

THE BULLETIN

News and Reports from the Social issues Team

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When rights go wrong: A biblical perspective on human rights

Recent years have seen the rapid expansion of advocacy groups asserting the 'rights' of the cause they represent. With varying degrees of organisation and co-ordination, there are movements campaigning for women's rights, children's rights, parents' rights, gay rights, transgender rights, religious rights, workers' rights, reproductive rights, the rights of the unborn child, animal rights, the rights of ethnic minorities, prisoners, the disabled, the unemployed, students, the homeless and the poor, the right to live and the right to die – the list is almost endless. Neither is the language of rights confined to the political arena. It is very much the stuff of everyday conversation: 'I've got a *right* to do such-and-such'; 'You've got no *right* to tell me I can't do such-and-such'; 'He's got no *right* to speak to me like that!' 'Who gave her the *right* to do that?'

When people feel their rights are being infringed, they are increasingly inclined to stand up for themselves, to assert themselves, and to defend their rights. If they decide to take their case to court or to a tribunal, there are a growing number of conventions and regulations to which they can appeal.

There is, for example, the European Convention on Human Rights, which has been incorporated into UK law under the Human Rights Act 1998. Or there is the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the United Nations Convention on the Rights of the Child, and the United Nations Convention for the Elimination of Discrimination Against Women, to name just a few. Over the past decade or so, children's commissioners have been set up in the four constituent countries of the UK to promote and protect children's rights, and in 2007, the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission, were subsumed under the Equality and Human Rights Commission.

At one level the existence of representative bodies charged with upholding the rights of individuals may sound perfectly reasonable and necessary. After all, we do live in a world where there is injustice and exploitation. We do need mechanisms to call the unjust to account and to protect the vulnerable from the ruthless exercise of power. There always has been a need for some form of justice system for the maintenance of law and order. However, there remain a number of problems associated with the modern emphasis on 'rights'.

1. The meaning of 'rights' has changed

When people use the language of 'rights' today, they frequently have in mind something quite different from what was meant when reference was made to 'rights' in previous generations. To have 'rights' used to refer to the freedom to act according to individual conscience. So, for example, in 1689 a Bill of Rights was drawn up to protect British citizens from the overbearing power of the monarch, and to grant freedom of worship to nonconformist Protestants. Almost a hundred years later, the American Declaration of Independence spoke of the inalienable, God-given right to 'life, liberty and the pursuit of happiness' and emphasised the protection of the individual from the arbitrary power of the state.

The European Convention on Human Rights was also originally intended to limit the power of the state. Drafted in the aftermath of the Second World War, with wartime atrocities still fresh in the consciousness of the peoples of Europe, it was designed to protect individuals and institutions from abuses by the state. However, over the succeeding decades, it has been increasingly appealed to by special interest groups to advance their own agendas and to force through changes in legislation and public policy. Rather than fulfil its original purpose to *limit* the power of the state, the Convention is being used to *expand* the power of the state. As a consequence of this, national governments are

encroaching more and more upon areas of life that were once considered private, and intruding on the consciences of individuals, with the result that some of our most treasured liberties are coming under threat. As Charles Colson explained: 'For each new right that is created, a whole network of laws and regulations is written to enforce the corresponding obligations.'¹

The development of the notion that the state bears the primary responsibility for guaranteeing human rights has led to 'a far-reaching individualisation', 'a tendency towards a totalitarian democracy in the name of freedom and equality', and 'a denial of a basic plurality and diversity of communities in human life'.²

2. The various human rights conventions are being interpreted in radical ways

Official monitoring bodies within both the Council of Europe and the United Nations are increasingly interpreting international treaties and conventions in ways which would never have occurred to those who first drafted them, and which could never have been foreseen by national governments when they signed up to them.

For example, the United Nations Committee on the Rights of the Child has repeatedly criticised the UK government, as it has other national governments, for not legislating against the physical correction of children. According to the committee, the UK is out of step with the Convention on the Rights of the Child. But the truth is that the Convention does not address the discipline of children in the home at all. It declares that national governments must protect children '*from all forms of mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation*', but in the minds of the framers of the convention that certainly did not include moderate parental chastisement.

The United Nations Committee has also insisted that the age of criminal responsibility for children should be considerably raised, even though the Convention does not specify an age of criminal responsibility. The committee has also ruled that parents should not be allowed to withdraw their children from sex education classes in school – another area on which the Convention is silent.

The Committee on the Rights of the Child is far from alone in its adoption of extreme interpretations of an international convention in such a way that it fits its own presuppositions. Committees responsible for monitoring compliance with other international instruments have adopted some similarly extreme interpretations as they continue to pursue a radical social agenda.³

3. Human rights treaties are subject to different interpretations at different times

The whole concept of human rights is constantly evolving. An international treaty such as the European Convention on Human Rights is therefore viewed as an evolving document. Although the text remains the same, its interpretation is subject to constant change. It does not necessarily mean what it was commonly understood to mean five years ago, and in another five years' time the meaning attached to it may change again.

