affinity
gospel churches in partnership

THE BULLETIN

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Responding to the marriage downgrade

Real marriage – the one defined and ordained by God – is no longer available from the British State in England and Wales, the genuine article having been replaced by a debased imitation. The Marriage (Same Sex Couples) Bill received Royal Assent on 17 July 2013, signalling one of the most significant and far-reaching changes ever to occur in the social structure of life in Britain. The first same-sex marriages are expected to take place in the summer of 2014.

A similar Bill, the Marriage and Civil Partnership (Scotland) Bill is making its way through the Scottish Parliament, and is expected to become law during 2014. There are no current plans to redefine marriage in Northern Ireland.

Still feeling deeply the disappointment and foreboding of this turn of events, evangelical churches and individual Christians will inevitably be considering how in practice to respond to the implications of the new definition of marriage, and the related provisions within the new legislation.

With regard to the conduct of marriages, there are four options which churches can consider:

(a) If a church wants to dissociate itself completely from the State's marriage system, it could decide to de-register its premises, and not carry out any State marriages at all, holding instead a service and ceremony for the couple recognising the marriage as purely a covenant before God. In order still to be married according to law, the couple would need to arrange separately for the legal marriage to take place at the Register Office.

(b) If a church wants to continue to conduct marriages, but to distance itself from the civil processes involved, it could cease to appoint an Authorised Person (AP) to act in a registrar capacity. As the appointment of an AP has never been a legal requirement, the only practical effect of this would be that a civil registrar from the Register Office would have to attend each wedding ceremony, and preside over the signing of the register. The necessary attendance of a civil registrar would involve the payment of a fee by the couple being married.

(c) A church can decide to retain the present registration of its premises for the conduct of marriages. This will enable marriage ceremonies between a man and a woman to continue to be held, and, if the church has appointed one, its AP can continue to fulfil the registrar duties involved. In order to emphasise that in continuing to follow existing procedures the church is not at the same time endorsing the new definition of marriage, it is open to any church to amend the wording of its wedding service to make clear the biblical definition of marriage, and that the State's new definition of marriage is not marriage as ordained by God and as defined in the Scriptures.

(d) A church which is minded to discontinue conducting weddings on its own premises could consider seeking the co-operation of a sympathetic local Anglican church, with a view to a "protected" marriage ceremony taking place on the premises of the Anglican Church. Since marriages in the Church of England take place under canon law, rather than under English statutory law, the exclusive legal definition of marriage as between a man and a woman continues to operate within the jurisdiction of the Church of England and its courts.[1]

The minimum requirement for the wedding of a non-Anglican couple to take place in an Anglican setting, is that it must be conducted on the premises of the Anglican church, and that the Anglican incumbent must preside over the couple's taking of their vows. It would be for the couple being married and the incumbent to negotiate and agree the extent and nature of the involvement of other people in the remainder of the service.

Affinity recognises that, given the variety of circumstances in which they find themselves, churches linked with Affinity may not all choose to follow the same option from the above list. Whichever choice they make, they will be able to seek assistance and advice, from Affinity in the first instance, should they require it.

A great many of the practical concerns which Christians and churches have are connected with the risk of legal action being taken against them for expressing views, and taking action, in connection with their conscientious belief that true marriage can only be between a man and a woman. Some specific protections were included in the original draft of the Act, but most of the attempts in the two Houses of Parliament to strengthen these protections were defeated.

In the following, we have endeavoured to answer as many as possible of the questions which churches and individual Christians are likely to be asking in the light of the new marriage legislation and the circumstances surrounding it.

1 Background questions

[Q1] Mrs Maria Miller said in the House of Commons: "There is no single view on equal marriage from religious organisations. Some are deeply opposed to it; others tell us that they see this as an opportunity to take their faith to a wider community."[2] Does this mean that Christianity in the UK was divided over the issue of redefining marriage?

[A1] No. Although Mrs Miller's statement did imply that there was a significant diversity of views among the various Christian denominations, this was never the case. The overwhelming majority, not only of Christian churches and denominations, but also of other faith groups, have consistently opposed the redefinition of marriage and will not be applying to conduct same-sex marriages.

The only denominations/religious groups that have indicated that they will be opting in to perform same-sex marriage ceremonies in the UK are the Quakers, the Unitarians, the Metropolitan Community Church and Liberal Judaism. In total these four groups represent fewer than 50,000 people, compared with the many millions of people who belong to the churches in the denominations and groups which will not be opting in.

[Q2] What is the new wording for the definition of marriage?

[A2] Prior to the Marriage (Same Sex Couples) Act 2013 ["the Act"], the definition of marriage in England and Wales was always assumed to be "the voluntary union for life of one man and one woman to the exclusion of all others". This was not a statutory definition, but was derived from a ruling of the Courts of Probate and Divorce in 1866. In practice, however, it had been accepted without challenge as the effective definition of marriage up until the passing of the 2013 Act.

Under the Act, there is still no statutory definition of what marriage is. The Act merely provides for qualifying couples to enter into the legal certificated status of marriage.

A couple will no longer be disqualified if they are not a man and a woman, but they will still need to be of age and mental capacity, a willing party to the marriage, not already married or in a civil partnership, not disqualified by the rules on consanguinity, and the marriage must be intended to be lasting (i.e. not a 'sham' marriage).

[Q3] Was Mr Cameron forced by the European Union ("EU") to bring in legislation to redefine marriage?

[A3] No. The European Court of Human Rights ("ECtHR") had already established that there was no legal requirement, emanating from the EU or anywhere else, for any country to redefine marriage to include same-sex couples.[3] In Britain, redefining marriage was a voluntary decision of the government, enacted with the support of the three main political parties.

2 The Christian response to the new legislation

[Q4] I am an independent nonconformist minister. Do I have to perform same-sex marriages?

[A4] No. Section 2(1) of the Act stipulates that no-one who does not wish to conduct same-sex marriages can be compelled to do so.

[Q5] If our church decides to continue to exercise a registrar function is there anything we can do to dissociate our church from the new State view of marriage?

[A5] Yes. A church is free to add a statement to the wording of its Marriage Service declaring that the Bible makes it clear that the only true marriage is between a man and a woman, and that the law of England and Wales, as now expressed by the provisions of the Act, is in conflict with the biblical definition.

[Q6] If our church ceased to appoint an AP, or to perform the civil and legal function within our Marriage Service, could we be sued for not providing these benefits?

[A6] It is not possible to prevent someone taking legal action, but any taken on the basis of [Q6] could not possibly succeed, since a church is neither legally obliged to appoint an AP, nor to register its premises for the conduct of marriages.

[Q7] What should we do as a church when a same-sex couple marries at a civil venue (or one of the few churches who would carry out a ceremony) and then afterwards expects the church to treat them as a married couple?

[A7] A married same-sex couple must be regarded legally and factually as a married couple. A church would want to show them the same personal respect and dignity it would offer to any individuals with whom it came into contact. However, it would also want them to be challenged by the gospel, and it would want to pray for them in whatever way the circumstances required. The church would not be compelled to approve of the relationship. Since the relationship cannot be a marriage in the eyes of God, and the Bible condemns it, it would be perfectly in order, with all due pastoral sensitivity and in the appropriate circumstances, for the church to encourage the parties to separate and divorce.

3 Registration and building issues

[Q8] The trusteeship arrangements applicable to our building are legally complicated, and the trustees are not personally involved in the life of the local church meeting on the premises. Is there a possibility that the trustees could register the premises for same-sex marriages without the knowledge or approval of the local congregation?

[A8] The trustees or proprietors of the premises are the only people who can make an application for the premises to be registered for same-sex marriages. Although the new legislation does not require the trustees to give formal notice to the church of the making of an application, it does require that any application for a licence to conduct the marriages of same-sex couples must be accompanied by the written consent of the "relevant governing authority". In the case of an independent church, the "relevant governing authority" will be either the church meeting or the church officers, depending on the church's constitution.

Provided that the local authority staff handling any registration application realise that the trustees are not themselves the "relevant governing authority", it will therefore not be possible for the premises to be registered over the heads of the local congregation. In the event that the premises are registered without the correct valid authority, there is a cancellation procedure which the local congregation can invoke once it becomes aware of the invalid registration.

The converse also applies. If a local congregation wants to register its premises for same-sex marriages, it can only do so with the consent of the trustees or proprietors, since it is the trustees or proprietors who have to make the application.

[Q9] What if a same-sex couple ask my church to carry out a same-sex wedding ceremony?

[A9] If the church has not opted in to conduct same-sex marriages and its premises have not been licensed for that purpose, then a same-sex wedding ceremony is not legally permitted to be conducted in that building. In those circumstances, it cannot be unlawful to refuse to conduct a same-sex marriage on the premises, since it can never be unlawful to refuse to do something which is itself unlawful. Furthermore, a church whose premises are not registered for same-sex marriages cannot be compelled to register them for this purpose against its will. An amendment to the Bill in the House of Lords tightened up the legislation by providing that no person can be compelled "by any means (including by the enforcement of a contract or a statutory or other legal requirement)" to undertake an opt-in activity. An "opt-in activity" would include making an application for church premises to be registered for the conduct of same-sex marriages [Section 2(1) of the Act].

As a final protection against any future possible maverick attempt to license a church building for same-sex marriages (if, for instance, trusteeship arrangements were to change for some reason), a church may wish to consider incorporating a statement of its doctrine on sexual ethics and marriage into its trust deed or constitution. This would effectively prevent trustees from registering the premises for same-sex marriages, since such a step would then be a breach of trust.

[Q10] What is the position of a church which occupies premises which are shared by more than one church?

[A10] The relevant governing authorities of each of the sharing churches must give separate written consent to the use of the shared building for the solemnisation of marriages of same-sex couples. If one of the churches refuses to give consent, then registration cannot take place, and none of the churches will be able to conduct same-sex weddings on the premises.

[Q11] I am a Christian who owns a civil venue that is registered for marriage ceremonies – should I now de-register and not offer this service?

[A11] Owners of registered civil marriage venues will have to decide whether they wish to continue to make their premises available for marriages now that marriage has legally been extended to same-sex couples. If an owner does wish to maintain his registration, this must be on the basis that

he or she will make the premises available for any marriage, whether mixed-sex or same-sex. It would be illegal to refuse the use of the premises for the marriage of a same-sex couple while continuing to allow it for mixed-sex couples. An owner not willing to host same-sex marriages would have no lawful alternative but to surrender the registration.

4 The marriage service and ceremony

[Q12] As we only want to conduct mixed-sex marriages, do we need to re-write our wedding service?

[A12] No, but a church is free to do so if it wishes to add a statement declaring that the Bible makes it clear that the only true marriage is between a man and a woman, and that the law of England and Wales is now in conflict with the biblical definition.

[Q13] Has there been any alteration to the compulsory declaratory and contracting words which the parties to a marriage are required to say during the wedding ceremony?

[A13] No. However, in a male same-sex marriage, both parties will be able to describe themselves as "husband" and in a female same-sex marriage, both parties will be able to describe themselves as "wife." This does not involve any change to the contracting words. It is stipulated in the Act [4] that in all formal legal contexts relating to a marriage, the word "husband" can only be used to describe a man, and the word "wife" can only be used to describe a woman.

5 Risk of legal redress and discrimination

[Q14] What can we do as a church to protect ourselves against any possible legal redress?

[A14] The following steps will provide some protection for churches:

(a) Ensure that all the officers and members of the church familiarise themselves with the details of the new law and the bureaucratic arrangements which will be put in place to give effect to it; understand the implications of the legal changes; and appreciate their rights under the law;
(b) Guard against making unwise or uninformed public comment (see also our answer to Q27)
(c) Many churches are deciding to insert clear statements in their governing documents relating to the church's biblical doctrinal position on the definition of marriage. Such statements are likely to be acceptable to the Charity Commission (CC) and could be useful when churches face pressure from any other authorities or organisations to justify their practices in relation to marriages.

[Q15] Could I be sued for preaching that marriage is only between one man and one woman?

[A15] No. Preaching that marriage can only be between one man and one woman in line with the church's teaching is perfectly legal. The government has stated: "The belief that marriage should be between a man and a woman is mainstream and entirely lawful and will continue to be so once same sex marriage becomes lawful." [5]

[Q16] Is it lawful for me to express my views about the definition of marriage in other public or private contexts?

[A16] Yes, and it is vital to make it clear to all Christian believers, and to everyone else, that we are all perfectly free to discuss publicly all the issues relating to marriage. We need to emphasise this with unhesitating confidence – otherwise it will create a "chilling effect" in which people begin to

assume that certain views cannot be discussed or spoken of. Once this assumption takes root, it increases the risk of complaint, which in turn deepens the chilling effect still further.

