counselling she offers is directed to Christians who share her beliefs.

"I was approached by a young man saying he was gay and unhappy, could I help him. I talked about what it meant to be a Christian. We had two sessions. He didn't turn up for the third session. He rang and told me the whole thing was a set-

up. He was a homosexual activist and his agenda was to close people like me down. I have been written about in national papers for two years. One complaint was that I prayed and disrespected his lifestyle, but we had made an agreement that the counselling would take place within a Christian framework. There is a huge amount of public fear. I can no longer get work. My colleagues won't have me in their working groups."

Lesley Pilkington, counsellor

This case raises particular concerns because it was brought to light by an investigative journalist purporting to be a Christian client who shared her values, and who said that he wanted to change. Following the exposé, Lesley Pilkington has come under investigation from the British Association of Counsellors and Psychotherapists (BACP). Despite evidence¹⁶ that some do indeed change their sexuality¹⁷, Philip Hodson, a fellow of the BACP, said: "[BACP] is dedicated to social diversity, equality and inclusivity of treatment without sexual discrimination or judgmentalism of any kind, and it would be absurd to attempt to alter such fundamental aspects of personal identity as sexual orientation by counselling."

The first problem demonstrated by this case is that it is difficult to hold a view that people with same-sex attraction may hold a preference that this changes, and that in those cases steps might be taken to deal with this. Second, this case illustrates how groups opposed to orthodox Christian sexual ethics can go out of their way to concoct false situations, and present a practice they disapprove of as discriminatory.

A similar situation occurred with Peter and Hazelmary Bull who own and run a bed and breakfast in Cornwall. As Christians seeking to run their business in accordance with their values, they have for many years operated a policy that restricted the occupation of double rooms to married couples. Their clear policy prevented unmarried couples,

¹⁶ Spitzer, Robert L (2003), 'Can Some Gay Men and Lesbians Change Their Sexual Orientation? 200 Participants Reporting a Change from Homosexual to Heterosexual Orientation' in *Archives of Sexual Behavior* Volume 32(5), pp 403-417

¹⁷ Goddard, A. & Harrison, G (2011) *Unwanted Same-Sex Attraction – issues of pastoral and counselling support*, London, Christian Medical Fellowship

regardless of their sexual orientation, from using a double room. A gay couple registered to stay at the B&B and were subsequently not permitted to share. It is likely that this case was done in full knowledge of the Bull's position and probably with the express intent of bringing a case against them for discrimination. Importantly, the case suggests that religion is at a clear disadvantage against sexual orientation in the present interpretation and application of equalities law¹⁸.

Two other key cases were frequently referred to in submissions to the inquiry. Lillian Ladele was a registrar working with Islington Council. Following the introduction of civil partnerships, she requested not to have to conduct these ceremonies because they were contrary to her religious beliefs. There was no question that anyone would be denied the provision of a service through her exemption, but her request was denied and she subsequently brought a claim of constructive dismissal.

Although an employment tribunal found in July 2008 that Islington Council had unlawfully discriminated against her, an Employment Appeal Tribunal (EAT) upheld the authority's appeal. Ms Ladele claims she suffered ridicule and bullying as a result of her stance and said she had been harassed and discriminated against by the council. The EAT ruled the earlier tribunal had 'erred in law' and there was no basis for concluding that any 'discrimination had been established'.

"The needs of Lillian Ladele could have easily been accommodated by her employer but were not - for ideological reasons."

Dr Don Horrocks, Evangelical Alliance

As the inquiry proceeded, the issue of the Catholic adoption agencies was also cited as a defining moment for the debate over religious freedom in the UK. The 2007 Sexual Orientation Regulations

(SORs), which have now been incorporated into the 2010 Equality Act, forced the Catholic Church's agencies to consider gay men and women directly as potential adoptive parents, rather than referring them to other agencies. The Catholic agencies claimed that this would directly contravene their core Christian beliefs and identity – and that they would have to close down. The government rejected these claims, and gave faith-based agencies 21 months to adapt to the new rules - monitored by independent assessors.

Some of the agencies chose to adapt to the new regulations and shed their Catholic identity, while those wishing to preserve that link were forced to close. Echoing a number of submissions that saw the decision as setting an historic precedent by confirming a new interpretation of rights, Dan Boucher stated to the inquiry that: "This 'choice' demonstrated zero respect for religious freedom." At the time of the case, a very disappointed Cardinal Murphy-O'Connor, the head of Catholics in England and Wales broke with 180 years of precedent to place a question mark over the allegiance of his church to the state, saying: "Some legislation, however well intended, in fact does create a new kind of morality, a new kind of norm - as this does."

"In the space of less than 10 years we have moved to a place where Christians have been increasingly given the choice 'act in violation of your faith or cease service provision, or lose you job', as seen in the case of Catholic adoption agencies, the Bulls, Lillian Ladele and Gary MacFarlane. This has all been made possible because of a distortion of what is meant by religious liberty via a flawed reinterpretation of Article 9 of ECHR."

Dr Dan Boucher, Care

Before we consider in the following chapter the legislative changes that lie behind these tensions, we explore the respective roles of the media and Christian campaign groups in shaping public perceptions of Christian freedoms.

¹⁸ Boucher, Daniel (2010) *A Little Bit Against Discrimination?* London, Care www.care.org.uk/wp-content/uploads/2010/10/CARE_AgainstDiscrimination_Layout-1.pdf

The role of the media

We are of the view that the popular print and broadcast media have an often duplicitous relationship with issues of Christian freedom – both bringing them to light and exacerbating legal tensions.

The manner in which many cases were presented by the media and the portrayal of religious belief in society, was not generally considered to be balanced or fair by most people giving evidence to the inquiry. Alongside the identification of a large degree of religious illiteracy in modern journalism, it was also suggested that a strong secular bias was often evident.

“The media have exercised enormous influence on lifestyle in the United Kingdom in the past 40 years. Public opinion is massively misinformed and under-informed through selective reporting and broadcasting and is thus manipulated by media with an evident secular humanist and politically correct bias. Immense power has been exercised without responsibility.”

Dennis Wrigley, Maranatha Community

Alongside the broad acknowledgement that religion generally received unfavourable media attention, there was also a suggestion in some submissions to the inquiry that Christians received particularly negative treatment. This view was supported by Peter Kerridge, who said: “If you are a badge-wearing Christian you are more likely to be marginalised more than any other religion.”

“Christians are often portrayed negatively by some parts of the mainstream media compared to other groups. The BBC’s general director, Mark Thompson, admitted that Christianity gets rougher treatment than Islam and that a liberal bias against Christianity exists... The media needs to be more responsible and fair in its representation of Christianity. Christian characters are often ridiculed in fictional TV programming, whereas other religious groups, such as Muslims, are treated sensitively and homosexuals portrayed positively.”

Kemi Caroline Bamgbose, Premier Christian Media Trust

Mark Barrell suggested that “the impression that is often given in the media is that Christians are ‘against’ so much when in fact they are ‘for’ so much more”. Seeing the problem as both systemic and ideological, he observes:

“The difficulty is that whilst the public are in favour of much of what Christians see as being positive for society very often the way in which their views are reported – especially in the media is misunderstood or misleading. Sadly the media is prone to promoting a particular secular agenda and then sensationalising certain aspects of Christian beliefs and values without placing them within the right context of the debate.”

Mark Barrell Lawyers’ Christian Fellowship

The role of Christian campaign groups

We recognise that Christian campaigning and protesting are biblically mandated and have a long and illustrious history of transforming society, extending liberty and securing justice by ‘speaking truth to power’. However, as an integral part of the valuable Christian contribution to politics, in our media-saturated context, they also have limitations and deficiencies.

During the evidence sessions, with regard to public campaigns and media attention, a question was posed to many of the witnesses about whether Christians have any responsibility for the widespread perception that they are being marginalised. We consider that the presentation of Christians as discriminated against can lead to Christians feeling, perhaps wrongly, that they are discriminated against. Two prominent results of this can be that Christians view themselves as being disconnected from political decisions, and are seen as just another self-designated victim group. Don Horrocks observed how “we need to avoid language that speaks about persecution and a victim status”.

In terms of campaigning practice, the Christian campaign groups that bring many of these

cases to the media's attention are not above reproach. On some occasions we perceive that campaigning becomes inflammatory or even counter-productive to Christian freedoms. This is due to factors such as: the strategically unwise selection of cases; a distorted presentation of facts for manipulation of the media; and most alarmingly, the deliberate misinforming of the church constituency in order to motivate support. The cyclical strategy of generating-fear-to-fuel-funding-to-fight-cases (cases that are often doomed from the outset) is a recognised part of the culture war situation in North America. Although such an approach can have the effect of giving Christians a sense of 'taking a stand' against a tide of secularism, with protest as a primary mode for political engagement, it is clear that it simply reinforces a victim mentality, polarises society, and does not work. Taking a public stand can sometimes achieve more in terms of raising funds than making a positive difference.