Since the meaning is not fixed, the question of what the original framers intended is of no consequence. What matters is what the convention means now, not what it meant 50 or 60 years

¹ Charles Colson, 'Rights Talk', Breakpoint Commentaries, 10 January 1992.

² See article on 'Rights, Human' in the *New Dictionary of Theology*, IVP, 1989, p594.

³ See, for example, Patrick Fagan, *How U.N. Conventions on Women's and Children's Rights Undermine Family, Religion, and Sovereignty*, Heritage Foundation, 2001. http://thf_media.s3.amazonaws.com/2001/pdf/bg1407.pdf

ago. Rather than the convention being held up as an objective standard, it is read in a subjective way and interpreted in the light of current social attitudes and trends.

For example, Article 3 of the European Convention on Human Rights states that '*No one shall be subjected to torture or to inhuman and degrading treatment or punishment*'. When the Convention first appeared in 1950, most European countries still permitted capital punishment and that was not in any way regarded as incompatible with the Convention. But as time went on and a number of European countries abolished the death penalty, it came to be viewed as a form of '*inhuman and degrading punishment*' condemned by the Convention. Thus, a practice which at one time was widely considered perfectly compatible with the European Convention on Human Rights is now generally regarded as incompatible – not because the Convention has changed, but because attitudes have changed within national governments.

4. Human rights are often confused with personal desires

If an individual has set his heart on something, it sounds far more powerful and impressive for him to say, 'I have a right to it' than simply to say 'Give it to me; I want it'. The language of desire can come across as selfish and greedy, whereas to claim something as a 'right' tends to carry more weight. The rhetoric of 'rights' is frequently used as a method of intimidation and as a mechanism for achieving a desired outcome.

When people assert a 'right' to something, their claim frequently rests on a very shaky foundation, and more often than not they are using the language of 'rights' to give moral force to what are no more than personal opinions or desires. For example, abortion advocates invariably appeal to 'the woman's right to choose', when they might just as easily appeal to 'the right to life' of the unborn child. While it is commonly assumed that a child has a 'right' to quality day-care, it is rare to hear the case being made for the 'right' of a child to a full-time mother. The mere employment of the language of rights does not prove anything. Simply asserting that something is a 'right' does not make it one.

In *The Fight for the Family*, Lynette Burrows points to some of the inconsistencies of those at the forefront of the campaign for 'children's rights':

They do not, for example, propose to raise children to the level of adults where they would be named, prosecuted and punished for violence and disorderly behaviour. Neither are they proposing that children be allowed to choose if they drink, smoke or attend school. The 'rights' which they are prepared to support conform to a strict agenda and do not include such things... We are not talking about genuine children's rights at all. We are talking about the right of some adults – and certainly not ordinary parents – to decide what children shall and shall not be allowed to do. Children themselves are just the means by which they achieve their aims.⁴

The point being made here is not limited to those who are advocating *children's* rights. It is equally true of other 'rights' movements. Very often, individuals and groups resort to the language of rights in an attempt to impose their own ideas and desires on others.

As Lord Hailsham, who served as Lord Chancellor in Margaret Thatcher's government, put it:

⁴ Lynette Burrows, *The Fight for the Family*, Family Education Trust, 1999, p.74.

A liberty or a civil right which does not explicitly or implicitly recognise responsibility to a morality which transcends the right is a mere arrogant assumption, based on selfishness and nothing else.⁵

5. The language of 'rights' breeds a spirit of conflict

In its introduction to the Human Rights Act, the Home Office declared: 'In a democratic society, everyone has rights. Your rights come first, but so do everyone else's.'⁶ But that begs a number of questions. Where do my rights come from? How are they defined? And when my rights clash with someone else's, how is the conflict to be resolved? Who is to determine which rights take precedence? And if there is to be a hierarchy of rights, by what criteria is it to be established and how is it to be enforced? An emphasis on rights can tend to exacerbate tensions, and, since it rests on an arbitrary footing, the language of rights lacks the capacity to resolve the conflicts that arise. This works itself out just as much in the domestic sphere as it does in the broader spheres of employment, commerce and public policy.

Let's imagine Mr Brown returns home from work at 7.00pm after a hard day in the office, only to find that his evening meal is not ready. In fact, it is not even in the oven. He begins to rail at his wife, insisting that he has a 'right' to have his dinner on the table when he arrives home from work. For her part, Mrs Brown informs her husband that his meal is not ready because she has been chatting to her friend. After all, she reasons, does she not have a 'right' to some recreation? In such a situation, the language of rights will not prove helpful to restoring order and harmony within the Brown household. Rather, it will tend to engender and aggravate a spirit of conflict and aggression.