With regard to public places, the Act has specifically amended the Public Order Act 1986[6] to make clear that "any discussion or criticism of marriage which concerns the sex of the parties to marriage shall not be taken *of itself* to be threatening or intended to stir up hatred". A similar provision already existed in the Public Order Act in relation to the discussion or criticism of sexual conduct. As the above amendment represents a statutory interpretation of the rights established by Articles 9 and 10 of the European Convention on Human Rights (1950),[7] the same terminology will in practice apply to other parts of public order legislation applicable to speech in public places. However, a court could still find that the manner in which views are expressed could constitute an offence, since it will still be unlawful under the 1986 Act to act in a way which is "threatening" or "abusive".

With regard to semi-public contexts, such as a workplace, see the answer to Q20.

With regard to completely private settings, such as a domestic residence, there is no legislation applicable to anything said in such contexts.

[Q17] Local authorities sometimes hire out local authority facilities for use by church groups for services and other activities. Will the availability of these lettings be put at risk, as a result of the views of the church groups being out of sympathy with the new law on marriage?

[A17] No. The response of local authorities and other public bodies should be completely impartial and should not be affected by the new marriage legislation. Some lawyers have argued that certain local authorities with ideological prejudices may attempt to disadvantage churches that refuse to marry same-sex couples, for example, by refusing to let them use publicly-owned buildings. However, the government insists that to do so would constitute indirect discrimination and would therefore be illegal.

"Any policy decision which sought to penalise people or organisations for their religious or philosophical beliefs merely because the public authority disagrees with those views would amount to unlawful discrimination because of religion or belief. As well as being unlawful discrimination, such action would also be vulnerable on traditional administrative law grounds or human rights grounds, as Article 9 of the ECHR guarantees the right to freedom of religion." [5]

The Public Sector Equality Duty (PSED), a duty introduced by the Equality Act 2010, "cannot be used to justify what would otherwise be unlawful or oppressive action". [5]

"However, we are aware of the risk that public authorities might misinterpret their responsibilities. That is why we intend to ensure that relevant guidance makes clear that the PSED cannot be used to penalise organisations which oppose same sex marriage." [5]

[Q18] Will there be problems for churches if they try to hire facilities belonging to private individuals or commercial organisations in the private sector?

[A18] There ought not to be any problem. The Government Equalities Office (GEO) has given assurances that the views of a religious organisation on the definition of marriage are included in the religion and belief category of "protected characteristic" provided for in the Equality Act 2010. This means that it would be unlawful for a private individual or commercial organisation to discriminate against an organisation – for instance, by not allowing the use of premises – because of the user's views on marriage. [5]

[Q19] We are a new church considering applying for a registration to carry out only heterosexual marriages. Will there be a risk that our application will be refused because we are not also applying to conduct same-sex marriages?

[A19] No. The applications for the two types of registration are entirely separate and cannot lawfully be connected, either procedurally or in the minds of the officers processing an application. In order to be able to apply for either registration, a church's premises must be registered as a place of worship. In order to apply for its premises to be registered for same-sex marriages, the premises must also be registered for heterosexual marriages. However, the reverse does not apply, and a registration for heterosexual marriages can stand alone.

[Q20] What can I lawfully say in conversation or at work now that the legislation is passed?

[A20] Complete freedom still exists in connection with the expression, in a temperate way, of beliefs and opinions held in respect of the definition of marriage. In the workplace a view expressed in reasonable conversation to a colleague or to anyone else should not lead to any disciplinary action by an employer, as the court's finding in the recent case of Adrian Smith[8] has shown. The government has promised to issue clear guidance to employers in the light of the Adrian Smith case. An employer would only be justified in taking disciplinary action if the circumstances and nature of the conversation were such as to be detrimental to the performance of the employee's duties.

[Q21] Could personal views expressed by prison, hospital or school chaplains be a disciplinary matter, or could a chaplain be disciplined on a Monday for what he preached in church on a Sunday?

[A21] The Act provides a specific exemption for chaplains who, in the course of their employment, do not wish to be involved in the marriage of same-sex couples. It is thought that this exemption will prove to be helpful more widely in providing some guidance with regard to the expression of beliefs against same-sex marriage which it would be reasonable to expect some chaplains working in the public sector to have.

For instance, it would be unreasonable for a chaplain to have the legal right not to be involved in same-sex marriages, but to have no right to express, in the course of his preaching and pastoral work, his beliefs regarding the definition of marriage. The specific exemption, therefore, has a positive effect in law on a chaplain's Article 9 and 10 rights[7] for the purposes of interpreting any equality code to which he may be subject.

[Q22] Are the recent statements from Downing Street which claim to offer protection to those who hold to the traditional view of marriage legally binding?

[A22] No. The statements of politicians or Civil Service departments can never be legally binding. However, the assurances the government has been giving refer to the wording of protections which have been incorporated into the Act. If a private individual or organisation, or a public body, fails to provide the protection which an aggrieved body or individual thought the Act provided, and the case goes to court, it will be for the court to decide whether the protections written into the Act apply or not to the particular circumstances of that case.

Any decision of a British court could then be referred to the ECtHR for a final adjudication. Government assurances, and even protections written into the Act, can be regarded as well-intentioned, but they cannot be viewed as completely watertight, since they can be overruled by a court, in Britain or in Europe.

6 Specific provisions of the Act

[Q23] Although we note your answer to [Q13], we have heard that there are circumstances in which the word "husband" can refer to a woman and the word "wife" to a man. In what context is that the case?

[A23] This refers to rights, duties or other provisions applicable to the parties to a marriage contained in legislation in England and Wales which existed prior to the passing of the Act. Under the new Act, some of the rights, duties and other provisions applicable only to a "wife" under the former legislation will under the new legislation be applicable to a "husband" in a male same-sex marriage. However, this gender transposition will only apply to these historic legal provisions. In any new legal provisions and designations, including the wording used in marriage vows, the new Act makes it clear that the word "husband" will only be able to refer to a man, and the word "wife" to a woman. [4]

[Q24] Has adultery been removed as a ground for divorce?

[A24] Adultery will continue to be a ground for divorce in a marriage between two people of the opposite sex, but not in a marriage between same-sex couples. [9]

[Q25] Has the non-consummation of a marriage been removed as a ground for its annulment?

[A25] No. A marriage between two people of the opposite sex can continue to be annulled on the grounds of non-consummation, but there is no annulment provision on this ground for same-sex couples. [10]

[Q26] Have there been any changes to the consanguinity rules in connection with a marriage?

[A26] No. The consanguinity rules have not been changed and will apply equally to mixed-sex and same-sex marriages.

7 Responding to the media

[Q27] If the media ask us about our policy, how should we reply?

[A27] If the church has not opted in to conduct same-sex marriages, a church could simply reply that, in common with the overwhelming majority of UK churches, it is not authorised to conduct same-sex marriages. It would be sensible for church leaders to ensure that only authorised officials speak to the press on the church's behalf and that they are competent to articulate their beliefs about the church's understanding of the nature of marriage.

It is also important that in comments to the media and in all other spoken or printed communication, churches show respect to people of all sexual orientations at all times and express their views and biblical truth in a gracious manner, avoiding language that could, for example, be seen as insensitive or offensive.

8 Teachers and schools

[Q28] What will it be compulsory to teach in schools regarding same-sex marriage?

[A28] In the appropriate lessons, schools will be required to explain in a factual way what marriage is under English law, but they will not be obliged to support or promote any particular view about the

definition of marriage. What resources are used in teaching about marriage and related subjects, and how the subject is presented, is a matter for the school governors to determine in consultation with the head teacher.

[Q29] What is the position of church schools in respect of what they can teach about marriage?

[A29] The government has made it clear that church schools, or any other schools with a religious ethos, can continue to teach their beliefs about marriage in accordance with the terms of their legal foundations.

[Q30] To what extent can school governors influence what is taught in schools about marriage?

[A30] As school governors are responsible for formulating a school's sex education policy, an individual governor has a significant opportunity to influence the approach taken by the school and to help to ensure that beliefs about traditional marriage are respected. In a church school, a governor can encourage the governors as a whole to make sure that the school does not hold back on the teaching of its core beliefs.

[Q31] Teachers are free to express personal opinions about marriage "in an appropriate context". How will "appropriate context" be defined?

[A31] If pupils ask about the personal beliefs of a teacher, teachers will be free to answer the question. However, there might be concern if a teacher specifically criticised the same-sex marriage of a particular couple bringing up a child who was a pupil at the school, as this might be construed as bullying or harassment. More generally, though, a Christian teacher is free simply to express his or her beliefs.

[Q32] What if a Christian applying for a teaching post is questioned about his or her beliefs about marriage?

[A32] Christians need not fear explaining their belief that marriage is the union of a man and a woman. Recruitment processes are subject to discrimination law and a school found to be unjustly discriminating against Christians would be acting unlawfully.

9 Miscellaneous legal implications

[Q33] Could the new marriage legislation, and a church's opposition to it, affect its charitable status in any way?

[A33] In connection with applications for registration as a charity, or its status as a charity if not required to register, the views of an applicant body regarding the definition of marriage cannot be taken into account by the CC unless the purpose of the charity is directly connected with the definition of marriage. In the latter circumstances, the applicant organisation would only be at risk of being turned down if its intentions are illegal, or if the normal criteria for qualifying as a charity are not met.

In exercising its general responsibilities within the charity sector, the CC has no authority to treat a charity differently or detrimentally on the basis of its views about the definition of marriage.

[Q34] I am connected with a Christian charity set up to help married couples. Now that marriage has been redefined, will we be obliged to offer our services to same-sex couples as well?

[A34] No. If its governing instrument (trust deed) pre-dates the Act, it is obvious that it was set up to offer its services to heterosexual couples only, since at the time it was established, all marriages were heterosexual. In those circumstances the charity will be able to continue to act on behalf of heterosexual couples only, in accordance with the terms of its governing instrument. However, a non-charity or individual acting as a commercial business, and providing similar services, would not be acting lawfully if it provided its services to heterosexual couples only, irrespective of the start-up date of the business. This is because commercial enterprises are legally required to comply with equality legislation. The one exception would be if the services being provided were such that they were only relevant to heterosexual couples.

[Q35] Our church provides marriage preparation classes to couples planning to marry. These are potentially available more widely than just to our own members. If we were asked by a same-sex couple to conduct this class with them, would we be lawfully able to refuse?

[A35] Yes. Religious bodies are excepted from the provisions of equality law which make sexual orientation a "protected characteristic", provided that the ground of their discrimination is "to comply with their doctrine or to avoid conflict with the strongly-held convictions of a significant number of their followers". However, if the sole or main purpose of running the classes is commercial, or if it is being carried out on behalf of a public authority, the exceptions for religious bodies would not apply.

[Q36] What will be the impact of the new marriage law on Christian organisations in respect of their employment policies?

[A36] The new marriage legislation will not change any of the law applicable to employment policies. Such law as there is in connection with employment policies is contained in the provisions of the Equality Act 2010, and no additional restrictions or obligations have been imposed by the new Act. Christian organisations will still be free to discriminate in respect of staff appointments, for instance, in the interests of consistency with their ethos or doctrinal stance. The following extracts from the 2010 Act set out the legal position applicable to organisations with a religious ethos:

"An employer where the employment is for the purposes of an organised religion can lawfully discriminate on the grounds of, amongst others, sex, sexual orientation and marital status provided such requirements are made to enable the employer to comply with the doctrines of the religion in question or to avoid conflicting with the strongly-held religious convictions of the religion's followers. [Schedule 9, paragraph 2]

"A person with an ethos based on religion or belief may lawfully discriminate on the basis of a particular religion or belief if, having regard to the employer's ethos and to the nature or context of the work it is an occupational requirement and it is proportionate to discriminate in order to meet a legitimate aim." [Schedule 9, paragraph 3]

It should be noted that these permitted exclusions rely on churches being able to demonstrate that the restrictions are *necessary* to enable them to comply with their doctrinal position. This is best achieved by the incorporation of the principles involved into the governing documents, or at the very least a formal written statement of policy drawn up by the trustees and governing body of the church.

[Q37] If the Tony and Barrie Drewitt-Barlow case [11] were to go to the ECtHR, would any ruling passed be binding on all EU states?

[A37] It would be binding on all countries which have signed up to the ECHR (1950), which is the basis on which the Court adjudicates on the cases it determines. The signatories are the 47 member countries of the Council of Europe, which is a larger group than the EU. Some of these, such as Britain, have incorporated the Convention's articles into their own primary legislation. For an ECtHR ruling not to apply to Britain, where the circumstances of the case are applicable, Britain would have both to contract out of the ECHR and repeal the Human Rights Act 1998.

Please note:
Although every effort has been made to ensure the accuracy of the information provided in the answers to the questions above, Affinity accepts no legal responsibility for any errors or omissions, nor for any misinterpretations of the information given, nor for any action taken by anyone as a consequence. The text comprises the best information we have, and is presented in good faith, but those making significant decisions should where appropriate seek their own legal advice.