Making noise is not the same as having influence, and to the frustration of many parliamentarians and church leaders, the campaigning approach of choosing cases to lose valiantly is not conducive to affecting political and social change. It also further compounds negative media stereotyping of Christians. Rachel Lampard observed how media illiteracy and sensationalism are often augmented by such strident Christian campaigning methods.

"Stories in the media, which have been whipped up by certain campaigning bodies, can reinforce the feeling that the law is pitted against the belief and practice of Christians. This is unfortunate because it has the potential to prevent Christians confidently taking part in public life."

Rachel Lampard, Methodist Church

Often the actions of some campaign groups can discredit the Church in the UK and result in perceptions that Christians are seeking unfair exemptions. By bringing highly emotive cases to the fore, they also can add to the feeling among Christians that are more marginalised than they actually are. In Chapter 4 further consideration is given to the potential harm that can be done by unwise activity on the part of Christians, as well as proposing how this can be avoided in the future.

Summary: there is a problem

In conclusion, we are convinced that there is a problem facing Christians in Britain today. We recognise that many of the cases that have been outlined to the inquiry involve individuals and organisations that are compelled by recent changes in the law to provide services that they had never previously offered, and were contrary to their beliefs. We consider that this problem arises through high levels of religious illiteracy and through legal and cultural restrictions on actions and words that are normal in Christian belief.

It is evident that although in some cases considerable effort is made to accommodate religious belief, in many cases there is a failure to achieve or even attempt this. We also consider that there are serious problems with the media's coverage of these issues, and also in the manner in which the issues are brought to the church's attention. We also acknowledge that through poor campaigning strategies, some Christians may be inadvertently generating and sustaining the very problems they are trying to highlight and resist.

2. Have recent changes to the law affected Christian freedoms?

The Clearing the Ground inquiry took evidence from a range of groups about the declining space for Christian belief in public life. We were told that the cases which reach the public's attention represent a fraction of those that have come to the attention of Christian legal services in recent years. This is because some of the cases are settled without recourse to legal action; some of the parties choose not to pursue legal action; and also because the relevant legislation is still relatively new.

"One of the important principles of law is that it is a safety net for a society and for those who are most vulnerable in society at particular points, and it is a last resort. Certainly for us these cases are not only real but are the tip of the iceberg. We always seek other means to resolve these issues, very few of them get to the courts and of those which do only some hit the headlines. These are representative of a much bigger trend."

Andrew Marsh, Christian Concern

In the light of the cases outlined in the previous chapter, we acknowledge that there is a problem in the way that Christianity is treated in the UK at the moment. However, we are aware that anecdotal evidence is insufficient to justify this conclusion. We also recognise that the legal status of many of the cases has yet to reach a settled point, with many of them still before different courts. In this chapter we will seek to identify whether there are systemic issues that lie behind the increased frequency that Christians appear to

be coming into conflict with society.

This is a preliminary report and we have not set out to develop a substantive analysis of all the changes to the law, however, an overview of key aspects is provided. As parliamentarians, we have a principal concern that relates to the laws that we have passed. However, we also are aware that acts of parliament are not the only thing that has affected the position of Christianity in society. Therefore, we consider the interpretation of law by the courts and the implementation by local authorities and public bodies. The role of professional bodies such as the General Medical Council is also assessed, as the guidance that they produce has an impact on the role of religion in public life.

The Equality Act

The Equality Act which was passed in 2010 represents the most significant piece of legislation relating to the role of religion for many years. It consolidated numerous pieces of law that dealt with different aspects of equality and anti-discrimination as well as introducing new responsibilities and protections. It is notable that because the Equality Act is such a new piece of legislation, most of the cases described in Chapter 1 were originally brought under previous laws which are now incorporated into the Act. As a result of the Equality Act a series of characteristics¹⁹ are legally protected:

¹⁹ www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/

The Equality and Human Right's Commission definition of protected characteristics:

- **Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
- **Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
- **Gender reassignment** - The process of transitioning from one gender to another.
- **Marriage and civil partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
- **Pregnancy and maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
- **Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
- **Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
- **Sex** - A man or a woman.
- **Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Some of these such as race, gender and disability were already covered by older individual laws, but the Act brought them together with more recent legislation adding several new characteristics, including religion and belief and sexual orientation. This means that it is now against the law in many contexts of public life to discriminate against someone on the basis of any of these characteristics.

Two particular aspects of the equality law warrant further mention. First, the Act introduced a general equality duty on public authorities and on other organisations who exercise public functions. The Equality and Human Rights Commission give the following guidance: *"The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business*

*of public authorities. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poor outcomes."*²⁰

The duty requires that those subject to it have, in the exercise of their functions, due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 2010 Equality Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

²⁰ www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/essential_guide_guidance.pdf

The second relevant aspect of the Equality Act is the exemptions that it provides to the general prohibition of discrimination. This means that the law acknowledges that there are areas where discrimination is not only necessary but desirable. For example, services that are provided explicitly to children should not be subject to challenge on the basis of age discrimination. If such exemptions were not guaranteed the Act would affect the government's own policies, allowing challenges to things like exempting the VAT charges on children's clothing.

Prior to the introduction of the Equality Act 2010 there was no general positive protection for religious believers within the legal system. Various historic elements of the UK's unwritten constitution place the Anglican Church in a distinctive and sometimes privileged position, but the general protection of religious belief that the Act and its immediate predecessors introduced is new.

The Equality Act creates problems which are beginning to become apparent as cases are presented before the courts. Perhaps most significantly the law does not provide any guidance about how tensions between the equality strands should be managed. In the evidence submitted to the inquiry it is apparent that this tension is most clearly arising between the religion and belief strand and the sexual orientation strand. Critically, early indications from court judgments are that sexual orientation takes precedence and religious belief is required to adapt in the light of this. We see this as an unacceptable and unsustainable situation.

The assumption behind the law that different treatment in respect of protected characteristics requires special justification is having the effect of suppressing differences of religious and ethical viewpoint.²¹ It is having the paradoxical effect of undermining the diversity of plural groups

in society and even the diversity of individuals. It is ironic that many of the problems we have identified have been caused by the application of the new equality law, or at least by connected cultural expectations, when the law was intended, in part, to provide protection for religious believers.

In his book *We don't do God* Lord Carey addresses this issue: "Christians cannot hang up their faith as they enter the workplace. Thus a culture war has arisen out of primary legislation, which has been left to the courts to settle. And indeed the courts have gone about their business on an unfortunate trajectory that appears on the face of it to have left religious believers at the bottom of the heap."²²

Employment

With regard to the inquiry, the exemptions that were explored related to the circumstances where someone's religious belief is a legitimate reason to make a decision. This is most obviously demonstrated in employment regulations that allow churches and Christian charities to insist that applicants for some posts share their religious beliefs. Following a campaign led by a number of the groups giving evidence to the inquiry, and also because of the time pressures of the parliamentary programme, the government did not amend and restrict this provision as they had originally intended.

It is important to note that the employment regulations do not exist in isolation. In the case of religious employment, the regulations also interact with other equality strands. This is most obviously the case in terms of ordination in the Roman Catholic Church where both women and married men are not permitted to become members of the clergy. The regulations also permit employment decisions for some staff in churches and Christian organisations based on sexual orientation.

²¹ Julian Rivers, 'Uniformity or mutuality? The new equality law in Christian perspective,' *Cambridge Papers*, Vol 20, No 3, September 2011

²² Carey & Carey (2012), *We don't do God: the marginalisation of public faith*, London, Monarch p94

The courts issued a key decision in 2007 when John Reaney successfully sued the Diocese of Hereford for unlawful discrimination. The court found that in taking into account past and potential future sexual relationships the Diocese had discriminated against Mr Reaney based on his sexual orientation. In this situation the role was applicable for and did carry a Genuine Occupation Requirement (GOR) which allowed them to turn down an applicant in any sexual relationship outside of marriage; where the Diocese erred was that Mr Reaney was single at the time of his application. This case shows the narrow manner in which GORs provide exemptions for churches and religious organisations to restrict employment.

A second way in which Christian belief can affect employment is shown by problems that some individual Christians have had in manifesting their faith in a secular workplace. Several cases of this nature have come before the courts, and the case of Lillian Ladele is of particular importance. In this case Ms Ladele held to an orthodox biblical understanding of sexual relationships as only appropriate between a man and a woman within marriage, and the Sexual Orientation Regulations placed an obligation on her to offer a service which she felt condoned activity contrary to her beliefs. It is worth noting that there are local authorities that have accommodated registrars with similar views, and also Christian registrars who are willing to conduct civil partnership ceremonies while still having a Christian understanding of sexual ethics. This reinforces our earlier point that Christian belief often manifests itself in strong *individual conviction*.

Providing goods and services

Many of the cases that were presented to the committee, in particular those relating to sexual ethics, stemmed from the implementation and interpretation of the Sexual Orientation Regulations that followed the 2003 Equality Act. As we have seen, these regulations prohibited discrimination in the provision of goods and

services on the basis of sexual orientation, and it is these regulations which lie behind the closure of the Catholic adoption agencies and the cases of Lillian Ladele and Peter and Hazelmary Bull.