In our 'culture of complaint', constant grumbling and complaining have become socially respectable and are justified in the name of 'standing up for our rights'. It has led to increased litigiousness - to what has been termed a lawyer's paradise. It has given birth to the compensation culture, where people take cases to court in the hope that they will receive substantial sums of money by way of compensation. We are less inclined to take the rough with the smooth. Sometimes people can be ruthless and merciless in seeking to make money out of what they consider to be the infringement of their rights.

The situation is spiralling out of control. Some schools are becoming reluctant to organise school trips, and some churches have closed children's clubs because of the fear that an incident may occur and the school or the church may be sued. The culture of rights has made some careers less attractive. Teachers, for example, frequently feel powerless when faced with an unruly pupil who 'knows his rights'. The slightest physical contact and the teacher risks being accused of assault and facing an immediate suspension, followed by months of anxiety and uncertainty while the case is investigated. Bizarre compensation claims are becoming commonplace, and common sense is often being turned on its head.

How did we get here?

In large part the modern emphasis on rights with all its adverse consequences has arisen due to a loss of respect and reverence for God. In previous generations in the Western world, there was a much greater recognition of the fact that there is an omniscient God in heaven and that one day we must all give account to him. This is not, of course, to suggest that everyone was a Christian, or a devout adherent of any other religion for that matter. There was, however, a widespread acknowledgement that there is a higher authority than the thoughts and feelings of any individual,

⁵ Cited by Howard Taylor, *Human Rights: its culture and moral confusions*, Rutherford House, 2004, p.ix.

⁶ Home Office Communication Directorate, *Human Rights Act: An Introduction*, p.9, HRG1, 10/2000.

and a higher authority than any earthly government. That inevitably had a restraining influence on personal conduct and public policy.

There was a formerly a general consensus about what is right and what is wrong. But we have lost that. We have become a rudderless society where everything is seen relative terms. In the absence of moral absolutes and in the absence of any ultimate authority, we have become dependent on the legal and judicial system to determine what is right and wrong for us. Since there is no fixed point of reference, we can reinterpret any international human rights convention in such a way that what was right last year can become wrong this year and what was wrong in the recent past can become right now.

We have also lost an eternal perspective. There used to be a widespread belief in a Day of Reckoning when all wrongs and injustices would be sorted out. But today we tend not to think beyond the here and now. This life is all there is. And so we clamour to have all wrongs put right *now*.

Professor John Witte, director of the Centre for the Study of Law and Religion at Emory University in Georgia, suggests that:

The modern human rights movement was...born out of desperation... It was an attempt to find a world faith to fill a spiritual void. It was an attempt to harvest from the traditions of Christianity and the Enlightenment the rudimentary elements of a new faith and a new law that would unite a badly broken world order.⁷

Yet, as is frequently the case with desperate measures, the human rights movement has failed to achieve its objectives. Rather than make the world a better and happier place, the modern preoccupation with rights has contributed to a greater degree of government intrusion in our lives, and to the pursuit of radical policies which undermine the divinely ordained institutions of the family and the church. As we have seen, it has also been used as a convenient tool for people to get their own way, bred a spirit of conflict and aggression, led to an increase of litigation, and resulted in the compensation culture.

As Andrew Oswald, professor of economics at the University of Warwick warned over a decade ago:

The costs of human rights laws may turn out to outweigh the benefits. The legislation has been brought in because the idea of rights is fashionable, not because the intellectual case is a strong one.⁸

Rights in Christian perspective

Significantly, the Bible says virtually nothing about 'rights', and yet it contains a strong emphasis on human dignity. In fact, its view of human dignity could not be higher. The Bible tells us that we are created in the image of God - made to mirror God himself and to reflect his character. Every one of us is unique; we were each personally formed and fashioned by God in our mother's womb. In the Lord Jesus Christ, God became a man - a member of the human race. As a man he lived, he died, he rose again, and as a man he returned to heaven. He took our humanity to the glorious and holy presence of God, and when he comes again, he will take into God's immediate presence all those who belong to him. There could be no higher view of human value and worth than that. Yet the Bible does not talk in terms of human rights.

⁷ Cited by Howard Taylor, *Human Rights: its culture and moral confusions*, op. cit., p.47.

