

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

HA4

FAITH, CONSCIENCE AND THE LAW: A TIGHTER TURNING OF THE SCREW

Affinity's declaration, published on 27 February, and printed on pages 3 and 4 of this issue of *The Bulletin* sounds a bugle note which warns all biblical evangelicals that something serious is happening with regard to their position before the law in Britain.

The Sexual Orientation Regulations, due to take effect in April, represent the first example for many generations of legislation which marginalises and outlaws those who believe homosexuality to be sinful, and wish to conduct their lives in a way which is consistent with that belief.

Adopting the Bible as one's rule of life has been perfectly lawful in Britain for centuries, and has, by and large over most of the past 500 years, been supported and commended by the State. During periods of Britain's history, belief in the Bible has not only been mainstream, but the very heart and source of our national character and values.

Over the last 50 years we have watched with sadness and concern as the country has set aside the Bible's timeless practical wisdom as the basis for a happy society and gradually replaced it with a new ideology based on individual rights. A rights-based legal culture has its roots in humanistic philosophy and is completely different from one based on shared community values. The latter is much more biblical.

The shared-values society which in Britain characterised the first 60 years of the 20th century did have consequences which were entirely the result of its own nature. One was the stigma it attached to conduct not consistent with the shared value – a teenage girl becoming pregnant out of wedlock, for instance. It is impossible to convey to present teens and 20s the social impact of such an occurrence in the 1950s. The response of ordinary people was the equivalent of transportation to Australia rather than a rap over the knuckles or a few days of tut-tutting.

Ironically, however, the voluntary sector, even in times of relative austerity, was full of organisations and individuals prepared to help and support those who had 'fallen.' With compassion, innovation and enterprise, hostels were set up and financed, and a new support structure created for the 'fallen.' This was necessary, since it was not unusual for young girls to have to leave home in such circumstances – either because of the sense of shame felt by the parents, or because the domestic situation was impractical. However, though unstinting in its willingness to help and provide, it did not occur to mainstream society in the 1950s to attempt

restoration. The transgression was too great. The fatted calf was generously available, but it was provided to meet a practical need, rather than to celebrate a return to society's hearth and home.

The shared-value society created tensions in every rising generation. Youngsters grew up with an awareness of a vast array of social expectations and behavioural norms. The natural desire for development and expression seemed to be disproportionately inhibited by social restraints. Was it wrong to do something new or different, which was neither illegal nor socially damaging – merely 'not expected'?

Another typical example of the shared-value society was the Watch Committee – operating under a variety of names in different areas. This arm of local government had the duty of upholding standards of public morality in each local area. It had power, for instance, to ban unsuitable films from being shown in local cinemas. It was a quaint system, obliging eight or so members of the local Council to view a film in order to consider whether a whole community should be prevented from seeing it. The Watch Committee approach to public life exemplifies perfectly the characteristics of a shared-value society. Such a society, restrictive and slow to change, and frustrating for its more adventurous youth, nonetheless had a clarity of definition and expectation which engendered widespread happiness, security and stability.

However, all this was gradually lost in the 1960s in 'the Permissive Society'. The children of the post-War baby boom had reached late teens, and the desire to break out from the restricted aspirations and perceptions of their parents reached a new intensity. The numerical strength of the young adult population was significant, making it more difficult to impose restraint. New American influences, generally disdainful of values, inhibitions and consequences, fired the imagination of British youth too. These included the completely new phenomena of the drug culture and other forms of experimentation. Society's previous rigid expectations were made to seem harsh in comparison, and neither parents at a private level, nor Society as a whole, had the capacity to resist the change. Many parents did not even try, opting rather for damage limitation.

Change was not wholly focused on the young. A less visible erosion of the value-based society of the 1950s was taking place more generally throughout the period 1955-1970. The Wolfenden Report, which led eventually to the decriminalising of male homosexuality in 1967, was published as early as 1957. But it was in the 1960s that a number of other moral/ethical legal watersheds were crossed. Attempted suicide (1961), abortion (1967) and male homosexual practice (1967) were all de-criminalised, while the death penalty for murder was abolished (1965). These changes followed a pattern, unequivocally demonstrating that a new morality, departing from former Bible-derived assumptions, was being adopted in and by the nation.

Following the London bombings in July 2005, a public discussion took place for some weeks in the press and media about *the British way of life*. What was astonishing, even embarrassing, about this was that hardly any politician, celebrity or national figure approached, Tony Blair included, could think of any significant characteristic which epitomised *the British way of life*. Words like *democracy* and *tolerance* came to the minds of some, but these words are not descriptive of character, aim or motivation. This struggle to define the British way of life just about proves that all traces of a shared values culture have vanished. Today's society is fragmented and individualistic – the sum of millions of individual aspirations, or the lack of them.

When 1960 dawned, the law of Great Britain was largely Bible-based. It had developed in that direction, following the dramatic Victorian social reforms, over the ensuing decades.

Since 1960, the laws introduced in Britain have generally owned no allegiance to biblical principle, but neither have they impinged on the lives of Christians seeking to live biblically. For instance, legalising abortion did not compel anyone to have one. Allowing horse-racing on Sundays didn't oblige any particular individual to attend such events.

But now, with the Sexual Orientation Regulations, we are faced with a tighter turn of the screw. Having moved from an era of Bible-affirming legislation to one of practical Bible neutrality, the law is now entering the next logical chapter of its journey – one characterised by Bible rejection and a compulsory secular uniformity. In this period, Bible principle will no longer be relevant to the formulation of law, and will be routinely overridden if out of harmony with the legislative proposals. Liberty of conscience and freedom of religion will no longer be respected, as once they were, as grounds in their own right for legally-protected exemption.

Given the nature of a rights-based society, this is no surprise. However grandly worded the Articles set out in the European Convention on Human Rights, the law is powerless to deliver a full package of rights to all parties where the rights being sought are mutually exclusive.

This dilemma is easily illustrated. Under the Equality Act 2006, the government wants same-sex couples to be eligible to be tenants of my house if I decide to rent it out commercially. Under Article 9 of the European Convention I want the right not to allow same-sex couples to be my tenants on the grounds that my religion believes homosexuality to be sinful and I want the freedom to ensure that what happens in my house reflects the principles and teachings of my faith. If I didn't want or seek that freedom, then I would be a hypocrite of all hypocrites.

The government cannot square this circle. If I advertise for a tenant, it is impossible for a same-sex couple both to have the right to live in my house and for me to have the right to prevent that. One of the rights has to trump the other. In this case – and the same pattern is likely to be followed in future legislation – the government has decided that what it perceives as the positive will trump what it perceives as the negative.

The government could easily have allowed a liberty of conscience exemption. It did not, however, choose that option – not because it would have significantly affected the availability of goods and services to homosexuals, but because such a course would have breached the government's principle. On this issue the government has determinedly shown its doctrinaire face, rather than its pragmatism. This does not turn the next 20 years of UK legislation into a happy hunting-ground for biblical evangelicals, since the clash of perspectives brought into focus by the SORs is just the type of conflict which will occur again and again.

Rod Badams

The above was published in The Bulletin [March 2007]

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.