Notes

[1] For instance, Canon B30 of The Canons of the Church of England states: "*The Church of England affirms, according to our Lord's teaching, that marriage is in its nature a union permanent and lifelong, for better for worse, till death them do part, of one man with one woman, to the exclusion of all others on either side....*"
[2] Hansard, 5 February 2013, column 125
[3] In June 2012, the European Court of Human Rights declared: "The European Convention on Human Rights does not require (EU) member states' governments to grant same-sex couples access to marriage."
[4] Marriage (Same Sex Couples) Act 2013 [Schedule 3, Section 11, Part 2] 5(2)(a) and 5(2)(b)
[5] Letter of 28 May 2013 from the Government Equalities Office to Affinity
[6] See Section 29JA Public Order Act 1986 as amended by paragraph 28 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013
[7] The full text of Articles 9 *Freedom of Thought, Conscience and Religion,* 10 *Freedom of Expression* and 14 *Discrimination* of the ECHR can be viewed at www.hri.org/docs/ECHR50.html
[8] Adrian Smith is a former housing officer who was disciplined by his employer, Trafford Housing Trust, for posting on his private Facebook page a comment that Parliament's decision to allow civil partnership ceremonies to be conducted on church premises was "an equality too far". The case went to the High Court, which found entirely against the Trust, observing that Mr Smith had been "taken to task for doing nothing wrong".
[9] Marriage (Same Sex Couples) Act 2013 (Schedule 4, Section 11, Part 3, 3(1) and 3(2)
[10] Marriage (Same Sex Couples) Act 2013 (Schedule 4, Section 11, Part 3, 4(1), 4(2) and 4(3)
[11] Tony and Barrie Drewitt-Barlow are a same-sex couple who have indicated their intention to take the Church of England to court on the basis that they are prohibited from being married in a Church of England church. If brought, the case will directly challenge the exclusion of the Church of England from the provisions of the Act.

Should children be taught about pornography?

Sex education has long been an ideological battlefield on which a war is being waged for the hearts and minds of children. For over 25 years, the campaign for statutory sex education has been spearheaded by the Sex Education Forum, a government-funded umbrella group representing over 90 member organisations, including Brook, the *fpa*, the Terrence Higgins Trust and Stonewall.

Early in 2010, the sex education lobby thought it had finally achieved its objective of securing for sex education a place on the national curriculum for all pupils from the first year of primary school, combined with a restriction on the right of parents to withdraw their children from sex education classes. However, the relevant clauses were deleted from the Children, Schools and Families Bill in the dying hours of the Labour government, when Ministers failed to secure the necessary cross-party support to see their proposals pass into law.

It was a bitter blow to the Sex Education Forum and its member organisations, and since that time the sex education lobby has redoubled its efforts to press the case for a centrally-prescribed approach to teaching the subject – one which removes discretion from school governing bodies and deprives parents of having a say in how the subject is taught.

Over the past three years, various initiatives have been taken in an effort to ensure that sex education remains firmly on the political agenda. Within that context, a campaign in support of lessons on pornography has built up a considerable head of steam over recent months and has gained some influential backers, including the children's commissioner, the NSPCC, Ofsted, the Girl Guides, several teachers' unions, the *Daily Telegraph* and the Prime Minister's advisor on the sexualisation of children, Claire Perry MP.

The argument for lessons about pornography in school

Advocates of teaching pupils about pornography in sex education classes point to the prevalence of pornography and its availability to children and young people, particularly via the internet and in music videos. A report commissioned by the Office of the Children's Commissioner found that "a significant proportion of children and young people are exposed to or access pornography", "exposure is more prevalent than (ostensibly) deliberate access", and "access and exposure to pornography are linked to children and young people's engagement in 'risky behaviours'.[1]

In its report on Personal, Social, Health and Economic (PSHE) education, Ofsted considered that sex and relationships education in secondary schools placed too little emphasis on the influence of pornography on students' understanding of healthy sexual relationships. It stated:

> The failure to include discussion of pornography is concerning as research shows that children as young as nine are increasingly accessing pornographic internet sites, and Childline counsellors have confirmed an increase to more than 50 calls a month from teenagers upset by pornography.[2]

In April 2013, the Sex Education Forum devoted the first issue of its new termly e-magazine for teachers to the subject of pornography. Lucy Emmerson, the forum's co-ordinator and editor of *The Sex Educational Supplement,* explained:

> Teachers have told us they are nervous about mentioning pornography in SRE [sex and relationships

[1] Miranda A.H. Horvath, Llian Alys, Kristina Massey, Afroditi Pina, Mia Scally and Joanna R. Adler, *Basically... porn is Everywhere: A Rapid Evidence Assessment on the Effect that Access and Exposure to Pornography has on Children and Young People*, London: Office of Children's Commissioner, May 2013.
[2] Ofsted, *Not yet good enough: personal, social, health and economic education in schools*, May 2013.

> education], yet given the ease with which children are able to access explicit sexual content on the internet, it is vital that teachers can respond to this reality appropriately. Whilst in some cases children find this material by accident, there are instances when they come across pornography whilst looking for answers to sex education questions; it is therefore wholly appropriate that pornography and the issues it reveals are addressed in school SRE [Sex and Relationships Education].[3]

According to Justin Hancock, a sex educator who runs a training course on 'Working with young people around porn', pornography has been incorporated into the sex education syllabus in Denmark because, in the words of the Danish Minister for Equality:

> We can put an abundance of filters on computers to remove porn, but this won't make any difference. The filters must be inside children's and young people's heads.[4]

The expression 'filters in their head' has been taken up by the Sex Education Forum and other campaigners to explain the rationale for their advocacy of teaching about pornography in school. They argue that young people need help in 'interpreting' pornography and that schools provide a 'safe space' to explore media messages to keep pupils safe and healthy.[5]

In line with these sentiments, the report of the Office of the Children's Commissioner recommends that:

> 1. The Department for Education should ensure that all schools understand the importance of, and deliver, effective relationship and sex education which must include safe use of the internet. A strong and unambiguous message to this effect should be sent to all education providers including: all state-funded schools including academies; maintained schools; independent schools; faith schools; and further education colleges.
>
> 2. The Department for Education should ensure curriculum content on relationships and sex education covers access and exposure to pornography, and sexual practices that are relevant to young people's lives and experiences, as a means of building young people's resilience. This is sensitive, specialist work that must be undertaken by suitably qualified professionals, for example, specialist teachers, youth workers or sexual health practitioners.[6]

The issues

While widespread agreement exists that the prevalence of pornography in society in general, and on the internet in particular, presents enormous challenges, the suggested solution of adding lessons about pornography to the school curriculum raises a whole host of issues that need to be considered.

(a) Content

What would lessons about pornography look like in practice? How would they be delivered? Would pupils be shown any pornographic images with a view to helping them to know how to 'interpret' them? If not, would different types of pornography be described, as a basis for class discussion?

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[3] Sex Education Forum media release, *'The Pornography Issue'*: *The Sex Education Forum launches first edition of new e-magazine*, 25 April 2013.
[4] Justin Hancock, 'What to do if you find your kid is watching porn', bishUK.com, 2 October 2012 http://bishuk.com/2012/10/02/what-to-do-if-you-find-your-kid-is-watching-porn/
[5] Sex Education Forum, *The Sex Education Supplement*, Vol 1, Issue 1, April 2013.
[6] Miranda A.H. Horvath et al, *Basically... porn is Everywhere,* op.cit.

The Sex Education Forum, which claims to be 'the national authority on sex and relationships education', recommends 'Planet Porn', a pack of resources produced by Bish Training.[7] The pack includes a game comprising 36 cards, each with a different statement. Pupils take turns to decide whether the statement belongs on 'Planet Earth' (real life sex) or 'Planet Porn' (porn sex). Each statement has an accompanying card providing additional information and discussion points.

Other activities in the pack include 'Porn Challenge', which is designed to help young people 'to think of ways to present sexy scenes and images which are safe, promote equality and diversity and don't make assumptions about who may be watching porn', and 'Dear Doctor Love', which is described as "a problem-page activity which explores relationship issues like trust, intimacy, boundaries, safety, jealousy, independence, self-esteem and communication through the medium of problems that a partner of a pornstar or sexy model might face".[8]

The Sex Education Forum also recommends a page on TheSite website entitled 'Porn vs Reality',[9] which advises young people: "Sex is great. And porn can be great. It's the idea that porn sex is like real sex which is the problem. But if you can separate the fantasy from the reality, you're much more likely to enjoy both."[10]

Is this really what children should be learning in school? To be sufficiently 'media literate' so that they can properly 'interpret' pornography and enjoy it more? Do schools which provide such education merit being regarded as 'safe spaces'?

We should not be taken in by the sophisticated language used by many of the advocates of pornography education. The same keyboard that was used to type this:

> Being able to talk about porn with kids gives an opportunity to talk about: self esteem, body image, sexual decision-making, boundaries, pleasure, consent, orgasm, communication, safer sex, sexual safety, the law, feminism, equality, list *(sic*) and love, emotions, relationships, masculine norms, sex scripts, sexuality and oppression

proceeded in the very next paragraph to write this:

> Many people's sex education from parents is simply 'don't get anyone pregnant' or 'don't have sex till you're older.' Talking about porn is a great way to introduce big topics that young people want to talk about. Asking questions like 'why does the camera always seem to focus on the woman in straight porn' or 'why does sex end when the guy orgasms' or 'what do you think about the language used to describe people and sexual activity in porn' brings up areas that might not otherwise be discussed.[11]

Such teaching would merely compound the problems associated with the sexualisation of children. For some pupils it would run the danger of arousing a curiosity to search out more pornography for themselves, and for others it might introduce the idea for the first time.

(b) Moral framework

Within what moral framework would pornography be taught? Would children be taught that it is good or bad, or that it all depends?

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[7] Sex Education Forum, *The Sex Education Supplement,* op. cit.
[8] Bish Training, *Planet Porn* http://bishtraining.com/index.php/planet-porn/
[9] Sex Education Forum, *The Sex Education Supplement,* op. cit.
[10] http://www.thesite.org/sex-and-relationships/porn/porn-vs-reality-3917.html
[11] Justin Hancock, 'What to do if you find your kid is watching porn', *op. cit.*

If the view is taken that pornography is a neutral medium and may be good or bad depending on its nature and context, how would young people be taught to discern between different types of pornography? Or would they be left to decide for themselves?

Many people, even some Christians, are inclined to support the campaign to teach pupils about pornography in schools on the assumption that the purpose of the lessons would be to discourage children and young people from accessing it. However, the reality is quite different.

The Sex Education Forum's e-magazine on pornography includes a 'Teachers' wishlist' which states: "We want teachers to know… that pornography is hugely diverse – it's not necessarily 'all bad.'" [12] Given the Forum's longstanding commitment to relativism this comes as no surprise. For example, in an earlier resource, an activity on a 'moral and values framework' makes it clear that the purpose is 'not to agree the rights and wrongs' of various statements, 'but rather to discover the range of opinions on the subject'.[13] The intention appears to be to steer children and young people away from a belief in moral absolutes and to encourage them to think that there are no rights and wrongs when it comes to sexual expression.

In a similar vein, Bish Training's 'Planet Porn' includes a 'Porn Debate' resource which, the publishers state, "tries to be even-handed and doesn't attempt to tell people whether porn is good or bad. This activity gives young people the chance to think about and to build on their own values around various ethical questions in porn".[14]

On his website for young people aged 14 and above, the creator of Bish Training, Justin Hancock, sets out what the law states about pornography and then remarks:

> So that is the law: However, just because something is legal doesn't necessarily make it right. Also you might think that some things which are not legal are OK. Give your brain muscle a workout over these situations; ask your friends; copy and paste them on your Facebook wall, or just comment below. Your call – I'm not going to tell you what to think![15]

He then proceeds to list 14 distasteful scenarios involving teenagers accessing different kinds of pornography, but leaves it up to his young readers to decide for themselves whether they are right or wrong. As with the Sex Education Forum's e-magazine, the assumption is made that not all pornography is 'bad' and no moral guidance is given.

In an article published in *PinkNews*, Simon Blake, the chief executive of the young people's sexual health charity, Brook, suggests that online pornography can be helpful to young people, especially those who identify as lesbian, gay, bisexual or transgender (LGBT). He cites the case of a young man who appeared with him on *Newsnight* testifying that finding gay porn online was 'something of a comfort to him' because it helped him to realise that he 'wasn't some sort of freak'.