As we took evidence it became apparent that the legal situation is not settled and there is still a great deal of untested legislation which judges will apply and interpret in the coming years. A standing principle of anti-discrimination legislation is that there is not an obligation on groups and individuals to offer goods or a service that it is not already offering. This means that a bridalwear store which does not sell clothes to men is not committing unlawful discrimination. The store is discriminating, but in a lawful manner. This is a point which we think warrants careful consideration because discrimination is generally considered to be a bad thing, but in many areas of public life it is essential, and applied in the appropriate context it can be precisely what is required.

Several witnesses expressed concern at the expectation in the Act that in many areas provision has to be universal, compelling those providing a good or a service to provide it to all. The two cases where this principle made a significant difference are Lillian Ladele and the Catholic adoption agencies. In both cases there was no suggestion that ceremonies would not be carried out, or children would not be cared for, if the accommodation requested was granted. The argument that someone is not being denied a good or service, if someone else can provide it, is not one which is currently accepted by the courts. In light of the confusion generated by such blanket universalism, we think it is an argument which deserves careful consideration. We would also point out that, in the provision of a conscientious objection for doctors from performing abortions, this concept is already enshrined, albeit in very specific circumstances.

We have identified that there are some areas of the law that place a specific restriction on the activities of Christians. While the legislation does not target Christians for discrimination, it does in some situations place Christians in a position when they

are forced to act in a way that is contrary to their firmly held beliefs.

There is an important principle raised by the potential diversity of Christian response. In several of the cases that were brought to our attention, the actions which brought Christians into conflict with the law do occasionally appear to us to be unwise and perhaps not the most appropriate way of articulating and demonstrating belief. There are Christians who would argue that it is not the place of Christian bed and breakfast owners to make a judgment on the actions or orientation of their customers, suggesting that by welcoming anyone and providing hospitality regardless of who the customer is, they are doing more to live out their faith. We accept that there are Christians who approach this issue differently and the law needs to provide space for followers of one religion to manifest their belief differently in the same way that the law needs to make space for different religions. In fact, the diversity of religious belief should be dealt with in the same way that the diversity of sexual orientation and preference is accommodated in the law.

Presently, the application of equality law often turns on quite subjective considerations. In the case of Peter and Hazelmary Bull, they decided to operate their bed and breakfast in their own home, under principles which they derived from their religious beliefs. They felt that to accommodate unmarried couples (of any orientation) in a shared room would serve to condone actions contrary to their faith, a position they had held for many years. Likewise while there was no lack of alternative accommodation available in the same area for an unmarried or gay couple, those who approached and were turned away from the Bull's B&B were denied a service, and felt this was because of their sexual orientation. As the court judgments currently stand, their felt restriction based on sexual orientation takes precedence over the felt restriction of manifestation of belief. This is clearly unfair.

Many of the submissions suggested that a hierarchy of rights is emerging in the UK, where the good of the individual trumped the good of all. Such a hierarchy involves some groups becoming politically and legally privileged at the expense of other groups. This was identified as particularly prevalent in relation to sexuality.

"There is no guidance in the law about how to deal with cases where they conflict. When religion comes into conflict with sexuality, religion takes second place. Nothing in the Equalities Act or the European Convention on Human Rights suggests one is more important than the other. There is a growth in public perception that sexuality is more important than religion."

Richard Kornicki, Catholic Bishops' Conference

The legal and cultural conflicts that the hierarchy of rights creates can also perpetuate the idea that Christians are obsessed with sex. Christians have historically received a clear biblical model for sexual relations with vital spiritual dynamics that reflect Christ and the Church. As contemporary ideas have adapted to express other sexual ethics, the consistency of the Christian view has presented a problem for legislators. Although sexuality is widely acknowledged in society to be intrinsic to identity, religion is not, and our legal categories have come to reflect this contradiction. The reality is that sexuality is more fluid and religious commitment less fluid than the law assumes.

Public Order Act

An important example of where the demonstration of belief might be considered as unwise but should be legally permissible is demonstrated by some of the cases in which there has been an arrest under Section 5 of the Public Order Act. These exemplify a change in culture so that 'equality' means you are not

²³ Stychin, Carl F (2009) 'Faith in the Future: Sexuality, Religion and the Public Sphere' in *Oxford Journal of Legal Studies* pp 729-755

supposed to criticise people's religion or sexual behaviour in public. In the previous chapter we described the case of Jamie Murray who displayed biblical texts on a screen in his café. Although some may consider that this method of sharing the good news of Christianity may not be a priority, the law should not prevent sacred texts from being publicly displayed or spoken. While acknowledging the need to prosecute those who would propose violence, we do not accept that the causing of offence should constitute justification for restricting someone's freedom of speech. We are deeply concerned that the law is currently being applied in a way that allows the causing of offence to prompt an arrest.

As in other cases in which street preachers have been arrested, the law cited is Section 5 of the Public Order Act which allows an arrest to be made upon the basis of insulting speech. We think this law is too narrowly drawn and would benefit from an amendment clarifying what is criminal behaviour and protecting freedom of speech. Although, in the case of Jamie Murray and other cases involving street preachers, the charges were eventually dropped, the fact that police initiated arrests on these grounds is sufficient evidence that there is a problem that needs addressing.

Professional bodies

Although numerous bodies exist to provide oversight and guidance for many professions, related to the evidence that the inquiry received, we restricted our considerations to the work of the General Medical Council (GMC), the General Teaching Council (GTC) and the British Association of Counselling and Psychotherapy (BACP). These three bodies provide guidance and arbitration services, and their work has been highlighted by some of the cases in the previous chapter.

In the evidence from Peter Saunders of the Christian Medical Fellowship (CMF), the inquiry

heard how specific exemptions are granted for health professionals with religious beliefs under grounds of conscientious objection and are enshrined in the law. However, it was also stated that the professional guidance of the GMC does not provide for any further circumstances where religious beliefs might need to be accommodated.

Commenting on the inconsistency within guidance and the law as it relates to doctors, Dr Saunders outlined the specific conscientious exemptions are written into the 1967 Abortion Act and the 2005 Mental Capacity Act (in relation to legally binding advanced refusals for food and fluids). He went on to comment that other areas of medical practice did not necessarily provide the same space for the exercise of individual conscience.

The Department of Health's practical guide on religion and belief offers the following guidance:

"Members of some religions ... are expected to preach and to try to convert other people. In a workplace environment this can cause many problems, as non-religious people and those from other religions or beliefs could feel harassed and intimidated by this behaviour... To avoid misunderstandings and complaints on this issue, it should be made clear to everyone from the first day of training and/or employment, and regularly restated, that such behaviour, notwithstanding religious beliefs, could be construed as harassment under the disciplinary and grievance procedures."²⁴

Dr Richard Scott gave evidence to the inquiry which suggests that the implementation of this guidance is not always applied with consistency, and sometimes with greater restriction on religious belief than envisioned or permitted under the law. There is also a lack of logic in the guidance because someone who is prevented in the workplace from manifesting their belief, either through prayer or witnessing, may consider themselves harassed on account of their beliefs.

²⁴ Department of Health, Religion and Belief, A practical guide for the NHS, January 2009
www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_093132.pdf

Dr Saunders shared with us the advice the CMF would give to its members: *“Whether it’s sharing faith or praying for someone, you always do it with sensitivity, permission and respect. So an offer is made, and with the patient’s full consent and welcoming of it, you would go forward.”* He also referred to some of the cases that have come to the public’s attention and noted that they had been complicated because the person who made the complaint was not the person being prayed with or witnessed to.

We would agree that the utmost sensitivity should be used when praying with a patient or sharing about one’s faith and we recognise that it may not be appropriate even when permissible. However, the way the current guidance is drafted leads to a privatisation of belief that in many situations is unnecessary and could be restrictive of believer’s freedom of religion and expression. Employees are there to do a job rather than preach but where possible and reasonable the manifestation of belief, whether through clothing, symbols or actions, should be permitted.

The guidance produced by the Department for Education on the Equality Act 2010 acknowledges a greater place for the public expression of belief. It states: *“It should not be unlawful for a teacher in any school to express personal views on sexual orientation provided that it is done in an appropriate manner and context”*²⁵. However, there is no advice in the guidance about the place of prayer or the many other ways in which belief may have a public manifestation, most notably via the explanation of beliefs on salvation.

In the case of Lesley Pilkington, the BACP conducted an investigation into her actions following the publication of an undercover journalism report. The subsequent BACP judgment against Mrs Pilkington was based on the grounds that *“it would be absurd to attempt to alter such*

*fundamental aspects of personal identity as sexual orientation by counselling.”*²⁶ This is clearly a case where the professional guidelines seem to be more concerned with social perspective than fact. Lacking scientific and legal rigor, they should be updated to account for the malleability of sexual preferences and orientation. While it may be controversial to help people who decide that their same-sex attraction is not what they would prefer, this shouldn’t be prohibited where it is mutually agreed and especially if within a belief framework to which both parties subscribe.

The Equality and Human Rights Commission

In a discussion of the implementation and interpretation of equality legislation it would be remiss of us to bypass the statutory body that was designed and created to regulate equality in the UK. The Equality and Human Rights Commission (EHRC) was established following a merger of existing regulatory agencies and given a broader scope to cover the new strands of equality legislation.

