

Salt and Light Papers provide important information and analysis to help Christians and Churches to engage with 21st century social issues

HA1

BUT SOME ARE MORE EQUAL THAN OTHERS: THE AFTERMATH OF THE BULL B & B CASE

An award of damages against Christian hotel owners in Cornwall has caused increasing and widespread concern that discrimination laws in Britain may have gone too far.

Peter and Hazelmary Bull, owners of Chymorvah House at Morazion, which is the couple's home as well as their hotel, were ordered by Bristol County Court on 18 January to pay £3,600 to a same-sex couple, Steven Preddy and Martyn Hall, whom the Bulls had refused to allow to occupy a double room in the hotel.

Judge Andrew Rutherford found this refusal to be in breach of the Equality Act (Sexual Orientation) Regulations 2007.

Ever since they were first drafted, evangelical Christians have been concerned about these Regulations, for three main reasons:

- They drive a wedge between the intellectual belief element of faith on the one hand, and conduct consistent with that belief on the other. For evangelical Christians, the two are indivisible, and it is therefore impossible for them to comply with the law without either compromising their faith, or being penalised. The Regulations have divided these two elements of religious adherence, in spite of the fact that the European Convention on Human Rights, in Article 9 (see below), clearly links them together.
- The provisions of the law are inequitable and inconsistent, since they promote the rights of one minority, same-sex couples, and diminish the rights of another minority – people who want to live by legitimate Christian principle. In the zeal for inclusion, they legitimise exclusion; and while trumpeting diversity, they make no provision for difference. This distinction is reflected in the financial implications for the two sides in the Bull case. The same-sex couple had their legal costs met from public funds by the

Equality and Human Rights Commission, while Mr and Mrs Bull were dependent on the financial support of The Christian Institute and Christian friends.

- The legislation is monstrously disproportionate, in that the maximum gain it can achieve for Steven Preddy and Martyn Hall, aside from the damages they have been awarded, is to enable them to book double rooms in 100% of the hotels in the country, instead of only 99%. On the other hand, the detriment it can afflict on the Bulls is to put their entire business at risk, in addition to the cost of the £3,600 damages award.

Now, in response to the publicity surrounding the Bulls' case, it isn't only evangelical Christians who are taking issue with this oppressive law.

In a leading article on 19 January, the *Daily Mail* asked: 'Why is it (society) so intolerant of people like the Bulls? Is there no place for a good-natured couple, approaching old age, to live by the orthodox beliefs of the religion to which Britain owes its identity?'

On the same day, *The Daily Telegraph* stated in a leading article: 'The right to hold religious beliefs, and to act in keeping with one's faith, is being set against the right not to be offended – and is losing. This is a dispiriting trend in a free society. The views of the Bulls will seem to many to be old-fashioned, even distasteful – but they have every right to hold them. A pervasive climate of political correctness, however, is driving such beliefs to the margins; the law is out of kilter. It no longer protects the freedom of the believer in the way that it defends the interests of those who consider themselves discriminated against. As we have argued before, this is an unhealthy imbalance that needs to be redressed – if not by the courts then by Parliament.'

Two liberal-minded panellists on Radio 4's social commentary programme, *The Moral Maze*, broadcast on 26 January, also expressed their doubts about the rightness of the present law.

One of them, former Cabinet Minister Michael Portillo, said of present-day society: 'I do think our values have been changing with dizzying speed. I think some of these changes have been driven by elites who have used the law in order to try to shape public opinion. There should be tolerance for those whose values change more slowly.' The other, Claire Fox, director of the Institute of Ideas, who describes herself as a secular humanist, commented: 'What's at stake here is increasing tolerance towards religious conscience. This is more about freedom than religion and that is what I think is under threat.'

Mr Portillo's comments were picking up a theme articulated by Judge Rutherford when giving judgement. Commenting on the change which had taken place in social attitudes in Britain over the past 50 years, the judge said: 'It is not so very long ago that the beliefs of the defendants would have been those accepted as normal by society at large. Now it is the other way around.'

However, Mr Portillo's idea that it is simply a matter of change occurring at a different pace among different groups of people is wide of the mark. For those who believe that the sinfulness of homosexuality is a fixed moral principle unequivocally established in the Bible, the reality is not

that a change in attitude will occur more slowly, but that it won't occur at all. On this issue, Bible-believing Christians in 2011 believe exactly what they did in 1955, and if the world continues for another thousand years, that view, for those who base their moral world-view on the Bible, will not have altered one whit.

Other well-known media voices have been raised in the debate. *Sunday Times* columnist Rod Liddle, not renowned as a champion of Christianity, in a mocking analysis of the Bull case in the edition of 23 January, correctly summarised the existing law when he wrote that it allowed Christians to 'think what they like but (did not allow them to) abide by their consciences.' He also observed: 'When minority rights are weighed and measured these days it is, incredibly enough, the Christians who tend to come off worst.'

Melanie Phillips wrote in the *Daily Mail* on 24 January: 'Penalising religious people for speaking and acting in accordance with their beliefs is neither liberal nor tolerant. It is behaviour more commonly associated with totalitarian dictatorships.'

When Judge Rutherford announced his judgement, he gave Peter and Hazelmary Bull immediate leave to appeal, and, with the support of The Christian Institute, they have now indicated their intention to do so. The date of the appeal hearing has not yet been fixed. Even though the present law itself is palpably unjust and wrong, there is still plenty to appeal about in connection with how the courts should interpret it. As Judge Rutherford himself said in his judgement: 'There is little or no direct authority on the issues I have had to decide.'

Rod Badams

This article first appeared in Issue 16 of The Bulletin in March 2011

Salt and Light Papers is a series of occasional papers on contemporary issues of social concern. It is published online by the Affinity Social Issues Team. Its purpose is to help Christians to think through questions of relevance to our place in the world around us. The views expressed by contributors are not necessarily endorsed by the Affinity Social Issues Team.

The Old Bank House, 17 Malpas Road, Newport, South Wales. NP20 5PA
Telephone: 01633 893925
Email: office@affinity.org.uk
Website: www.affinity.org.uk

affinity
gospel churches in partnership