While Blake insists that 'most sensible adults would agree that pornography is not the best place to learn about relationships, sex and sexuality', he states that 'pornography may be, for some, one of the first places they see their sexuality represented positively or that they learn about same-sex relationships'. He therefore expresses anxiety about the Prime Minister's proposals to introduce

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[12] Sex Education Forum, *The Sex Education Supplement,* op. cit.
[13] Sex Education Forum, *Are you getting it right? A toolkit for consulting young people on sex and relationships education*, February 2008.
[14] Bish Training, *Planet Porn* http://bishtraining.com/index.php/planet-porn/
[15] Justin Hancock, 'Porn: what is legal, what is right – a guide to legal and illegal porn', 6 September 2011 http://bishuk.com/2011/09/06/porn-what-is-legal-what-is-right/

internet safety filters since, he says, it could lead to 'relevant and useful information being restricted', and LGBT young people 'could be disproportionately affected'.[16]

According to the *Guardian* columnist, Tim Lott, there is nothing intrinsically wrong with pornography, provided that it is not 'violent, extreme and abusive' and that women are not being 'objectified':

> Just watching two people enjoying sex together…, even if you are quite young, does not strike me as obviously harmful. After all, it is not objectifying a woman any more than a man.
>
> I doubt the *Daily Telegraph* or David Cameron would support openly available 'good porn', because I suspect they are just revolted by the whole idea of mixing sex and young people generally. But in reality, some kind of certification or guide to quality might solve the problem. If, that is, there is a problem to be solved.[17]

(c) 'Normal and acceptable sexual behaviour'

We can all agree with Claire Lilley, a policy advisor at the NSPCC when she observes that pornography 'can warp [young people's] view of what is normal and acceptable sexual behaviour'.[18] However, this begs the question as to what young people should be taught constitutes 'normal and acceptable sexual behaviour'.

None of the major, government-funded providers of sex education in the UK would limit 'normal and acceptable sexual behaviour' to a lifelong mutually faithful union between one man and one woman. Indeed, they would not even limit it to sexual intimacy between a man and a woman at all.

According to NHS Warwickshire's *Respect Yourself* website:

> There are many different ways that two people can fit together and have sex with each other. Everybody is different, there are no right or wrong ways to 'do it' – the fun is experimenting and exploring with your partner(s).[19]

Bearing in mind that the website has been designed for children and young people from the age of 13 and NHS Warwickshire recognises that the site is likely to be accessed by even younger children, it is difficult to see any justification for this encouragement to 'experiment and explore' – possibly with more than one 'partner'. But it gets worse. In response to the question: "Is it normal to have sexual fantasies over dolphins?", the website advises:

> Sex and normal don't really go together. People get turned on by some very weird things and this is perfectly normal. As long as you are not hurting anyone else – then it is OK. Although, sex with animals is illegal (fantasising is not).[20]

In response to concerns about the *Respect Yourself* website expressed by Family Education Trust, the Health Minister, Anna Soubry, wrote:

> I have visited the website and read many of its pages. I am bound to say that on the basis of what I have read, which was in context, I am not troubled by its content.[21]

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[16] Simon Blake, 'Porn or better sex education?' *PinkNews.co.uk*, 21 August 2013.
[17] Tim Lott, 'I worry about my children seeing porn on the internet', *Guardian*, 13 September 2013.
[18] Louisa Peacock and Emma Barnett, 'NSPCC: "Girls think they have to act like porn stars to be liked by boys"', *Daily Telegraph*, 3 September 2013.
[19] http://www.respectyourself.info/sextion/positions/
[20] http://www.respectyourself.info/faq/is-it-normal-to-have-sexual-fantasies-over-dolphins/

In reply, the Trust referred the Minister to the extracts from the website cited above and asked her in what context she considered this appropriate advice to give to children as young as 13 and possibly younger. She responded:

> It is important to ensure that young people have access to information about relationships and sexual health in a format that is easy to access, and that uses language and methods of communication that they feel are aimed at them. As I have mentioned, I do not consider the content of the website to be troubling.[22]

It is to be feared that the approach favoured by publicly-funded sex educators and supported by government ministers would merely compound the warped views of what is normal and acceptable behaviour and not provide the required corrective.

(d) The experts

In her article in support of the *Daily Telegraph* campaign for updated sex education guidance, Claire Perry, the Prime Minister's advisor on the sexualisation of children wrote:

> The guidance could come in a variety of forms. But it should engage sex education experts who can safely explain the new threats and opportunities that the digital world provides to secondary school children. The rise of sexting, online bullying, porn and young people documenting their entire lives on the web, needs to be a core tenet of how we teach sex and relationships to children in secondary schools. And, rather than putting one more set of responsibilities on the shoulders of hard-working teachers, it should be possible to encourage schools to develop working relationships with the many excellent charities and organisations that used trained experts to deliver the right messages to young people in appropriate and high impact ways.[23]

Again, this begs a whole host of questions:

Firstly, which 'sex education experts' and 'excellent charities and organisations' does she have in mind? Is she thinking of groups like Lovewise and Family Education Trust which advocate saving sex for marriage and place a strong emphasis on marriage as the faithful and lifelong union of one man and one woman, or does she have in mind those, like Brook, the *fpa* and other members of the Sex Education Forum, that encourage sexual experimentation and take a relativistic view of sex and relationships in which there are no moral absolutes?

If her thinking is in line with her colleague, the Minister for Education and Childcare, Elizabeth Truss, it will be the latter. In response to a parliamentary question asking what steps the government was taking to improve sex education, Ms Truss responded:

> To support teaching in SRE, we… encourage schools to use the expertise of professional organisations such as the Sex Education Forum.[24]

Secondly, what does Mrs Perry mean by 'the right messages'? Does she mean anything goes provided that it is consensual and a condom is used? Or does she have in mind the message that

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[21] Letter from Anna Soubry to Family Education Trust, December 2012.
[22] Letter from Anna Soubry to Family Education Trust, 4 February 2013.
[23] Claire Perry, 'It's time to teach children the difference between porn and healthy relationships', *Daily Telegraph*, 3 September 2013.
[24] House of Commons Hansard, 25 April 2013, col 1183W.

sexual intimacy is only truly 'safe' when it involves a man and a woman without a previous sexual history who are committed to being faithful to each other for life?

Thirdly, what are the 'appropriate and high impact ways' in which these messages are to be delivered? Might they include cartoon animations of sexual intercourse as in Channel 4's *Living and Growing* series for primary school pupils? Might they also include condom demonstrators and handing out condoms in class? Or, on the other hand, would they involve the presentation of sober statistics showing the limitations of condoms to protect against different sexually-transmitted infections, the fragility of cohabiting relationships, and the benefits of conceiving and raising children within a faithful marriage?

In the view of the Sex Education Forum, Justin Hancock's bishUK.com website ticks all of Claire Perry's boxes, but many parents would be extremely uncomfortable about his starting point. On his home page, he advises young people aged 14 and over:

> Think that people are gay or straight or man or woman? Think again, it's more complicated than a lot of people think. Because of this a lot of people feel that they aren't really referred to or understood in 'traditional' sex education. **QUILTBAG** sounds like a very practical storage solution that people my age and above might like, but in the field of Sex Ed it stands for Queer/Questioning, Undecided, Intersex, Lesbian, Trans, Bisexual, Asexual and Gay.[25]

Towards a biblical response

Advocates of adding lessons about pornography to the school curriculum argue that it would satisfy the natural curiosity of young people. Claire Lilley of the NSPCC claims:

> It's natural for children to become curious about puberty and sex. If they are not learning what they need to at school or at home they will turn elsewhere, including to porn.[26]

However, from a biblical perspective, it is naïve to imagine that classroom discussions about pornography would limit its appeal. In the words of the title of one of Joshua Harris's books, 'Sex is not the problem (lust is)'.[27] And lust does not arise from shortcomings in the education system, but flows from a sinful heart (Matthew 15:19-20). The primary purpose of pornography is to stir up such lust, or, in the words of Wayne Grudem, 'to arouse in people sexual desires that are contrary to God's moral standards'.[28]

Secular thought proceeds on the assumption that if something comes naturally to us, then it must be right. Similarly it is supposed that if we have an appetite for something, then it must be satisfied in some way or other. However, in our fallen condition, there is much that comes naturally to us that is morally wrong, and a life lived to the glory of God demands that we say 'No' to many of our appetites and desires. And so, while young people do have a natural curiosity about sex, we need to take account of the fact that not all curiosity is healthy, and guard against feeding their sexual lusts by providing them with information that would not be helpful to them.

There is no question that in the hands of sex education 'experts' such as the Sex Education Forum, Bish Training and the creators of the *Respect Yourself* website, lessons about pornography in school would prove counter-productive and do more harm than good. Sex education delivered in a moral

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[25] http://bishuk.com/

[26] Louisa Peacock and Emma Barnett, 'NSPCC: "Girls think they have to act like porn stars to be liked by boys"', *op.cit*.

[27] Joshua Harris, *Sex is not the problem (lust is)*, Multnomah Press, 2005.

[28] Wayne Grudem, *Politics according to the Bible*, Zondervan, 2010, p.239.

vacuum, devoid of an acknowledgment that 'normal and acceptable sexual behaviour' can only ever take place in a lifelong and faithful marriage between a man and a woman, can never contribute to a healthy and stable society.

But that does not mean that Christians should hide their heads in the sand and not take care to provide their children with guidance to help them navigate the temptations that confront them in a fallen and sexually confused world. In every generation, young people, in common with older people, have been subject to sexual temptation. There have always been adulterers and adulteresses at large, seeking to lure their prey into sin. With the advent of the printed media, photographic imaging and film, they appeared in print and on screen, and today they also inhabit a ubiquitous 'virtual' world via the internet and social networking.

Technological advances undoubtedly present fresh challenges in that pornographic images are more readily available than ever before and may be viewed in secrecy at the click of a mouse without the embarrassment of needing to purchase a magazine that may be more difficult to conceal. Nevertheless, the nature of the temptation is essentially the same: pornography represents the invasion of the adulterer and the adulteress into our world, with the aim of capturing our affections and leading us into sin – initially the sin of heart-adultery (Matthew 5:27-30), while grooming us for adultery in the flesh.

If the character of the temptation remains the same, so too is the remedy. The word of God remains our all-sufficient guide (2 Timothy 3:16-17) and our great high priest remains our ever-present source of mercy and grace (Hebrews 2:14-18; 4:14-16). The book of Proverbs was written for the express purpose of giving knowledge and discretion to the young (Proverbs 1:3). It is wisdom, rooted in the fear of the Lord (Proverbs 1:7), that keeps young people safe from men who 'rejoice in doing evil and delight in the perversity of the wicked' and delivers them 'from the immoral woman, from the seductress who flatters with her words' (Proverbs 2:14, 16).

The repeated appeal to 'My son' reveals that it is primarily the responsibility of parents to raise their children in the fear of God and, within that context, to warn them about sexual predators in whatever guise they may appear. There are three extended passages in the book of Proverbs which have a direct bearing on the counsel parents are to provide (Proverbs 5:1-23; 6:20-7:27; 9:13-18). Whether the necessary warnings are delivered in a course of formal instruction,[29] or whether they are given in the course of everyday life as issues and opportunities arise (Deuteronomy 6:6-9), the teaching of Proverbs about the immoral woman can be applied to pornography in the following ways:

- Appearances are deceitful. Pornography projects a false image of people. Those who pose for pornographic images are unstable and on the road to disaster (5:3-6);
- Steer well clear of pornography. Don't even tinker on the edges of it. Indulging in pornography will always lead to regret later on (5:7-14);
- Keep yourself pure for your future wife or husband. Let your spouse be the object of your affections and the source of your sexual delight, and don't allow yourself to be captivated by someone who does not belong to you (5:15-20);
- Remember God sees what you are doing all the time. Like every other sin, pornography has consequences and will lead you into bondage (5:21-23);

[29] Useful resources for parents to use with their children include: Louise Kirk, *Sexuality Explained*, Gracewing 2013; *Growing up…growing wise @home* and other resources from Lovewise; and the Family Education Trust leaflets, *Why Save Sex?* and *What is Love?*

- Don't imagine that you can dabble with pornography and come away unscathed. To access pornography is to play with fire (6:20-32);
- Lusting after pornographic images is a form of adultery and, like all adultery, shows a lack of understanding, is self-destructive, and liable to ruin a marriage (6:32-35);
- Pornography is inviting, enticing, alluring, and can have an appearance of sophistication; it is available everywhere and offers 'love' without commitment. But don't be taken in by it. It has destroyed strong men in their thousands and could lead to your downfall too (7:1-27);
- Pornography promises so much, but delivers destruction. People who get sucked into it demonstrate a lack of understanding and discernment (9:13-18).

With regard to the seductress, Proverbs 6:25 states: "Do not lust after her beauty in your heart, nor let her allure you with her eyelids". In that single verse alone, there is more wisdom than is contained in most sex education programmes.

The role of Christian parents and churches

If Christian parents are faithfully to fulfil their responsibility to bring up their children in the nurture and admonition of the Lord, they will need to maintain a bold confidence in the word of God and be vigilant to protect their children from anything at variance with it. In the area of sex education, this will mean making sure that they know what is being taught at their children's school, engaging with the school with a view to influencing its policy, and, where necessary, withdrawing their children from sex education lessons. It will also involve trying to keep abreast of government policy proposals and engaging in the political process to ensure that a strong emphasis on the importance of being sensitive to parents' wishes and concerns is maintained in this controversial area.