The evidence presented to the inquiry was overwhelmingly negative about the EHRC. Many saw it as embodying a secular humanist philosophy of equality and to be ideologically biased against religion and authentic diversity. Many submissions suggested that the EHRC was not fit for purpose.

“The EHRC seems to regard the rights of Christians as the least important of those it is called upon to protect. Its chair has made some outrageous statements about Christians which clearly shows how he regards them.”

Terence Walters, Groundlevel Churches UK

“The EHRC represented and provided financial assistance to Mr Preddy and Mr Hall in bringing

²⁵ Department of Education, Equality Act 2010: Advice for School Leaders, School Staff, Governing Bodies and Local Authorities <http://media.education.gov.uk/assets/files/pdf/e/equality%20act%20guidance%20december%202011.pdf>

²⁶ From a statement by Philip Hodson, a fellow of the BACP

a claim against the Bulls [bed and breakfast case]. A letter was sent to the EHRC pointing out its statutory duty not to take sides but to assist the court in reaching the right balance between groups of competing views. The EHRC's answer was that the EHRC had identified the Sexual Orientation Regulations 2007 as a priority support for litigation in the EHRC's legal strategy. In taking sides the EHRC had, it is submitted, failed in its statutory duty. ... the EHRC has been so thoroughly 'infiltrated' by an anti-Christian bias that even when the EHRC tries to do the right thing it is 'hijacked' and forced to backtrack... In the case of potential Christian foster parents Mr and Mrs John and Derby City Council, the EHRC intervened in support of the council (this was not an Aughton Ainsworth case). Counsel for the EHRC said that Christian values are like an 'infection' that could harm children. Following complaints, the EHRC was forced to apologise and print a retraction on its website (3 March 2011)."

Aughton-Ainsworth, solicitors

Although the inquiry was confined to taking evidence from Christian groups, given the central role of the EHRC in issues relating to religious freedom, we made an exception and invited them to contribute written and oral submissions.

After numerous requests, the commission did provide a very brief written response that consisted of material already in the public domain. Initially unable to find the time to attend either of two dates offered to them to give oral evidence, after the sessions concluded the EHRC offered to meet the committee for discussions. We hope that following the publication of this report we can develop a more fruitful dialogue than we have experienced to date.

We are therefore left to draw slightly one-sided conclusions on the activity and effectiveness of the commission. It is our view that the commission has failed to sufficiently represent and advocate for the role of religion in public life and sufficiently

balance the outworking of religious belief when there is a tension between it and the other equality strands.

The differences between guidance offered from the Department of Health and the Department of Education as highlighted above demonstrate this problem; religious belief is often only considered for the challenges it might pose rather than the benefits it can bring. Issues of religion and faith do not have a clear home within the structures of government. It is a strand under the Government Equalities Office, which in turn has now been subsumed by the Home Office, there is a department in the Department of Communities and Local Government, and there is a desk at the Foreign and Commonwealth Office.

Summary: there are problems with the law

Following on from the findings of Chapter 1 this chapter has considered the structural issues that might contribute to the increased prevalence of cases and situations where Christians are finding themselves marginalised. We have concluded that there are some significant problems with the law as it currently stands and in the way that it is interpreted by the courts and applied by local authorities, public bodies and the police.

We consider that the Equality Act 2010 fails to deal with the tensions between different strands of equality policy and subsequent court judgments have relegated religious belief below other strands. Further problems are evident with Section 5 of the Public Order Act 1986, and the way that it is applied by the police. Different professional bodies and government departments handle religion and belief in different ways, showing a clear lack of coordination and understanding of the role of religion in public life. All of these problems demonstrate the prevalence of religious illiteracy in Britain today.

3. What can be done?

In the previous chapters we have examined the evidence that was presented to the inquiry, and we are firmly of the conclusion that there is a problem with how Christians are treated by the law.

In the first chapter we looked at the anecdotal evidence presented in the form of legal cases and other examples which suggested the prevalence of problems for Christians as they live out their faith in their everyday life. In the second chapter we considered what was causing this tension between belief and society. In analysing the legal and policy framework that we all live under and also the specific codes and guidelines affecting certain professions and situations we hope that we have shown that while systemic problems do exist, they are complex. They do not cause problems for all Christians in all contexts, but they do have cultural implications.

The cultural context for change

Laws are often described as legislated morality, and in an open society, our relational priorities will be reflected and influenced by our laws. In the West, over the last 100 years, laws have become framed and directed by increasingly secularist conceptions of human rights. This shift of 'freedom from' to 'freedom to' means that the original Christian-inspired tenets of the Human Rights Convention have now been superseded by a radical egalitarian view in which a new culture of entitlement imposes an obligation on the state to deliver individual demands that are presented as rights.²⁷ Equality thus construed tends towards seeing all lifestyles as being of equal value. This means that the very notion of normative behaviour is considered to be oppressive - and

moral judgments are viewed as prejudices.

"We have lost the social discourse which explains the importance of social norms. We have a culture which only thinks of the individual good as a building block."

Revd Dr Malcolm Brown, Church of England

Observing that the good of each sometimes trumps the good of all, most of the submissions to the inquiry suggested that, in the context of the politics of identity, a 'hierarchy of human rights' had developed in the UK. The hierarchy involves some groups being politically and legally privileged at the expense of other groups, and was identified as being particularly prevalent in relation to sexuality. This perpetuates the idea that Christians are obsessed with sex. Christians have historically received a clear biblical model for sexual relations with vital spiritual dynamics that reflect Christ and the Church. As contemporary ideas have adapted to express other sexual ethics, the consistency of the Christian view has presented a problem for legislators.

When asked whether the current situation is simply an inevitable outcome of a process of secularisation in the West, a process that Christians should simply accept and acclimatize to, Mark Barrell of LCF observed that: *"In terms of secularisation, there is a myth that this is a neutral position. It is not neutral."* This statement shows that every law can be seen as prejudicial and coercive, either affirming or counteracting a worldview, and it accords with the observation of Martin Luther King Jnr that 'the habits, if not the hearts of people, have been and are being altered everyday by legislative acts, judicial decisions and executive orders'.²⁸

²⁷ Boucher, Daniel (2010) *A Little Bit Against Discrimination?* London, Care www.care.org.uk/wp-content/uploads/2010/10/CARE_AgainstDiscrimination_Layout-1.pdf

²⁸ Wogaman, J. P. (1988) *Christian Perspectives on Politics*, London, SCM Press Ltd

“We see religion as part of the solution to the problems we have to deal with. Does government? I think the present coalition government has given some mixed signals on this... understanding religion as a potential source of social tension and difficulty which has to be moderated from a position of presumed neutrality? Does it actually understand that neutrality doesn't exist? ... and that to work with religions you have to actually understand them from within.”

Revd Dr Malcolm Brown, Church of England

The prevalence of the myth of secular neutrality was identified in many submissions as a critical factor in skewing the law and public perceptions to the cost of religious freedom.

By taking into account the causes for the current legal situations facing Christians in the UK we have outlined fundamental flaws in the political framework through which we view and legislate for our rights and responsibilities. This is the context in which Christianity is largely misunderstood and belief is insufficiently accommodated in public life.

As we took evidence, alongside providing an analysis of the problems that Christians face, we also wanted to present a positive response to how the situation could be improved. In this chapter and the final chapter we will provide a few starting points for how to resolve some of the problems identified by the inquiry. In line with the preliminary nature of this report, these are tentative suggestions. Yet, we also maintain that, given the urgency of the situation regarding Christian freedoms in public life, some of the proposals should be considered for implementation with immediate effect. Others, however, will require more substantial research and discussion.

This chapter will be concerned with practical solutions that could be implemented by various levels of government, public bodies and professional organisations. As a group of parliamentarians, our first response is often to think about how changes to the law can make a

difference and there are some changes which we believe warrant serious consideration. In many other areas it is not the law itself which requires changing but the way it is applied and interpreted. The way that government treats issues relating to religious identity and freedom are also very important. Therefore we will make some specific suggestions for improved guidance and policies as well as a call for much greater collaboration with faith groups in their development in the future.

It is crucial that we bear in mind that we are not looking to the government to enforce Christian belief on a plural society, but neither are we suggesting that Christians should give in to a secular humanist agenda. Christian ideas for society are underpinned by a gospel that both requires and extends freedom – and this means the freedom to accept or reject those very Christian beliefs.

In the sphere of civil society, there is clearly a lot that the Church can do which the government and parliament cannot. In the final chapter we will address our recommendations to the Church and their role in responding to the problems identified by the inquiry.

Reasonable accommodation

Many of the witnesses in their written and oral evidence suggested that the government should provide statutory guidelines for a form of ‘reasonable accommodation’, to preserve space for religious belief when tensions arise with other rights or equality strands. The concept of reasonable accommodation is already used in UK law to decide whether companies and organisations have made reasonable accommodation for people with disabilities. This approach acknowledges difference and accepts the need for discrimination in specific circumstances. For example, public buildings and commercial premises should provide disabled access to their facilities, but in the case of historic or listed buildings this may not be feasible without significant or damaging alterations. Therefore

there is a test of whether proprietors have made reasonable efforts to accommodate the needs of disabled people, for example providing access to some parts of the building but not all.