However, our responsibility as Christian parents is not exhausted if we succeed in keeping pornography off the school curriculum and ensure that the sex education programme is consistent with biblical standards. Our role is more demanding and all-embracing than that.

We must convey by word and example the teaching of the Bible with regard to sexual purity. Care must be taken over what newspapers, magazines, novels, television programmes and DVDs are allowed in the home. There will be no place for music with suggestive lyrics which may arouse lustful thoughts. Access to the internet will be controlled and supervised. Modest dress will be worn by the parents and insisted upon for the children.

By training their children to treat the body with due modesty and respect and to follow Job's example in making a covenant with their eyes (Job 31:1), parents can reinforce the word of God by word and deed.

Churches can play an invaluable role in supporting parents in this process by ensuring that the Bible is applied to every area of thought and life through the regular teaching and preaching ministry. In the face of an increasingly aggressive secularism which is seeking to force Christians to conform to its own thought-patterns, it is vital that believers bring every thought captive to Christ and are continually being transformed by the renewal of their minds.

In a climate in which the state is inclined to assume a parental role, churches must teach the biblical truth that parents bear the primary responsibility for the care, nurture and instruction of their children, and take care to ensure that their children's and youth programmes do not undermine the role of parents. In this way, the family and the church can work together to protect our children.

Norman Wells

LIFE ISSUES

Abortion

An unprecedented nexus

Never before has there been such manifold evidence that the Abortion Act 1967 is being abused. The Department of Health, the Care Quality Commission (CQC), the police and the Crown Prosecution Service (CPS) need to act without delay to ensure that the law is being obeyed. This novel nexus of serious non-compliance consists of three strands.

First, in February 2012, as a result of undercover investigations by journalists from *The Daily Telegraph* there was the revelation that sex-selective abortions were being performed in the UK – unborn girls were being preferentially aborted. Such abortions were considered to be illegal. In July 2012, the Department of Health and the CQC launched an inquiry only to conclude that no such practices were occurring in the UK. Then, after its own 19-month inquiry, the CPS decided not to charge the two accused doctors. They admitted that there was sufficient evidence to proceed, but declared that such prosecutions would not be 'in the public interest'.

Eventually, on 7 October, the Director of Public Prosecutions, Keir Starmer, published a detailed explanation for this inaction by the CPS. Its wriggle was based on the fact that there was no victim in these cases because the abortions did not proceed. Moreover, the DPP admitted that although gender selection alone cannot be a ground for abortion, such abortions are not necessarily unlawful. For instance, the British Medical Association (BMA) guidance for doctors states: "It is normally unethical to terminate a pregnancy on the grounds of fetal sex alone." However, the BMA guidance continues: "The pregnant woman's views about the effect of the sex of the fetus on her situation and on her existing children should nevertheless be carefully considered." In other words, Ground C of the 1967 Act can be used as a catch-all justification for sex-selective abortions.

Let's face it – the inescapable conclusion from the above is that there are no reasons for disallowing an abortion in Great Britain. We effectively have 'abortion-on-demand'. The upshot is that instead of prosecution, the CPS is happy that the two doctors, from Manchester and Birmingham, will face an inquiry by the General Medical Council, which has the power to strike them off the medical register. I wonder if it will.

Second, the same newspaper stings showed that doctors in at least 14 hospitals across England, were routinely pre-signing, and even photocopying, the abortion consent form, known as HSA1. The level of abuse is staggering. For example, at Rochdale Hospital *all* the forms were pre-signed. At the Princess Alexandra Hospital, Harlow, the same photocopied signature was used even after the doctor had left the Hospital's employment. Furthermore, it has become clear that some women were having abortions without ever being seen, let alone examined, by even one doctor.

Yet, as the NHS website states: "Before an abortion can proceed, two doctors must ensure that the requirements of the Abortion Act are fulfilled, and they must both sign the relevant certificate." How can these medical practitioners claim to be acting 'in good faith', as the 1967 Act specifically requires, and discharging their duty of care towards these patients?

Third, in November 2011, the Royal College of Obstetricians and Gynaecologists published its updated guideline, *The Care of Women Requesting Induced Abortion*, and stated (p. 45) that: "Women with an unintended pregnancy should be informed that the evidence suggests that they

are no more or less likely to suffer adverse psychological sequelae whether they have an abortion or continue with the pregnancy and have the baby." And in December 2011, the National Collaborating Centre for Mental Health at the Royal College of Psychiatrists published a large-scale review of the relevant literature entitled *Induced Abortion and Mental Health*. It stated (p. 8) that: "The rates of mental health problems for women with an unwanted pregnancy were the same whether they had an abortion or gave birth."

Together, these two high-ranking publications declared categorically that the continuation of a pregnancy does *not* involve risk of injury to the mental health of the pregnant woman, greater than if the pregnancy were terminated. In other words, abortion is never the better option. This was a bioethical thunderbolt. Seemingly, 99.96% of the abortions performed under ground C for mental health reasons – about 98% of all UK abortions, accounting for well over 180,000 – are outside the provisions of the 1967 Act and are therefore illegal. If so, they are crimes under the Offences Against the Person Act 1861.

Here is the big question– has a coach and horses been driven through the Abortion Act 1967, year after year? We need the answer. The authorities need to provide it. Or is there a fear that the answer would expose the whole sordid truth that 'abortion-on-demand' and contempt for the law have become the abortion industry's custom and practice?

Much now depends upon Parliament and in particular the members of the All-Party Parliamentary Pro-Life Group (APPLG) – step up one brave MP and bring this debacle before the whole House. Already, on 9 October, David Burrowes, MP for Enfield Southgate, brought forward a debate in Westminster Hall on the workings of the 1967 Act. It forced the Attorney General, Dominic Grieve, to attend and concede that the 1967 Act's provisions are unclear and that the Department of Health, the CQC and the DPP will issue clearer and more specific guidance for both doctors and prosecutors. We shall be waiting and watching.

Parliamentary Inquiry into Abortion on the Grounds of Disability

On 17 July 2013, the Inquiry's Report was published. It can be read at, http://www.abortionanddisability.org/resources/Abortion-and-Disability-Report-17-7-13.pdf The Report was greeted by a stony silence from most of the media.

This important Inquiry, chaired by Fiona Bruce MP, centred on Section 1(1)(d) of the Abortion Act 1967, which sets no time limit on when an abortion may take place, if "t*here is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped".* This is commonly known as Ground E of the Act.

Members of the Inquiry took oral and written evidence from a total of 299 individuals and organisations, including Affinity, and produced a list of 17 recommendations. The latter included more support and information for parents with a new diagnosis of a suspected disability in their unborn child, more funding for neonatal palliative care, better training for health professionals dealing with prenatal diagnosis, and a welcome emphasis on adoption as a positive alternative to abortion for disability. In addition, there was a call for post-mortems for abortions conducted after 24 weeks to ensure the correct operation of the Act and to improve future medical diagnoses.

The Inquiry's most robust and radical conclusion was: "We recommend that Parliament reviews the question of allowing abortion on the grounds of disability and in particular how the law applies to a fetus beyond the age of viability (currently 24 weeks). Parliament should **consider at the very least the two main options** for removing those elements which a majority of witnesses believe are

discriminatory – that is either reducing the upper time limit for abortions on the grounds of disability from birth **to make it equal to the upper limit for able bodied babies or repealing Section 1(1)(d) altogether**."

The Inquiry has highlighted significant anomalies and discriminations concerning Ground E abortions. The hope is that Parliament will be alerted to act, or will it be content to bury the evidence?

Abortion in the Republic of Ireland

On 30 July 2013, the Irish President, Michael D Higgins, signed into law *The Protection of Life During Pregnancy Bill*. It will allow abortions to be carried out where there is a threat to the life of the mother, or where there is medical consensus that the expectant mother will commit suicide because of her pregnancy. This latter risk from self-destruction is the loophole, the slippery slope, the Trojan horse, which will pave the way to abortion-on-demand in Ireland. Already the *Lancet* has called the new law 'a start but not enough'.

This new Act was introduced largely as a result of legal ambiguity surrounding the tragic case of Savita Halappanavar, a 31-year-old Indian dentist, who was admitted to hospital in Galway in October 2012. She was miscarrying and her request for an abortion was refused because her life was not in danger. She died a week later from septicaemia.

This landmark change in Irish law has not been part of the democratic process. The government was determined to pass the Bill and many Fine Gael, Labour and Sinn Fein politicians were left with no choice but to vote against their conscience or lose their jobs. Some of these politicians had even made pre-election promises to their electorate not to support any legislation which would introduce abortion into Ireland. 30 July 2013 was indeed a sad day for Ireland.

A 'once-a-month contraceptive pill'

An article, *Embracing post-fertilisation methods of family planning: a call to action*, appeared in the October issue of the *Journal of Family Planning and Reproductive Health Care.*

Of course, any such monthly-pill would not be a 'true' contraceptive, but rather a post-fertilisation method that could act as an abortifacient. Indeed, as the authors recognised: "Although such methods would displease abortion opponents, they would likely be welcomed by many women. Research to develop post-fertilisation fertility control agents should be pursued."
And 'research' was all that this article called for. If the hype and enthusiasms of the media were to be believed, however, such 'a monthly-pill' was already here, or just around the corner.

Prototypes exist in the form of so-called emergency 'contraception' – the morning-after and week-after pills, Levonelle One Step and ellaOne, can operate as abortifacients for up to three and five days respectively after unprotected sexual intercourse. There is also a similar drug, mifepristone (RU-486), which is regularly used in the UK to procure medical, as opposed to surgical, abortions. Have these authors thought about the implications of a 'once-a-month' pill? What about women's greater risks to sexual abuse? Already girls and women have few enough reasons to say 'No'. What about the lack of protection from sexually-transmitted infections? Their incidence is already spiralling out of control. What about the dangers to women's health?

Stockpiling such a pill, its frequent consumption and its unknown long-term adverse effects seem unimportant to these authors. Their primary aim seems to be the procurement of early abortions – anyhow, anywhere, any woman.

Assisted Reproductive Technologies

'Three-parent' IVF

There is continuing concern that the UK is pushing ahead with 'three-parent' IVF. It is not just the implications that this technique involves germline therapy, a procedure banned by all governments that have considered it. Now a group of experts from around the world have raised additional safety issues in the September edition of the journal *Science* in a discussion paper entitled *Mitochondrial Replacement, Evolution, and the Clinic*. For instance, their concern is that a mismatch between the genetic information from the parents' DNA in the nucleus and the third parent's DNA in the donated mitochondria may affect fertility, learning and behaviour of any subsequent baby. The authors consider "…that it is premature to move this technology into the clinic at this stage". Nevertheless, the UK government is stubbornly pressing on, with draft regulations expected this year and clinical trials perhaps as early as 2015.

But this is just the entrée. It will not stop there – it never does with bioethical issues. Once permitted, 'three-parent' IVF will be used not only to treat or prevent disease, but rather to fulfil lifestyle desires. For example, it could assist polyamorous threesomes or lesbian couples to have children biologically related to all partners involved.

The designer baby

Reports of little tweaks here and there in the basic IVF and preimplantation genetic diagnosis (PGD) procedures hint more and more at the arrival of the designer baby, or at least, a more genetically-modified baby. For example, in May in Philadelphia, Connor Levy made history because he was the first baby to be born after a whole batch of his parents' IVF-embryos had their entire genomes screened by a new technique called next-generation sequencing (NGS). It counts the chromosomes in the biopsied embryonic cells allowing selection of the 'best' and destruction of the 'non-best'.

Such 'advances' will enable future parents to screen the genomes of their IVF embryos and select those based on the characteristics they desire, whether they are disease-free, cosmetic or behavioural traits, or a boy or a girl. Welcome the *Brave New World*. The problem is, such technology is already here so a worldwide ban would now be both pointless and unworkable.

The pan-European 'One of Us' initiative

During September this petition [www.oneofus.eu] gained its millionth signature. Its purpose is to protect the "dignity, the right to life and the integrity of every human being" at all stages of development. More specifically it calls on the European Union "to end the financing of activities which presuppose the destruction of human embryos, in particular in the areas of research, development aid and public health".

Having reached the all-important million votes, the leaders of the 'One of Us' initiative will now be granted an official public hearing in the European Parliament to outline the need for legislation, and they are guaranteed a formal response from the European Commission.

The initiative's timing is crucial because negotiations are currently underway for *Horizon 2020*, the EU's research-funding programme for the period 2014-2020. This is only the second petition to meet the requirements of the European Citizens' Initiative (ECI) since the EU adopted the scheme in February 2011 to increase democratic participation in its activities. At least a million people have spoken – the outcome will be interesting.

A heart-warming story

Andy and Sarah Justice from Tulsa, Oklahoma longed to have children, but they struggled to conceive. After three and a half years, they considered IVF, but they discovered that the treatment was too expensive. Instead they contacted an adoption agency connected to a Christian Crisis Pregnancy Centre.

The couple were eventually selected by a pregnant mother – they met and bonded. When Sarah accompanied the mother for an ultrasound scan, there was a shock – she was carrying triplets! A few months later, Joel, Hannah and Elizabeth were born and welcomed into the Justice family. But that is not the end. Just one week after the triplets were born, Sarah found out she was pregnant – with twins! Sarah and Andy are now expecting a girl and boy this coming January. From 0 to 5 in a year.

The three lessons. The couple wanted children – good desire. The couple turned from IVF to adoption – good choice. They helped a pregnant mother – good deed.

A less than heart-warming story

Back in 2010, the UK government said that it would axe the Human Fertilisation and Embryology Authority (HFEA) as part of its promise to cut the number of quangos. On 17 July 2013, the Department of Health announced that the HFEA will be retained as the independent regulator of assisted reproduction and embryo research across the UK. The hope was that the HFEA would be disbanded and replaced by something more bioethically robust. So, sadly, it is business as usual.

Stem-cell technologies

You will not believe this

The sources of stem cells have been 'various and diverse' as well as surprising – bone marrow, umbilical cord blood, milk teeth, eyes, even adipose tissue. Now comes news that they can also be isolated from human urine.

A team from the Wake Forest Institute of Regenerative Medicine in North Carolina published the evidence in the May edition of the journal *Stem Cells* in a paper entitled *Multi-Potential Differentiation of Human Urine-Derived Stem Cells: Potential for Therapeutic Applications in Urology.*

As the research leader, Yuanyuan Zhang, said: "These cells can be obtained through a simple, non-invasive low-cost approach that avoids surgical procedures." It is thought that these stem cells probably originate from the upper urinary tract, including the kidneys.

These urine-derived stem cells (USCs) were collected from 17 healthy individuals ranging in age from five to 75 years, and subsequently differentiated into smooth muscle-type cells, like those that line the inside of the urethra and bladder. Once attached to bioscaffolds, these USCs could be coaxed to become connective tissue and blood vessels, with the potential to become bone, muscle, nerve or adipose cells.

These are very preliminary results, but still fascinating. The approach has been corroborated by Chinese scientists in the July edition of *Stem Cell Regeneration.* Their work, published as *Generation of tooth-like structures from integration-free human urine induced pluripotent stem cells*, involved

the generation of tooth-like structures from human urine induced pluripotent stem cells (ifhU-iPSCs). They first collected USCs, differentiated them into ifhU-iPSCs, cultured them into epithelial sheets, which were then recombined with mouse dental connective tissue, which differentiated into enamel-secreting cells in tooth-like structures, which possessed physical properties similar to those found in normal human teeth. The expectation is that one day, this technology will allow the regrowth of lost teeth in human patients. Can you believe it?

You will perhaps believe this

Remember that bizarre picture of the mouse with a bioengineered ear stuck on its back? It became known as the 'earmouse' or the Vacanti mouse, after its creator, Charles Vacanti and his colleagues from the University of Massachusetts Medical School. That was way back in 1997. It was a small and not very attractive appendage.

Now US scientists have almost perfected the growth of a lifelike human ear, or at least, the outer pinna. The researchers at Massachusetts General Hospital in Boston claim that the artificial ear looks like and has the flexibility of a real human ear. *Design of composite scaffolds and three-dimensional shape analysis for tissue-engineered ear* was published in the July edition *of The Journal of the Royal Society Interface*.

The team took living tissues from cows and sheep and grew them on a flexible titanium wire frame that had the three-dimensional shape of a real human ear. This was then implanted onto a rat with a suppressed immune system to allow growth to take place. This is a significant advance in tissue engineering and the hope is that one day, replacements ears will be grown from patients' own stem cells. If so, it will be a boon for people born with malformed ears, or who have lost them in accidents.

But you will probably not want this

The world's first laboratory-grown burger was unveiled and eaten at a news conference in London on 5 August 2013. Professor Mark Post of Maastricht University and his colleagues took stem cells from bovine muscle, cultured them until, after about three weeks, there were more than a million cells. These were coaxed to coalesce into strips about 10 millimetres long and a few millimetres thick. These were harvested, frozen and eventually compacted into a 'burger' lookalike.

And the taste? An Austrian food researcher, Hanni Ruetzler said: "I was expecting the texture to be more soft... there is quite some intense taste. It's close to meat, but it's not that juicy. The consistency is perfect, but I miss salt and pepper.' A US food writer, Josh Schonwald said: "The mouthfeel is like meat. I miss the fat, there's a leanness to it, but the general bite feels like a hamburger. What was consistently different was flavour."

Professor Post claimed: "We are going to present the world's first hamburger made in a lab from cells. We are doing that because livestock production is not good for the environment, it is not going to meet demand for the world and it is not good for animals."

The extremist animal welfare campaigning group, People for the Ethical Treatment of Animals (PETA), predicted that, "[Laboratory-grown meat] will spell the end of lorries full of cows and chickens, abattoirs and factory farming. It will reduce carbon emissions, conserve water and make the food supply safer." Yet, with an inexorably growing global demand for meat and the cost of this burger estimated to be £215,000, none of these prospects seems either logical or practical.

Embryonic stem-cell (ESC) progress

Still lagging way behind the progress achieved by scientists using adult stem cells and induced pluripotent stem cells are those committed to embryonic stem-cell (ESC) technologies. They have, after a long wait, reported two advances recently.

First, the on-going work by a team at Moorfields Eye Hospital and University College London has demonstrated that the part of the eye which actually detects light can be repaired using embryonic stem cells. Experts eagerly, and perhaps over-excitedly, described this as a 'significant breakthrough' and a 'huge leap,' which will make human trials 'a realistic prospect'.

The work was published in the July edition of *Nature Biotechnology* under the title *Photoreceptor precursors derived from three-dimensional embryonic stem cell cultures integrate and mature within adult degenerate retina*. It demonstrated "…unequivocally that ESC-derived photoreceptor precursor cells have the capability to integrate and mature to form outer segments and synaptic connections after transplantation into the degenerate adult mouse retina". Well, yes, but it was only in mice; and only one in 200 ESCs were incorporated into the rest of the eye. Treatments for several eye diseases using adult stem cells have already been tested and proven to be effective.

Second, there has been the rather spooky use of human ESCs to grow so-called miniature brains or organoids, spherical structures about four millimetres across, but reckoned to be equivalent to those of a nine-week-old foetus. The project's rationale is to model neurological development and disorders, such as microcephaly, schizophrenia and autism.

This work has been led by Dr Juergen Knoblich at the Institute of Molecular Biotechnology (IMBA) of the Austrian Academy of Sciences in Vienna together with scientists at the University of Edinburgh. They used both ESCs and, perhaps more significantly, iPS cells derived from human skin cells. The results were published in the September edition of *Nature* under the title *Cerebral organoids model human brain development and microcephaly.*

Differentiation of stem cells into bone, heart, blood and nerve cells is one thing. Differentiation into human mini-brains is quite another. These little pea brains had a tiny cerebral cortex and even the beginnings of eyes as well as the nervous connections and the electrical impulses that are essential for functional communication. It opens up serious questions of what constitutes a person, what is the mind, consciousness and awareness? And what about the creation of more mature cerebral organoids? This combination of using ESCs and creating mini-brains seems doubly sinister.

Induced pluripotent stem (iPS) cell progress – I

One of the limiting factors in iPS-cell technologies has been the inefficiency of converting adult skin cells to stem cells. Now a team from the Weizmann Institute of Science in Rehovot, Israel, has discovered how to increase the conversion rate to almost 100% – 10 times that normally achieved. The procedure is beguilingly simple – removal of a single protein, called Mbd3.

The work headed by Jacob Hanna and his colleagues was published in the September issue of *Nature* with the title *Deterministic direct reprogramming of somatic cells to pluripotency.* It was shown to occur with both mouse and human cells. This new technique should allow the production of larger volumes of stem cells and therefore hasten the development of new, potential treatments for humans.

Induced pluripotent stem (iPS) cell progress – II

Ever since Shinya Yamanaka first demonstrated, in 2006, the conversion of adult skin cells to iPS cells by adding four genes, namely, Oct4, Sox2, Kfl4 and c-Myc, scientists have sought ways of reprogramming without the addition of such genetic material. Their motivation has been that these genes increase the risks of triggering mutations and cancers. Some success has been achieved with small molecular-weight molecules, but Oct4 has always been an essential requirement.

Hongkui Deng and his team at Peking University in Beijing began to screen 10,000 small molecules to find chemical substitutes for the Oct4. After years of searching they found that mouse iPS cells could be generated by the addition of a combination of seven small-molecule compounds, rather than any genes.

Their findings have been published as *Pluripotent Stem Cells Induced from Mouse Somatic Cells by Small-Molecule Compounds* in the July copy of *Science*.

This chemical reprogramming strategy makes the use of iPS cells even more attractive for safe, human clinical applications.

Induced pluripotent stem (iPS) cell progress – III

Two of the challenges that regenerative medicine faces are the shortage of transplantable organs and the application of stem-cell technologies to fill that void. Until recently it seemed impossible to generate complex, three-dimensional vascularised organs, such as livers, from iPS cells. Then Hideki Taniguchi and his co-workers at the Department of Regenerative Medicine, Yokohama City University Graduate School of Medicine and elsewhere in Japan achieved just that. Their report, *Vascularised and functional human liver from an iPSC-derived organ bud transplant*, appeared in a July issue of *Nature*.

These scientists managed to create functional human livers from human iPS cells by transplantation of liver buds created in vitro. These liver buds remarkably organised themselves into liver tissues that could perform mature liver-specific functions, such as protein production and drug metabolism.

This is the first report of the generation of a functional human organ from iPS cells. Of course, treatments for patients are some years in the future, but this is a crucial proof-of-concept demonstration that organ-bud transplantation could become a new and promising approach for regenerative medicine.

The return of the fear of reproductive cloning

The progress of these stem-cell technologies raises something triply sinister. The use of iPS cells was until recently considered to be safe, wholesome and bioethically acceptable. Now the possibility is that every cell in the human body can be induced to become embryo-like. In other words, human skin cells, for example, might be capable of being transformed back, not just into embryo-like stem cells, but right back to the equivalent of a fertilised ovum, an embryo, capable of making a complete new human being. This raises again the fearful dread of reproductive cloning using iPS-cell technologies.

Indeed, that fear has been heightened by research from Japan. Katsuhiko Hayashi of Kyoto University has managed to harvest skin cells from mice, transform these into primordial germ cells

(PGCs), which can then develop into both sperm and ova. He has already used them reproductively to produce live mice.

Hayashi's work raises the possibility of creating fertilisable ova from the skin cells of infertile women. That is not all. Perhaps men's skin cells could be used to create human ova, and women's skin cells to generate human sperm. Already Hayashi has received dozens of requests from infertile couples, as well as lesbians and gays, to help them achieve their dream – a baby.

Of course, the transition from mice to monkeys to humans is a long and winding road, but this formidable journey has now started. One huge hurdle is the unlikelihood of creating ova from male XY cells and sperm from female XX cells. But, as scientists are learning to say: "Never say soon, but never say never." For the rest of us, now is the time to begin to grapple with these novel bioethical issues.

News from the USA

The Hobby Lobby saga – still fighting

Hobby Lobby is the Christian-owned arts and crafts business, employing 13,000 people in more than 500 stores across the USA. It objects to the enforcement of health insurance provisions under the *Affordable Care Act*, otherwise known as Obamacare, which would involve its paying for morning-after and week-after 'contraception' methods – which can work as abortifacients – as part of its mandated employee healthcare.

Back in September 2012, Hobby Lobby's CEO, David Green and his family, filed a suit claiming that portions of the *Affordable Care Act* infringed their religious liberties by forcing it to pay for health procedures that cause abortion.

The saga has recently been ratcheted up a notch. The Obama administration has now asked the Supreme Court to review Hobby Lobby's lawsuit against the Department of Health and Human Services (HHS). The crafts retailer had until 21 October to file a response to a 251-page appeal by the US Solicitor General.

The HHS mandate requires the family-owned business to provide full contraceptive cover or pay $100 per day for each of its employees, that is, about $1.3 million per day in fines. For the moment the Green family have a temporary injunction excusing them from paying these penalties. If the US Supreme Court agrees to hear the case, oral arguments could begin in early spring, and a decision could be made as early as June 2014.

The battle across the states

On 26 March 2013, the governor of North Dakota, Jack Dalrymple, signed a Bill – for which he received death threats – that was part of a pro-life package which, among other provisions, insisted that abortionists prearrange admissions to local hospitals in case terminations go wrong, banned abortions on the grounds of handicap, such as Down's syndrome, and most controversially, banned abortions once a foetal heartbeat was detectable, that is, as early as six weeks into pregnancy. The new law should have taken effect on 1 August.

However, the Center for Reproductive Rights promised a court challenge even before the governor's ink was dry. And on 22 July, District Judge Daniel Hovland granted a temporary injunction, ruling that the new law was 'clearly unconstitutional'. He wrote: "The United States Supreme Court has

unequivocally said that no state may deprive a woman of the choice to terminate her pregnancy at a point prior to viability."