It was suggested to the committee that the introduction of a test of reasonable accommodation would ensure that the rights of Christians and those of other faiths to manifest their belief were not unduly restricted. As of February 2012, four cases are before the European Court of Human Rights which involve Christians who have encountered difficulties with their employers and the courts. The Eweida and Chaplin cases involve the wearing of religious symbols, while the Ladele and MacFarlane cases involve refusals to offer goods or services because the individuals believe they would be condoning activity contrary to their beliefs. In all four of these cases the courts upheld the actions of the employers which resulted in a restriction of their ability to manifest their belief. It was suggested to the committee by both Christian Concern and the Christian Institute that, in these cases, reasonable accommodation may have ensured that they did not end up in the court. The Equality and Human Rights Commission initially suggested that they would back the European Court's review of these cases and included in its consultation the suggestion that reasonable accommodation may have a future for such in cases. However, in their eventual submission the EHRC backtracked on its decision and only supported the two less significant cases involving religious symbols.

"Equalities legislation needs to be tempered by embracing the concept of reasonable accommodation in law. Reasonable accommodation is already recognised in the legal system in many instances, and particularly in the field of disability legislation. I think that principle can be carried across to every other human right, not just religion and belief."

Dr Don Horrocks, Evangelical Alliance

"The way the law is framed doesn't invite them [the courts] to ask that question [could accommodation be found?]. And I think the reason

then for proposing a reasonable accommodation duty is that it sends a message to employers; that if you can find a way of accommodating this on the ground, you should adopt that way, where it's not too costly to you."

Professor Julian Rivers

The inquiry received some cautioning advice which suggested that reasonable accommodation is not a silver bullet to protect the role of religion in public life. Malcolm Brown, speaking for the Church of England, said: *"My qualms are about over-legislating, turning it into another set of formulae about what is reasonable. ... If it becomes too much about defining the nature of what is reasonable I can see all sorts of dangers going down that route."* However, he did go on to suggest that informal mechanisms for resolving problems without invoking legal action would be helpful.

We recognise that there are two important distinctions between how reasonable accommodation is currently used in relation to disability issues and the form it has been proposed for religious belief. First, most of the accommodation required in the current usage is functional, meaning that buildings need to be adapted, or work practices changed. If reasonable accommodation was used in relation to religion, the meaning of such accommodation would be harder to assess because it is likely that the impact may be more subjective and difficult to quantify. In relation to this challenge, Julian Rivers observed that that the law already assesses what is reasonable in the context of indirect discrimination, but it requires a framework for decisions to be made in a fresh context.

The second challenge is that, in many of these cases, the accommodation would need to work both ways – with the employer and employee genuinely seeking to accommodate each other. It is worth noting that the cases which the EHRC is backing at present involve the functional manifestation of religion and do not represent a tension between belief and other equality strands. In this regard, their suggestion of using reasonable accommodation more closely follows its current

usage. Witnesses to the committee proposed broadening the application for it to address the issues raised in many of the cases where religious belief and sexual orientation are at odds. So while an employer might need to show that reasonable steps had been taken to accommodate an employee's religious beliefs, acknowledging that certain activities might condone behaviour contrary to their beliefs, it might also be necessary for the employee to show they were willing to accommodate the values of those who disagreed with them.

“There is a particular need when laws go through which might impinge on the freedom of action, of not just Christian believers but religious believers more generally, to think not in terms of freedom of religion or religious discrimination, but to think in terms of conscientious objection and the exceptions that you might need to build into the legislation up front.”

Professor Julian Rivers

One of the key findings of our inquiry is that the various levels of government and other public bodies often demonstrate an insufficient understanding of religious belief. This also includes the courts as they apply and interpret the relevant laws. Given the present levels of religious illiteracy, we have reservations about the capacity of the courts to take an active role in deciding what is or isn't reasonable in relation to the accommodation or manifestation of belief. While we acknowledge that Christians do hold different views of sexual ethics, the idea that sexual relationships should only be between a man and a woman within the context of marriage is an outworking of mainstream Christian belief. To date, the courts have not accepted that a restriction of the outworking of this belief is an undue restriction on an individual's freedom of belief or expression. We consider that this means that despite the equivalence of equality strands within the 2010 Equality Act, there is *de facto* privilege of sexual orientation rights over religious belief.

Recommendation

We recommend that further research is conducted into how statutory guidance for reasonable accommodation can be developed. This should be explored in order to better ensure that Christians, as well as members of other faiths, have the room to articulate and live out their beliefs in all areas of their life, both private and public. We would hope that this could help avoid the undue limitation of belief, and help resolve conflict without unnecessary legal action – all of which weakens civil society.

Recommendation

We recommend that the Equality and Human rights Commission should be reviewed in terms of the focus of its work. It should also be restructured to include and to better represent religious beliefs.

Local authority guidance

A number of the cases that were brought to the attention of the inquiry highlighted problems for Christian freedoms because of the way that the law is interpreted by the courts, or the way that criminal offences are handled by the police. A significant further set of problems was attributed to the actions and policies of local authorities.

Many of the problems relate to funding relationships between local authorities and churches or Christian organisations. One significant and well publicised case was between Pilgrim Homes and Brighton and Hove Council²⁹. The council withdrew funding of around £13,000 a year from Pilgrim Homes, which was established by William Wilberforce and others to provide residential care to elderly Christians. Funding was withdrawn because they refused to question the elderly Christian residents about

²⁹ Pilgrim Homes v Brighton and Hove Council (High Court of Justice, Manchester District Registry claim number 9MA00620) cited in Aughton and Ainsworth written submission to Clearing the Ground inquiry

their sexual orientation every three months. The council also insisted that staff should attend a Stonewall presentation on lesbian, gay, bisexual and transsexual issues. Eventually, the council backed down and reinstated the funding after proceedings were issued in the High Court.

As with the earlier cited example of Frontline Church in Liverpool, there appears to be a presumption in local authorities against working with Christian organisations or churches if they hold and articulate an orthodox Christian view of sexual ethics.

We acknowledge that the former secretary of state for local government and communities, Rt Hon John Denham MP, issued a set of myth-busting guidance³⁰ for local authorities on how they can work with faith groups. This was a helpful innovation. Yet, the persistence of cases where Christian organisations are marginalised or excluded because of the manifestation of beliefs indicates that this guidance is either being ignored or needs further development. There is also a role for Local Government Improvement and Development (formerly the IDeA) in encouraging the sharing of best practice across different authorities. Martyn Eden gave evidence to the committee on behalf of Premier Media Group. He said: *“Local authorities will not work with Christian groups and churches. My own church wanted to put money and people into a youth centre, the local authority said ‘no, we can’t mix public money and church money in any way, shape or form.”*

Local authorities are legally required to facilitate fostering and adoption.³¹ Recent high profile court cases such as the Johns’ case in Derby have meant that their role has come under particular scrutiny in relation to the application processes. There is now confusion about the place of religious people as prospective foster parents and adopters. There is a lack of clear guidance about how local authorities should work with people with religious beliefs.

Recommendation

We recommend that guidance for local authorities on how to deal with faith groups should be strengthened. In the development of improved guidance and its consistent application we encourage local authorities to work closely with Christian groups, as well as other faith bodies. There is a role for such guidance to come out of government departments, and for ministers and civil servants to set the tone and direction for a better working relationship with faith groups. However, the way that faith groups interact, with each other and local government, in different parts of the country mean that the most effective and relevant guidance will often be developed on a local level and then subsequently shared and implemented.

Recommendation

We recommend that the government should provide clear guidelines to local authorities that are unequivocally supportive of children being fostered and adopted by people with religious beliefs. Such guidance should affirm and support Christians to foster and adopt. It would encourage more Christians to play their part in addressing the problems in the adoption and fostering system in the UK.

Guidance for professional bodies

In Chapter 2 we explored how the guidance of professional bodies such as the GMC or the BACP can have a restrictive effect on how Christians live out their faith. The guidance as currently issued leads to a presumption against accommodating any public outworking of belief. Such a perspective is perpetuated by a view that religious belief is a private phenomenon with

³⁰ www.communities.gov.uk/documents/communities/pdf/15073411.pdf

³¹ www.baaf.org.uk/res/legislation

no public effect. Freedom of religion, and the manifestation of belief, naturally entails a public aspect of such belief. Professional guidance that requires adherents of a faith to leave the central driver for their identity at home demonstrates a fundamental misunderstanding of Christianity and the role that belief plays in motivating actions.