During the summer months, similar pro-life laws restricting access to abortion were enacted in states, such as Alabama and Wisconsin. However, legal challenges rapidly followed and judges swiftly issued temporary injunctions against most of their stipulations. Similarly, in Mississippi, a judge allowed one such legal proviso to go into effect, but barred others from penalising the state's only abortion facility.

Yet some such pro-life Bills have survived intact. For example, on 1 October, a new North Carolina abortion law came into effect. It restricts insurance coverage of abortions – except in cases of rape, incest or medical emergency – prohibits sex-selective abortions, requires doctors to be present for the entire abortion procedure, sets new standards that abortion clinics must meet in order to continue in business and allows any care worker, not just doctors or nurses, to opt out of performing abortion procedures.

The required health and safety upgrades mean that several of North Carolina's 16 abortion clinics will need to make costly alterations to bring their facilities up to the new standards, or be forced to close.

Overturning *Roe v Wade*

The slow movement to a more pro-life ethos among US citizens has been well documented. Suffice to record that a 2012 Gallup poll showed that a new high of 50% of Americans identified themselves as 'pro-life'. The 'pro-choice' camp registered just 41%, its lowest figure since this annual survey began in 1995. Gallup has described this move towards a personal pro-life stance as 'the new normal'.

Now comes news that some political commentators think that the Supreme Court will review the abortion-providing, legal monolithic decision of *Roe v. Wade* within the next two years. For example, American University political science professor Karen O'Connor, who supports abortion-on-demand, has recently told ABC News: "I think we are going to see *Roe* overturned. I'm thinking 2015." She considers that the number of cases 'pending in the circuit courts' makes it more likely the justices will take up a challenge to *Roe.*

Moreover, she senses that people no longer believe that viability – set by *Roe v. Wade* as 28 weeks, but later revised to 24 weeks – is the only criterion that should limit when a woman can procure an abortion. A majority of people now considers that abortion should not be allowed if the child is capable of feeling pain, which, according to some experts, could be no later than 20 weeks. Bills forbidding abortion after that point have already been passed in 13 US states as well as in the US House of Representatives. Furthermore, there has been a public outcry over the trial of Kermit Gosnell and his 'House of Horrors' abortion facility, which, in addition to the gruesome practices of other late-term abortionists, has helped to change public opinion. According to Peter Hoffa, American history professor at the University of Georgia, "There are four members [of the nine] of the [Supreme] Court now who feel that *Roe v Wade* was wrongly decided."

Euthanasia and Assisted Suicide

Liverpool Care Pathway for the Dying Patient (LCP)

As a result of an independent review, published in July under the title, *More Care, Less Pathway*, the LCP is to be officially phased out of English hospitals by the autumn. Beloved of those who regarded

it as a positive, structured, integrated approach to providing the best care and communication during the last days of a patient's life, it was hated by those who reckoned it was little more than a crude, tick-box approach, often involving sedation and the withdrawal of nutrients, akin to 'soft' euthanasia.

The question is, what will replace it? It is not as if there is some wonderful, untried system of end-of-life care waiting to replace it. The basic building blocks of proper palliative care are already known and implemented in many places.

According to Norman Lamb MP, Minister of State for Care and Support, the LCP will be replaced by "…a personalised care plan backed up by condition-specific good practice guidance and a named senior clinician responsible for its implementation". The 61-page review with its 44 recommendations is a decent bureaucratic start, but it will not be effective unless good training, adequate resources and a staff commitment are its practical foundations. We shall see.

Euthanasia and assisted suicide in the courts

The past year has witnessed the cases of Tony Nicklinson and 'Martin'. They lost their High Court appeals on 12 August 2012. The three judges, Lord Justice Toulson, Mr Justice Royce and Mrs Justice Macur, unanimously agreed it would be wrong for the court to depart from the long-established legal position that "voluntary euthanasia is murder, however understandable the motives may be".

As Lord Justice Toulson stated: "A decision to allow their claims would have consequences far beyond the present cases. It is not for the court to decide whether the law about assisted dying should be changed and, if so, what safeguards should be put in place. Under our system of government these are matters for Parliament to decide."

That might have been regarded as the end of the matter as far as challenges via the courts were concerned. Not so. Along came the case of Paul Lamb, a 57-year-old former lorry driver from Leeds, who has been almost completely paralysed for the last 23 years after a road accident. He apparently suffers constant pain and describes his life as 'tedious, monotonous and pointless'. But he is ***not*** terminally ill and therefore the Dignity in Dying organisation stays away from his case because it is beyond their advocacy remit.

Paul Lamb was given permission to join the anonymous man known as 'Martin' in the continuing legal battle initiated by Tony Nicklinson, in the hope of being legal permitted to ask a doctor to end their lives. However, on 31 July 2013, their case was dismissed by the three judges at the Court of Appeal. In other words, their challenge to change the law on murder was rejected. But Martin's case was partially upheld, by a 2 to 1 judgement. The Director of Public Prosecution (DPP) was ordered to clarify the role and the degree of support that healthcare professionals could provide for their clients before prosecutions were likely, an example of the so-called class two cases. The DPP is expected to appeal this decision at the Supreme Court this autumn.

The cases of Nicklinson, 'Martin' and Lamb are tragic and we must all be moved with compassion for them. The simple truth, however, is that current laws exist to protect the vulnerable, the disabled, the terminally-ill and all elderly people. Any changes to the Suicide Act 1961 or the Murder Act 1965 would expose such people to greater burdens and considerable coercion, which might lead to their wishing to end their lives prematurely.

The Falconer and MacDonald Bills

These two Bills are lying in wait. Lord Falconer's Assisted Dying Bill [HL] 2013-14, received its first reading on 15 May 2013. It is supported by Dignity in Dying. Basically, it is aimed at people who are terminally ill, with an expected six months to live, with clear and settled intentions and overseen by two doctors. Each one of these conditions is subject to questioning and reservation. Margo MacDonald MSP has now finished the consultation on her new Assisted Suicide (Scotland) Bill. No dates have been set for the next stages of either Bill.

The assisted suicide battle continues

The most recent celebrity to come out in favour of some sort of euthanasia is Britain's most famous scientist, Professor Stephen Hawking. The 71-year-old cosmologist parroted that old adage so beloved of pro-euthanasia people: "We don't let animals suffer, so why humans?" In the past, he has said: "While there's life, there's hope." Now he seems to have changed his mind.

He was diagnosed with motor neurone disease at the age of 21 and was told that he had just two or three years to live. Following a bout of pneumonia in 1985, he was placed on a life support machine, which his first wife, Jane Hawking, had the option to switch off, but instead she insisted that he be flown back from Geneva to Cambridge. He recovered. In other words, he is living proof that doctors can misdiagnose and that the disabled can live worthwhile, fulfilling lives.

ITV's most popular soap opera, *Coronation Street*, is about to tackle this same big issue. Apparently, the terminally-ill character Hayley Cropper, who has been diagnosed with inoperable pancreatic cancer, will decide that she wants to take control of her death. According to the grapevine, both sides of the right-to-life debate will be aired as her screen husband, Roy, is strongly opposed to her decision. We can only hope that ITV is less of a supporter of assisted suicide than the BBC has proved to be.

Gene therapy – a happy-ever-after story

Gene therapy appears deceptively simple – trim off a rotten section of the patient's genome and replace it with a good piece. It seems a bit like repairing a leaking pipe in a central heating system – only it is not.

This story is about somatic gene therapy, the bioethically-acceptable sort, not germline gene therapy, the nasty eugenic sort. The first approved clinical trial of somatic gene therapy started in the USA in September 1990. The target disease was severe combined immunodeficiency (SCID) and the patient was four-year-old Ashanti DeSilva. The treatment worked, almost. But the following two decades of gene therapy were disastrous – patients died and some contracted cancers. The Cinderella of medicine became an ugly sister – we were promised a crock of golden cures, but we got a can of deadly worms.

After 20 more years of anxious effort, lessons have been learned, techniques honed and more circumspect approaches adopted. After a decade of hushed achievement, and now gene therapy is back in the news. A cautious optimism has returned as typified by the results from two important trials published over the summer in the journal *Science*. The researchers were mainly Italians working at the San Raffaele Telethon Institute for Gene Therapy in Milan and the papers' titles were *Lentiviral Hematopoietic Stem Cell Gene Therapy Benefits Metachromatic Leukodystrophy*and *Lentiviral Hematopoietic Stem Cell Gene Therapy in Patients with Wiskott-Aldrich Syndrome*.

Both studies used lentiviral vector transduction. This involves the collection of a type of stem cell from the body, adding some good, therapeutic genes using a delivery system (or vector), which has been safely tweaked from some HIV components, and putting the modified cells back into the patient. Lentiviral vectors have been previously used to treat patients successfully in France with the diseases adrenoleukodystrophy and β-thalassaemia. The *Science* papers reported the results of trials for two more life-threatening diseases. First, metachromatic leukodystrophy (MLD), a genetic disease that affects lipid metabolism is caused by a lack of the enzyme arylsulphatase A (ARSA) and affected children can die within a few years. Second, there is Wiskott–Aldrich syndrome, which is primarily a disorder of the blood-forming tissues affecting mainly boys and leading to a defective immune system.

In the first trial, the team collected haematopoietic stem cells from the bone marrow of three children with MLD. These blood-making cells were exposed to an ARSA lentiviral vector and the altered cells transfused back into the young patients who had previously received a course of chemotherapy to suppress their immune systems. This treatment is known as autologous transplantation with myeloablative conditioning. The expectation is that the new 'corrected' cells would supply the missing ARSA enzyme. Indeed, even after two years, more than 60% of the blood cells expressed ARSA concentrations 10 times that of normal. The disease was arrested in all three patients. They now attend school.

In the second trial, a similar approach was taken but with less myeloablation and more immunosuppression. Nevertheless, it too worked with between 25% and 50% of the blood cells expressing the lentiviral vector.

Why the successful outcomes? First, the lentiviral vectors are a vast improvement on previous vectors used in gene therapies. Second, both trials used relatively high concentrations of these vectors, and they are potent, easily purified and adaptable. Moreover, the lentiviral vectors showed no signs of activating cancer genes as their predecessors had done.

Somatic gene therapy is, at last, delivering the promised goods. However, it is also now clear that gene therapy, even with its vast positive potential, will not provide many magic bullets – the majority of human genetic disorders are far too complex. Trying to tackle and correct them with current gene-therapy methods would be foolhardy. Today's gene-therapy procedures are too specialised, too labour-intensive and too expensive. Nevertheless, these one-off gene therapies compared with the lifelong cost of enzyme replacement or small-molecule treatments could become more attractive. Yet future gene therapies will have a major impact only when vectors, which carry the altered genes, are developed that can be, for example, safely injected into patients, like some diabetics now use insulin. Only then will an ever-growing range of diseases be treatable, but it will still be for hundreds of patients, maybe thousands, rather than millions.

Nevertheless, gene therapies are advancing. As a foretaste, the first gene therapy was given marketing authorisation for use in Europe last year and a commercial rollout is expected in late 2013. The product is called Glybera, which is used to treat a deficiency of lipoprotein lipase, an enzyme essential for fat metabolism. The disease can cause abdominal pain and pancreatitis, a life-threatening inflammation of the pancreas. Conventional treatment has been for patients to consume a very low-fat diet. Glybera therapy, developed by UniQure, uses a virus to infect muscle cells with a functioning copy of the faulty gene. Glybera is administered via a one-time series of small intramuscular injections in the legs. It works – clinical trials decreased fat concentrations in blood and reduced the occurrence of acute pancreatitis episodes. The ugly sister is looking more like Cinderella.

John R Ling

Liberal Britain could be here to stay

Changing social attitudes in Britain are not generally the result of people changing their opinions, but are brought about by the fact that rising generations enter the body of adult opinion with a different worldview, replacing the more traditional oldest generation as it dies out of the statistics.

That is the verdict of the British Social Attitudes Survey, a respected social research project which for the past 30 years has monitored social change in Britain.

In its own commentary on the statistics in its most recent annual report, published on 10 September 2013, the Survey goes further, claiming that the changed attitudes are the result of what is called "generational replacement".

"As older generations have died out and been replaced by more liberal younger generations, society's view as a whole has become more liberal. As a result, the strong likelihood is that Britain will continue to become more liberal on many of these issues over the next few decades", the Survey concludes. It expresses the view that since the changes in social attitudes have come about through gradual "generational replacement", then "there is every reason to believe that the change of outlook will prove permanent and possibly intensify".

However, the Survey does not attribute all social change to generational mindsets. It recognises that specific events can significantly influence social opinion. One instance of this was the temporary increase in the 1980s, following the discovery of AIDS, in the proportion of the population which regarded same-sex sexual relationships as "always wrong". The proportion of the population which took that view increased from 50% to 64% between 1983 and 1987. Another example was the public view of whether banks were well run. The percentage which thought that was 90% in 1983, but only 19% in 2009, the year after the banking crisis of 2008, during which a number of banks had collapsed.