The General Teaching Council (GTC) will be disbanded from the end of March 2012, with some of its responsibilities transferred to a new Teaching Agency. Therefore it is crucial to consider the guidance which is provided for schools by the Department for Education to ensure that they act in accordance with the Equality Act 2010:

“Where individual teachers are concerned, having a view about something does not amount to discrimination. So it should not be unlawful for a teacher in any school to express personal views on sexual orientation provided that it is done in an appropriate manner and context (for example when responding to questions from pupils, or in an RE or PSHE lesson). However, it should be remembered that school teachers are in a very influential position and their actions and responsibilities are bound by much wider duties than this legislation. A teacher’s ability to express his or her views should not extend to allowing them to discriminate against others.”³²

We consider that the above guidance is a helpful start and represents the best of any Whitehall department, but it would be preferable for such statements to also include the legitimacy of sharing one’s personal religious beliefs in a suitable manner and context. Later in the same document examples are provided of equality objectives for schools, one of these is *“to increase understanding between religious groups”*. While this is a laudable aim it too should be supplemented by an objective that seeks greater understanding of religious groups and their beliefs, rather than just between them.

Guidelines produced by the Department of Health³³ do not include an equivalent statement as included in the education document which acknowledges the appropriate and sensitive explanation of views on sexual orientation. The guidelines simply state: *“Any NHS employer faced with an employee who . . . makes homophobic comments or preaches against being lesbian, gay or bisexual, should refer to its anti-discrimination and bullying and harassment policies and procedures.”* The wording from the Department for Education reflects a better handling of the tension between different beliefs and values. While we accept the position of authority that medical professionals are in, and the position of vulnerability patients may be in, the explanation of views on sexual ethics should not be automatically considered homophobic or harassing. Likewise, guidelines on proselytism should not rule out all explanation of beliefs as inappropriate, and prayer should be explicitly allowed in cases of mutual consent and when done with wisdom and sensitivity.

Recommendation

We recommend that the government should develop and disseminate guidance that educates professional bodies about religious identity and religious freedom, and encourages consistent application. Accounting for context, such guidance should provide a space for the outworking of belief and acknowledge the contribution it makes.

The Public Order Act

Tolerance is too often assumed to mean not offending people whom you disagree with. As such, it differs fundamentally from respect – which is about acknowledging difference and living beside people with whom you may have profound disagreements, even to the point that their views cause you offence.

³² <http://media.education.gov.uk/assets/files/pdf/e/equality%20act%20guidance%20december%202011.pdf> p15

³³ Department of Health, Religion and Belief: A Practical Guide

We think that the law currently prefers sameness over diversity, and this is especially problematic in how it deals with religion and belief. In the equality strands there are different approaches to equality. In some areas equality is because of intrinsic sameness, while in others it is premised upon intrinsic difference. In the area of racial equality there isn't any justification for treating someone of one race differently to another. Here equality is based on our shared humanity and our race or ethnicity should not affect this. In the area of gender equality the picture is more complicated. For example, an argument for increasing the number of women in parliament is that it will encourage a different and less adversarial political culture. Although age is a protected characteristic, many services are not universally provided regardless of age, and in others age is taken into account when determining the provision. For example, younger adults will pay higher car insurance premiums than older people.

This notion of equality acknowledges difference, and as we consider how different religious beliefs are handled under the law, the concept of diversity is essential. The protection of religious belief should be oriented towards safeguarding difference rather than encouraging conformity. As Evelyn Beatrice Hall stated: *"I disapprove of what you say, but I will defend to the death your right to say it."*

The committee was presented with several examples where Section 5 of the Public Order Act was used to justify an arrest. In the two prominent cases involving a street preacher and a café owner displaying biblical texts, the articulation of unpopular, perhaps offensive views, led to the intervention of the police. Representing the Christian Institute, Mike Judge commented: *"A Christian can actually say some quite measured*

things in a very reasonable way and end up wearing handcuffs and taken to the station under a Section 5 offence." There is a case for removing the categorisation of 'insulting' behaviour from this law. Even in situations such as in the case of Dale McAlpine where it was clearly insensitive and unwise to preach passages relating to sin and homosexuality, there should not be an automatic assumption of a hate crime.

We do accept that context, content and tone are important factors in determining what constitutes incitement to hatred. However, in a liberal democracy, the application of 'insulting' means that the bar is currently set far too low. By this measure the judgment is based on the subjective feelings of the person who has been offended. The application of the law in this way can and has in several cases led to an undue restriction of the freedom of expression.

We received a written submission from Aughton Ainsworth solicitors that contained details of a range of cases they have been involved with in recent years. In one such case where Joe and Helen Roberts³⁴ had inquired of their council how much of taxpayers' money was spent on promoting homosexuality, the council made a complaint to the police. In their submission Aughton Ainsworth state: *"According to ACPO [Association of Chief Police Officers] guidance, all such complaints are to be treated as homophobic incidents, recorded as homophobic crimes (whether they are a crime or not) and investigated as a hate crime."* We therefore also suggest that guidelines provided by ACPO are improved to ensure that religious beliefs are not restricted. Such guidance could include an explicit statement that the disapproval of homosexual activity does not automatically constitute a hate crime.

³⁴ Joe and Helen Roberts v The Chief Constable of Lancashire and Wyre Borough Council (High Court of Justice, Manchester District Registry claim number 6MAQ5136) cited in Aughton Ainsworth written submission

Recommendation

We recommend that the government should amend Section 5 of the Public Order Act. For example, removing the category of ‘insulting’, or supplementing the Act with clearer guidance. Either measure would provide a simple way of strengthening the protection for freedom of belief and help to foster a culture that more authentically respects a diversity of views and identities. It would not only apply to disagreements between and within religious groups, and their freedom to articulate their beliefs, but also to comedians and entertainers who fear that their comedic efforts could be classed as insulting, and therefore outlawed.

Religious literacy

We have found that many of the issues raised in the inquiry stem from a deep-seated and widespread lack of understanding about the nature and outworking of religious belief. This ignorance works itself out in the way that laws are drafted, the judgments courts issue and the policies adopted by government departments and local authorities. It also plays a role in how cases are presented in the media and how the public subsequently interpret them.

We have found that that there is an urgent need for better coordination of government policy in relation to religious belief. The way that the government handles the human rights, legal, and community aspects of religion and belief is too complicated. As a result of the Equality Acts of 2006 and 2010 which classified religion and belief

quite widely, secular humanism is now treated as a belief system. This is reflected in bodies such as the religion and belief consultative group of the Equality and Human Rights Commission, which is comprised of a very broad spectrum which includes the British Humanist Association and the National Secular Society. Despite their respective memberships being tiny compared to those of religious organisations, on the basis of self-identifying as ‘non-religious belief groups’ these organisations insist on being invited to every consultation of government with faith groups and protest when they are excluded. With secularists using a veto to block most proposals by religious groups, the EHRC group eventually ceased to function formally.

Importantly, the government organs that deal with religion and belief are dispersed and unrelated. The Government Equality Office (based in the Home Office) is responsible for human rights aspects of religion and belief while the DCLG is responsible for the community dimensions, such as relations with local authorities and funding etc. Further confusion is caused because of the existence of a desk within the Foreign and Commonwealth Office, which was the source of the government’s intervention in the current cases before the European Court of Human Rights.

The level of inter-departmental consultation with the GEO is considered to be very good. In the GEO there is a small religion and belief section as well as another section specifically dedicated to ‘Work and Religious Exceptions: Equality Legislation and Better Regulation’. The existence of this group dedicated to the exceptions allowed to religious groups from equality legislation, suggests that the groups are policed quite closely within an inflexible system.

Recommendation

We recommend that steps are taken to coordinate all relevant policy areas across government. This could take the form of a dedicated unit within the Cabinet Office, or a clearly stated key responsibility for the minister for the Cabinet Office. Such a move would help overcome the complex and confusing arrangements that currently span numerous departments and policy areas.

With an emphasis on supporting the role of religion in public life, a coordinating role for the Cabinet Office in supplementing, harmonising and streamlining the current plethora of different responsibilities would encourage a more positive place for religious belief than is currently the case. Such a unit would provide a point of contact and reference for all government departments and play a key role in promoting the good that religious belief can bring to public life.

Recommendation

We recommend that far greater effort is given by government to improving the religious literacy of employees in government departments, local authorities and public bodies. We are aware that in other equality strands stakeholders are used to provide training and support. This is a model that should be used with religion and belief. In order to enhance understanding of religious belief, all levels and aspects of government should engage with faith groups and encourage them to provide training and information. While there is a role for multi-faith bodies, an understanding of the nature of particular faiths will be best developed through their relevant faith bodies.

We recommend that this training should be intensified in depth and frequency as the management structure of the civil service ascends.

Summary of recommendations

On the basis of the first two chapters of this report, we reiterate that there is a problem facing Christians in Britain today. It is not universal, and in many areas of public life there are no difficulties for Christians to live out their beliefs. This chapter has suggested some tentative ways forward. We recommend that:

- ‘reasonable accommodation’ is a concept that has merit and warrants further consideration. If proved viable, it may help to prevent legal cases that unduly restrict religious activity;
- guidance for local authorities on how to deal with faith groups should be strengthened;
- guidance should be developed that educates professional bodies about religious identity and religious freedom;
- areas of the law that permit the arrest of individuals for insulting behaviour need to be significantly amended or reinforced with guidance that permits freedom for preaching and the public articulation of Christian beliefs;
- better guidance for government departments and professional bodies to help accommodate religious belief and the way it works itself out in everyday life;
- clear guidelines should be provided to local authorities that are unequivocally supportive of children being adopted and fostered by people with religious beliefs;
- there needs to be better coordination of policy relating to religion in and across government, and urgent efforts need to be undertaken to improve religious literacy.
- the Equality and Human Rights Commission should be reviewed and restructured to include and to better represent religious beliefs.

4. What should Christians do?

This report represents the preliminary findings of an inquiry to establish whether or not it is becoming harder for Christians to act with integrity to their beliefs. In seeking to clear the ground for issues relating to Christian freedoms in the UK, we have concluded that there is a problem. Ranging in their intensity and complexity, the problems can all be seen to contribute to a gentle squeezing of religious belief, and in this case specifically Christianity, from public life. We are under no illusions that the task of responding to these challenges is a significant one.

The proposals in Chapter 3 seek to provide practical solutions to deal with these injustices. It recommends various measures that can be taken by parliament, government and other bodies. Alongside these legal and cultural proposals, we want to set out steps that churches, Christian organisations and individual Christians can take to respond to the challenges they face. A central thread for this chapter is that the Church in the UK has an urgent educational task itself.

Discipleship for political and cultural engagement

It is worth re-stating that whatever the challenges Christians may face in the UK, they are minuscule compared to the persecution of Christians in many other countries around the world. Christians are experiencing marginalisation and discrimination in the UK, but they are not experiencing persecution. The Bible is clear that Christians should expect that their values can lead to tension, misrepresentation and even opposition. This was acknowledged in submissions to the inquiry. We consider that there is much to celebrate about contemporary life in

Britain and as such wanted to avoid a wholly critical analysis. As such, all the submissions to the inquiry were asked to outline their vision for society.

All those who gave evidence saw the place of Christianity as being neither private, nor privileged.³⁵ Contributors also agreed that plural society is a good thing which provides a framework of interaction for groups to show sufficient respect and tolerance of each other. This allows us to fruitfully coexist and interact without conflict or assimilation and it was generally appreciated as a biblically consistent way to organise society – and something worth defending.

Such a view is outlined by Lord Carey: *“This is the nature of the Church in a democracy – not to be the dominant voice, but to earn the right to be heard through its experience, its witness, and the quality of its extensive thinking about the common good.”*³⁶

“It’s a fundamental question about whether society allows people to say things others don’t agree with. It is very important that we don’t get to a point where we can’t criticise something.”

Richard Kornicki, Catholic Bishops’ Conference

Alongside the strong critique of the legal imposition of secularism, the inquiry also found that there was a general acknowledgement among those giving evidence that Christians have been complicit in creating the problems that we now face. This complicity was identified as being primarily based on a lack of training or discipleship for public life in Christian ministry.

“I am dismayed by the idea that Christians sometimes portray those they disagree with as the enemy. Our concern is legitimate though.”

³⁵ Spencer, N (2008) *Neither Private, Nor Privileged – The role of Christianity in Britain today*, London, Theos: <http://campaigndirector.moodia.com/Client/Theos/Files/NPNP.pdf>

³⁶ Carey & Carey (2012) *Ibid* p125

We are getting to a point where the unintended consequences of well intended positions have caused a problematic situation. We want equality, and have bought into society's arguments in favour of equality. This has had the unintended consequence of eroding society. It means that society no longer functions well. It is reasonable to raise our voices and say we are concerned about these trends because of their effect on the common good. Some of the issues which are always presented in individualistic terms have social consequences which are detrimental to the wellbeing of all. We face a major challenge about how to tell our story in a way which is about the common good. We need a society where we are able to tell our story."

Revd Dr Malcolm Brown, Church of England

This acknowledgement of an occasional lack of humility and a need to speak truth with grace to an ailing culture was a welcome contribution to the inquiry. It was accompanied by a sober analysis of the educational tasks that Christians face both to the Church and to the culture.

During the inquiry all witnesses were asked the question: 'What is the biggest challenge facing Christians in the UK today?' The responses from Julian Rivers and Peter Saunders encapsulate common sentiments expressed by contributors to the inquiry:

"I think I would want to start by saying that the major challenge is a personal and theological one; it is the challenge to live an authentic life modelled on that of Jesus Christ. So the next problem that we have to consider is why we have certain difficulties? Why is this committee sitting? And I think the answer to that is that we live in a culture which is increasingly shaped by other influences other than Christianity and that has always produced tensions between the Christian Church and the surrounding culture. So there is nothing strange or odd about that. It's simply a natural consequence of a culture that has become largely characterised by a substantial measure of agnosticism and also by significant religious minorities as well."

Professor Julian Rivers

"The challenge is always to live in obedience to Jesus Christ, in fulfilling his great commission and his great commandment. I think that we are living in a society which has changed from having a predominantly Christian theist worldview, to one where secular-humanism and indeed more recently the new atheism is becoming more prominent... We live also in a much more multicultural society with people of other faiths and alternative world views. I think that inevitably has created some pressure points."

Dr Peter Saunders, Christian Medical Fellowship

In this context, there is a danger of identifying the problem and then assuming someone else will fix it. This means that a broader task for protecting religious freedoms in the UK is that of discipleship – the Church helping to develop Christians who lead lives that are authentic to the teachings of Christ. This is not a role for government. It is one which the Church must urgently engage in with all its energy and resources.

Responding, not reacting to problems

It is a Christian responsibility to proclaim the gospel, challenge injustice and to speak out for those without a voice. In a context of competing claims for power, it is critically important that Christians respond rather than react to the challenges they face. Chapter 1 showed how, by sometimes adopting an aggressive and amateur approach Christian campaigning can be complicit in exacerbating the problems that they set out to oppose.

"There are a few Christian organisations that are as vituperative as the tabloid press, and they ramp up in extremist language the nature of a problem and the nature of a case. Of course they're putting the other side of the case, but there are one or two very well known Christians for whom their whole campaign is built on this sort of exaggerated language; which of course the media then feeds off, and they present a view of us as being cranky."

Martyn Eden, Premier Media Group

We strongly suggest that the groups who bring these cases to court and into the public's attention need to first reflect upon the impact that their actions might have upon politics, public opinion, other Christian public policy groups, and Christian confidence. Closer consultation with a broad range of parliamentarians, representative organisations and think-tanks, and more cooperation between public policy groups should be priorities for Christian campaigning.

Despite this report showing that there are legal and cultural problems which represent discrimination against Christians in the UK, the negative forms of Christian public engagement perpetuate an idea of Christians being pushed out of public life that is not supported by the evidence of this report.

It concerns us that those organisations most associated with the legal cases rely on the publicity that legal cases generate to raise funds from their supporters. In evidence submitted to the committee the financial cost of bringing cases and a customary reluctance of many to enter into legal proceedings was reiterated. However, it is doubtful whether some campaign organisations would remain financially viable if all the cases they were involved with were settled through informal and unpublicised mediation and accommodation.

By strategically promoting the cases likely to reach the courts, and giving the most attention to those which address the most shocking injustices and restrictions on Christian belief, negative public perceptions can often exceed the reality of the situation. In addition to their written submission, Premier Media Group (PMG) published a report for the inquiry on the marginalisation of Christianity in the UK. This report refers to PMG's own consultation, *Freedom of the Cross*, where, although 12 per cent of respondents had experienced victimisation for their beliefs, 63 per cent had "observed marginalisation in British public life"³⁷ This

exposes a gap between perception and reality. It also identifies a process whereby, by encouraging the public to think the situation is worse than it really is, a Christian withdrawal from public life can be affected through disillusionment and misinformation. The erroneous communication of the full facts pertaining to legal cases and judgments is particularly concerning. Although the presentation of information in a campaign will always be part of an overall strategy, in a media context of intensive and cynical scrutiny, any embellishing or exaggerating of the facts can quickly bring Christianity into disrepute.

The case that we were particularly interested in was Eunice and Owen Johns who had applied to foster with Derby City Council. We will not review the finer details of the case in this report, but they withdrew their application and sought a ruling of whether their views on sexual orientation could be legitimate grounds for them to be turned down as foster parents. The judge refused to issue a judgment and was strong in his criticism that the case had ended up before him, without a properly constituted issue to adjudicate, and on issues of law which had clear precedent. The judge was especially critical of the barrister bringing the case and the arguments he used as many of these had previously been rejected by other courts.

We are not making a comment on the legal judgment, nor do we doubt the complexity of fostering and adoption guidelines and the potential for Christians to feel restricted by these. Indeed, the case inadvertently had the effect of exposing the bias of the EHRC. However, we are very concerned about the way in which the case was presented and reported. From reading some of the headlines the next day one could easily form the view that Christians were barred from fostering. In fact an e-mail bulletin sent from a prominent Christian campaign group to a distribution list of supporters suggested as much. In reality, the court judgment³⁸ said no

³⁷ Premier Media Group, *Report on the Marginalisation of Christianity in British Public Life 2007-2011* supplementary evidence presented to the Clearing the Ground inquiry

³⁸ Full judgment available at www.bailii.org/ew/cases/EWHC/Admin/2011/375.html

such thing, and under compulsion to provide Christians and the general public with the facts, both the Christian Institute³⁹ and the Evangelical Alliance⁴⁰ issued counter statements to clarify the situation. We do not deny that the requirements inherent in the secularist equality language of local authorities present challenges for Christians in the adoption process, but they should not be seen as insurmountable, and at present there are no formal barriers to Christians adopting or fostering.