Each year, the Survey selects a range of subjects, and puts questions about these to 3,000 people, each in an interview lasting nearly an hour. In its annual report, the Survey then compares the statistics with figures taken from the different years in which the same subjects have been previously covered, and comments on its findings.

Among the subject areas included in the latest survey, published on 10 September 2013 but compiled from interviews conducted in 2012, are religious attachment, same sex relationships, sexual relationships outside marriage, gender roles, abortion and assisted suicide.

The Survey notes that whereas 30 years ago 68% of the population professed to belong to a religion, in 2012, only 52% made this claim. In that same period the proportion of the population who pronounced themselves to be Anglican dropped from 40% to 20%.
Commenting on this decline, the Survey concludes that while 40% of the population identified with it, the Church of England could "reasonably lay claim to being England's national church, and thus, arguably, to some extent its fount of moral authority". The strong implication of that assessment, though not specifically stated, is that at 20%, the Anglican church does not justify that status and influence.

The Survey's figures on religion, however, need to be viewed with some caution, since they contrast so significantly with the findings of the 2011 census, taken only a year earlier. The Survey's finding that only 52% claimed to have a religion differs from the Census finding that 68% professed to have a religion. It can be reasonably argued that the Census, as a survey of the entire population, is much

more likely to be accurate than a sample of 3,000. The Survey has a track record of finding low levels of religious adherence. As far back as 1983, it found that 68% belonged to a religion, whereas as recently as 2001, the year in which a religious question was first asked in the Census, the result was that 77% claimed to have a religion.

We have already alluded to the view held by the British population in the 1980s about same-sex relationships. The percentage of Britons which believed such relationships to be "always wrong" grew from 50% in 1983 to 64% in 1987. The figure in the latest Survey is 22%.

When asked the opposite question in 1983, only 17 per cent regarded same-sex relationships as "not wrong at all" whereas in the latest Survey, that figure has nearly trebled, to 47 per cent. This does represent a huge and rapid change, and undeniably indicates a serious decline in the nation's moral understanding.

Even so, there is still something not quite consistent between two elements of the Survey's statistics. If 47% regard same-sex relationships as "not wrong at all", this must mean that 53% regard them as "to some extent wrong". However, when asked directly whether "gay and lesbian couples should have the right to marry one another if they want to", the Survey finds that 56% agree with this statement. This difference means that 270 (nine per cent) of the Survey's 3,000 respondents have some kind of reservation about same-sex relationships, but nonetheless have no hesitations about same-sex marriage. Of they support same-sex marriage, it is hard to envisage what their reservations could possibly be about in connection with same-sex relationships.

Support for the adoption of children by homosexual couples has risen significantly. In 1983, 87% of the population were opposed to this, whereas in the latest Survey, 48% approved the idea that "homosexual couples should be allowed to adopt a baby under the same conditions as other couples".

Attitudes with regard to marriage and sexual conduct have changed considerably in the past 30 years. In 1983, only 42% of the population regarded sexual relations outside marriage as "not wrong at all", whereas in the latest Survey, this figure is a record high of 65%. Conversely, the proportion regarding sexual relationships outside marriage as "always or mostly wrong" has in the same period declined from 28% to 12%.

The population does still have a higher regard for marriage in the context of raising a family, but the proportion who think that couples considering having children should get married first has reduced from 70% in 1989 to 42% in the most recent Survey.

One aspect of marriage over which there has been no increasing tolerance in the public mind concerns adultery. In 1984, 58% of the population thought it was "always" wrong for a married person to have sexual relationships with someone other than their partner. This view is now slightly more firmly held, having risen to 63% in the latest findings.

The country's perception of gender roles has undergone a transformation since the early 1980s. In 1984, 43% of the population agreed that "a man's job is to earn money; a woman's job is to look after the home and family". Now only 13% take this view. In 1989, 42% believed that "family life suffers when the woman has a full-time job", whereas only 27% think this to be the case now. Also in 1989, 64% believed that "a mother with a child under school age should stay at home rather than go out to work", while only 32% do so in the latest Survey.

There have been shifts too in the country's attitude to abortion and in connection with the debate on voluntary euthanasia and assisted suicide.

In 1983, support for what the Survey describes as the "woman's right to choose" (to undergo an abortion) stood at only 37%. It increased to 46 per cent if both parents held that view; to 47% if the motive for the abortion was financial hardship and to 87% if the woman's health would be seriously endangered if the pregnancy continued. In the latest findings these figures now stand at 62%, 73%, 64% and 91%. However, the Survey's commentary notes that most of this shift towards a greater tolerance of abortion took place in the 1980s and that since then there has been little change in the public mind. In other words, a significant minority of the population is still troubled by the issue of abortion, and, as the Survey honestly observes: "There seems little reason to presume that Britain is heading towards some new moral consensus on this issue."

One odd conclusion to be drawn from the figures relating to the public attitude to abortion concerns the motive of financial hardship when a parent makes a decision to have an abortion. Although there is now more general support for abortion when both parents agree, and when the reason for wanting the abortion is not specified, there is not so evident a sympathy when the abortion is wanted because of financial circumstances.

On the question of voluntary euthanasia, the Survey asserts that "the traditional religious view has long lacked widespread public support". For instance, the Survey notes that in 1983 only 23% of the public agreed that if a patient has "a painful incurable disease", a doctor should not be allowed "by law to end the patient's life, if the patient requests it". This figure is now lower still, at 16%. The Survey comments that voluntary euthanasia is "one topic on which the country's legislators have so far proved reluctant to align the law with majority public opinion".

In its closing summary, the Survey notes two significant factors which have influenced social attitudes over the last 30 years:

- Increasingly, the statistics have been determined by the attitudes of individuals, rather than by the shared values of corporate respected institutions, such as religions.

"On many issues of sexuality, procreation and marriage, support for the position traditionally associated with most major religions has declined. Individuals are in many respects deciding these issues for themselves."

- Even those who still have a religious identity in Britain are less likely than they once were to uphold a traditional moral standpoint. Along with the decline in the number of adherents to religions, this individualisation has weakened the impact of the moral influence of religions upon the social attitudes commonly held in the nation.

"Individualisation has, it seems, been a process that has occurred among those still to be found (at least occasionally) in the pews or equivalent, as well as among those who do not profess any kind of religion at all."

Rod Badams

For the fourth successive year, authoritative figures published by the Office for National Statistics (Integrated Household Survey, October 2013) have shown that only 1.5% of the British population professes to be homosexual or bi-sexual. This contrasts with figures of between 4% and 7% which are quoted by Stonewall and the government. This is important, since 1.5% of the population represents only 765,000 people, rather than the three million which 6% would represent. It means that the definition of marriage has been changed in order to give "equality" to a very small minority.

Latest news of significant individual cases

The following are summaries of the story so far in some of the significant recently-resolved or still unresolved cases involving Christians responding to a wide range of legal, police or disciplinary action against them. Seeking a remedy by means of litigation can be a lengthy process – sometimes taking several years for a closure to be reached. The Christian agency handling these cases is indicated in brackets at the end of each item.

Peter and Hazelmary Bull

Peter and Hazelmary Bull are Christian hotel-owners who have a long-standing policy of only providing double rooms to married couples. Mr and Mrs Bull were sued by a same sex couple (who are in a civil partnership) for refusing to provide a double room in their hotel in Marazion, near Penzance, Cornwall. In December 2010, a judge at Bristol County Court found in favour of the claimants and Mr and Mrs Bull were ordered to pay £3,600 in damages for discriminating unlawfully on the grounds of sexual orientation.

In February 2012, the Court of Appeal upheld the earlier county court decision. However, in coming to this decision, the judges also helpfully stressed that a democratic society must ensure that the Bulls' beliefs about sexual practice remain open to be espoused and expressed.

A further appeal by Mr and Mrs Bull was heard by the United Kingdom Supreme Court on 9 and 10 October 2013. Judgment is reserved and hopefully expected before Christmas. *[The Christian Institute]*

Robert Hughes
Evangelist Rob Hughes was preaching on a high street in Basildon on 4 September 2013 when he was arrested by police for a statement he didn't make.

A bystander made a false accusation against him, and the police arrested him on the basis of that false complaint.

He was taken to Basildon Police Station and held there for seven-and-a-half hours before being released at 11.30pm. The police do not contemplate taking any further action in the matter.

After his experience Rob commented that it seems that Christian street-preachers face a situation where they are "presumed guilty until found to be innocent". *[Christian Legal Centre]*

Celestina Mba

On Wednesday 23 October 2013, Celestina Mba took Merton Council to the Court of Appeal over its refusal to provide reasonable accommodation for her devoutly held Christian beliefs.

Celestina, a Christian children's worker, had been told by an Employment Tribunal that her employer was justified in refusing to permit her not to work on a Sunday. The judge said that Sunday was not a 'core' component of the Christian faith because some Christians would be prepared to work on a Sunday; and therefore Christians as a whole do not need Sunday protected.

However, before Celestina began working for Brightwell Children's Home in London, she agreed with her employers that she would not work on Sundays in accordance with her Christian beliefs.

However, the Council changed the arrangement soon after she started the job, saying that the arrangement was temporary, forcing her to choose between her job and her Christian observance. Andrea Minichiello Williams, CEO of Christian Legal Centre said: "Celestina's case continues a trend where we are seeing secular Courts ruling on 'core' components of Christian practice.

"However, the Courts have acted to protect the Kara bracelet, Afro 'Cornrow haircuts', the wearing of the Hijab and a Muslim's right to fast, but have refused to grant protection to the Cross or the Christian Sunday.

"Celestina's offer to work for less and work unpopular shifts, even when others had offered to work in her place on Sundays, was clearly a reasonable accommodation that her employer could, and should, have provided." *[Christian Legal Centre]*

Tony Miano

On 1 July 2013, police arrested Tony Miano in South West London for using "homophobic" speech while street preaching. A US citizen, Mr Miano was questioned by the police after a member of the public called them to the scene.

He had been speaking on the subject of sexual immorality and the need to abstain from it based on a passage from the Bible (1 Thessalonians 4:1-12).

Mr Miano was arrested at 4.40pm and taken to the local police station where he was photographed, fingerprinted and had a DNA sample taken.

He was later interviewed by the investigating officer with his solicitor, Michael Phillips, instructed by Christian Legal Centre, present. The final questions he was asked were: "Do you feel that what you did... is 100 per cent acceptable in a public place?" and "Will you do this again tomorrow?" Mr Miano replied affirmatively to both questions. The investigating officer told Mr Miano's solicitor that his answers to these last two questions left him no choice but to seek prosecution.

However, about an hour later, the investigating officer entered Mr Miano's cell and told him that the inspector had decided to release him with no further action. At midnight, Mr Miano was released after just over seven hours in custody.

Mr Miano said "It was very distressing to be arrested and interrogated for openly expressing my deeply held Christian beliefs." He had only been speaking of "mainstream Christian positions" which had been "taught and believed by Christians for thousands of years".

He added: "It surprised me that, here in the country that produced Magna Carta, an otherwise law-abiding person could lose his freedom because one person was offended by the content of my speech." *[Christian Legal Centre]*

Josh Williamson

Rev Josh Williamson, the pastor of Craigie Reformed Baptist Church in Perth, Scotland, regularly takes to the streets to hand out leaflets, talk to passers-by, and to preach in the open air.

However, on 18 September 2013, a police officer told him to stop preaching as he was breaking the law. The officer insisted that he was not allowed to preach and told Mr Williamson that, if he continued, he would be arrested. Mr Williamson replied that he would not comply with this order, as

he was not breaking the law. As a consequence of his reply, the officer arrested him for breach of the peace, and Mr Williamson was taken to Perth Police Station, where he was interviewed and released with a caution.

A second man, who spoke up in defence of Mr Williamson, was also arrested at the scene.

Three days later, on Saturday 21 September, Mr Williamson was arrested for a second time in Perth town centre, again because police took the view that he had committed a breach of the peace. He was held for five hours in the cells before being released at 9.30pm.

Mr Williamson recorded this second incident, and the police action, on camera and made an audio recording on his phone of the trip to the police station in the police car.

His MP3 player has been retained as crown evidence and the Procurator Fiscal, the prosecuting authority in Scotland, is reviewing the evidence. The outcome is awaited.

Andrea Minichiello Williams, CEO of Christian Legal Centre, commented: "This is the third arrest in as many months. These street preachers are not breaking any laws and are perfectly within their rights. The police are over-reaching their authority and misapplying the law. It is evident that police all over the UK need clear guidance on this matter. Three wrong arrests in three months shows the level of ignorance that currently exists. It is up to police chiefs to take a lead and issue guidelines so that this stops happening." *[Christian Legal Centre]*

Contributors to this issue of *The Bulletin*

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