Christians should act and speak with integrity at all times, and when representing the Church to the world or communicating secular issues to the Church, they should speak with professionalism, accuracy and grace. The assumption of a martyr position can appear laudable, but is often a lazy mode of public engagement.

"We have a problem on our side on this one, in that persecution as a motif is deep in the DNA of Christianity. The early Church was persecuted and that gave it its identity. It leaves us with a sort of residual feeling that we have to work harder, that we're most authentic when we're most at odds with the rest of society. I don't exaggerate that too much I think. It's a constant tension in being a Christian in a country that is still comfortable on the whole with Christians."

Revd Dr Malcolm Brown, Church of England

Vision and hope for society

"We have backed the Big Society agenda very strongly. We believe it is about strengthening those bodies which teach people how to be human. These bodies are bigger than the family and smaller than the state. At the same time, there are other strands in government which are strongly pro the free market. They see us as a society of strangers who can only resolve our differences through recourse to the law. How powerful are the voices wanting to rebuild the informal structures

which make us human, and how powerful are the groups which say there is no way of mediating between individuals?"

Revd Dr Malcolm Brown, Church of England

A major theme of our inquiry is to not only identify problems and potential solutions for Christians in public life but also to affirm the role of faith in society. We have shown how the submissions communicated a common support for a plural society in which the historic and contemporary place of the Christian faith was acknowledged.

"Not a theocracy, a good Christian influence on our society. I think we need to not fall into the trap of thinking that a culture, or a nation could ever be neutral. It is always influenced by a set of values one way or another, and we as Christians would want them to be Christian values. But, we would only ever avail ourselves of the legal and democratic mechanisms to make those arguments in our nation."

Mike Judge, Christian Institute

In considering the ways in which Christians can better respond to the challenges they face, and better demonstrate a positive vision for society, we endorse the explanation set out by Julian Rivers:

"I think the vision was best expressed by Augustine who contrasted two cities, the earthly city and the heavenly city; and Christians are primarily citizens of the heavenly city, a spiritual dimension to life which is not captured by the governments of this age or the powers of this age. But we do have a responsibility toward the earthly city which is to seek its good and to seek its welfare."

Professor Julian Rivers

Too often the Church can be defined by what it opposes, instead of what it proposes. It is essential that Christians articulate a vision for society that goes beyond defending their own interests and is seen to be for the good of all.

³⁹ www.christian.org.uk/wp-content/downloads/statement_on_christian_foster_case.pdf

⁴⁰ www.eauk.org/media/response-to-derby-city-council-fostering-case.cfm

The privatisation of faith during the last century established a sacred-secular divide through which Christianity lost much social and political influence. Many Christians are once again seeing a role in public life as a way of living out their beliefs and, as secularism continues to fail, this divide is disintegrating. Christians of all denominations are increasingly aware of the need to engage in the challenges that face their communities, our nation and the world. This involves moving beyond services in buildings and towards the Church as the servant-leader of the community. Such a shift is already transforming many deprived parts of the country and is a most welcome development. However, in relation to political and social recognition there is much more to be done in demonstrating the vital role of faith.

“The Catholic Church has been doing some work on how its entire social action network is organised, and when we start to analyse the amount of money involved, the number of people involved, the frequency with which activities took place, you start adding up all the care homes, all the schools, all the religious orders, all the members of the St Vincent de Paul society who only exist locally, but they go out in every parish visiting the old and the sick, and needy every week. You have a vast undercurrent of active Christian function living out their faith in this country which is so prevalent but no-one actually notices it.”

Richard Kornicki, Catholic Bishops’ Conference

It is perhaps understandable that Christians are sometimes reluctant to publicise their activities, achievements and social contributions. This is probably related to scriptural injunctions for humility and to not boast about good deeds. However, if freedoms for Christians are to be preserved and the socio-political role of the faith is to be properly valued, it is important that Christians increase their voice and volume about what they contribute to society. This positive messaging should always eclipse what is spoken against in society.

Christians in the UK are free

We began this report by stating that, when assessing the nature of Christian freedoms in the UK, it is important to be mindful of the difficulties that Christians are facing in many parts of the world experience because of their beliefs.

The report submitted to the inquiry by Premier Media Group drew a helpful distinction between marginalisation, which is experienced in the UK, and persecution, which is seen in other parts of the world. We think it is essential that Christians who speak publicly about the problems they face in the UK should avoid the language of persecution, and the organisations that run public campaigns should assiduously avoid any suggestion that our domestic experience is comparable to that witnessed overseas. To describe our experiences in the same categories as Christians in places such as Iran, Nigeria and North Korea does a great disservice to the historic mission of the Church and dishonours those who are suffering and dying for Christ.

In our review of how some Christians in the UK are experiencing discrimination and marginalisation, it is worth noting that this may be indicative of the integrity and vitality of the faith, and also that such treatment should not be surprising. This is not to ignore or discount the problems outlined in this report but to add an important perspective. Professor Julian Rivers was quoted earlier stating that *“there is nothing odd or strange”* about the tension we are seeing between religious belief and wider society. We consider that this is to be expected and acknowledged, and as such not necessarily always resisted. Indeed, we would perhaps be more concerned if we could not identify areas where Christian belief created friction with its host society. As Christians we should not be looking for an easy life and the tension we see between our beliefs and the society we belong to should be a healthy reminder of the difference between the world we live in today and the world to come.

Summary: opting out of public life is not an option for Christians

As well as considering the practical problems and anecdotal stories about the challenges that Christians face in the UK we also reflected upon the deeper ideological issues that lie behind the changes witnessed in recent years. Many witnesses identified that in addition to the specific legal and political problems examined in Chapter 2 there exists a wider cultural challenge relating to the way that religion makes truth claims that are absolute. The truth, however, is that all beliefs (including secularism) claim absolutes, even if that absolute is the lack of absolutes. Therefore in a society with multiple beliefs we accept that there will always be a conflict between the views and values which are present. As the prime minister set out in his speech celebrating the 400th anniversary of the King James Bible:

“We are a Christian country. And we should not be afraid to say so... the Bible has helped to give Britain a set of values and morals which make Britain what it is today. Values and morals we should actively stand up and defend...”

The alternative of moral neutrality should not be an option... Put simply for too long we have been unwilling to distinguish right from wrong. ‘Live and let live’ has too often become ‘do what you please’. Bad choices have too often been defended as just different lifestyles. To be confident in saying something is wrong, is not a sign of weakness. It’s a strength. But we can’t fight something with nothing. As I’ve said if we don’t stand for something, we can’t stand against anything... those who advocate secular neutrality in order to avoid passing judgement on the behaviour of others fail to grasp the consequences of that neutrality or the role that faith can play in helping people to have a moral code...

I believe the Church – and indeed all our religious leaders and their communities in Britain – have a vital role to play in helping to achieve this.”⁴¹

Rt. Hon David Cameron, Prime Minister

From the evidence we heard and our deliberations we are further reminded of the crucial importance of Christians playing a full role in all areas of society. The freedoms that they enjoy, largely as a result of the influence of their fore-bearers working for liberty and justice, are worth defending. These freedoms enable the proclamation of the gospel and its practical outworking in people’s lives across the UK. Whether this is in local voluntary social action, working in schools, hospitals and prisons, or working for change in the institutions of government, or campaigning for a more just world, we must not be deterred from this vital work by the cases that make the headlines.

Despite the problems that have arisen in recent years and despite the way in which they have come to define Christian interaction with society, there are still broad freedoms for Christians to exercise their beliefs and contribute to society in the UK. Christians should make the most of these freedoms and engage their faith fully and confidently. Being distinctively Christian, they must work for the good of society, and towards a society that is truly respectful of different beliefs. Christians should encourage a confident pluralism that acknowledges disagreement and is not a cover for enforcing sameness under a cloak of diversity.

‘Gospel’ means good news. Christians in the UK have the privilege and responsibility to defend the freedoms that the gospel proposes and requires. We hope that the Clearing the Ground inquiry will help Christians: to live out their faith without coercion or compromise; to continue to make immense practical contributions to the wellbeing of communities; and to speak out the good news of Jesus Christ with confidence and grace.

⁴¹ www.number10.gov.uk/news/king-james-bible/

Appendix

List of contributors to the Clearing the Ground inquiry

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Catholic Bishops' Conference of England and Wales
Christadelphians
Christian Concern
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Julian Rivers
Kingdom Faith Church
Kingdom Technology Partnership
Lesbian and Gay Christian Movement
Life in Abundance (Ecuador) Trust
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The Lawyers' Christian Fellowship
The Maranatha Community
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World Vision

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