⁸ Andrew Oswald, Will the New Human Rights Legislation Do More Harm than Good? September 2001. <http://www2.warwick.ac.uk/fac/soc/economics/staff/ajoswald/commonwealthlawyerhr2001.pdf>

In a letter to the *Sunday Times*, the former Chief Rabbi, Lord Jakobovits, wrote:

Our contemporaries speak and think in terms of rights - of what others owe us, of what we can demand. Our tradition speaks only of duties and obligations we owe to others. Our basic imperatives are Ten Commandments, not a Bill of Rights. The term rights should be expunged from our vocabulary as it is from classical Hebrew.⁹

At one level it could be argued that rights and duties are perfectly compatible; they belong together as two sides of the one coin. My duty not to kill you implies your right to life, my duty not to commit adultery implies your right to a faithful and devoted wife, and my duty not to steal implies your right to private property. And yet, by placing the emphasis on duties and responsibilities rather than on rights, the Bible encourages us to avoid thought patterns and language that foster selfishness, a victim mentality and a spirit of conflict. In the words of the *New Dictionary of Christian Ethics and Pastoral Theology*, 'a stress on moral rights tends to put human self-interest at the centre of ethics', since it focuses on 'what people should have *done* to them rather than what they should *do*'.¹⁰ Or, as Howard Taylor puts it:

The human rights movement tends to separate us into self-contained individuals each demanding his/her own rights, without a corresponding concern for the general good.¹¹

Ultimately only God himself has rights. When people write a book, record a piece of music, or produce some computer software, they often stamp on it, 'all rights reserved'. They have originated it. It belongs to them. It is theirs to do with as they will. That is how it is with God. He created the world and everything in it. He has stamped 'all rights reserved' into every corner of the universe. Everything belongs to him. He is the Lord and Ruler over everything he has made. Everything we are and all that we have has come from him as a free gift. Our life, our health, our food, our homes, our family and friends - everything is from him. We do not have a 'right' to anything. God does not owe us anything and we deserve nothing from him. All that we are and all that we have is a token of his goodness and kindness towards us.

The spirit of the age cries out: 'If you're going to make something of your life, you've got to assert yourself. If you're going to find fulfilment and happiness, you've got to insist on your rights.' But the Lord Jesus Christ turns that on its head. '*Blessed are the poor in spirit,*' he says, '*for theirs is the kingdom of heaven*' (Matt 5:3). If you want to find true and lasting happiness, you need to give up insisting on your rights before God. You need to come to God with nothing in your hands. Come to God as a pauper and everything will be yours. God will give you all the riches of his kingdom.

The Lord Jesus said that the really happy people are not those who make sure they always get their own way, but those who are grieved by their selfishness and pride: '*Blessed are those who mourn, for they shall be comforted*' (Matt 5:4). In the final analysis, it is not the assertive, but the humble and meek who will inherit the earth (Matt 5:5). It is not those who thirst for revenge who will be filled, but those who hunger and thirst for righteousness (Matt 5:6).

⁹ *Sunday Times*, 3 November 1996. Lord Jakobovits spoke in similar vein in the House of Lords: '[C]ould it be that the greatest moral failure of our time is the stress on our rights, on what we can claim from others— human rights, women's rights, workers' rights, gay rights and so on—and not on our duties, on what we owe to others? In our common tradition, the catalogue of fundamentals on which our civilisation is based is not a Bill of Rights, but a set of Ten Commandments, not claims but debts.' *HL Deb 05 July 1996, vol 573, col 1717*.

¹⁰ Article on 'Rights, Human', *New Dictionary of Christian Ethics and Pastoral Theology*, IVP 1995, p.749.

¹¹ Howard Taylor, *Human Rights: its culture and moral confusions*, op. cit., p.60.

True and lasting happiness is not found by ruthlessly and mercilessly pursuing those we consider to have infringed our 'rights'. The Lord Jesus says, *'Blessed are the merciful, for they will obtain mercy'* (Matt 5:7). The highest privilege of all is reserved, not for those who are taken up with themselves and their own interests, but those with a heart set on pleasing God: *'Blessed are the pure in heart, for they shall see God'* (Matt 5:8). The favour of God rests not on those who thrive on conflict, but those who seek to resolve it - *'Blessed are the peacemakers, for they shall be called the sons of God'* (Matt 5:9).

Imbued with this spirit, the apostle Paul was willing to surrender many of the privileges and freedoms that were rightfully his for the sake of the gospel (e.g. 1 Cor 9:1-23), so as not to burden the churches, and to set an example to believers of self-denial and industry (2 Thess 3:7-9). It was for this reason, too, that he urged believers in Rome and Corinth to willingly forego certain legitimate practices out of respect for the tender consciences of their brothers and sisters in Christ (Rom 14:13-15:6; 1 Cor 8:4-13). The apostle drew a distinction between fundamental principles that could never be compromised and the full exercise of our liberties in Christ, where restraint may be necessary in order to preserve the unity of Christ's body.¹²

The Lord Jesus never promised an easy life for those who follow him. In fact, he said that they could expect to suffer persecution - what many would regard as the infringement of their basic human rights. But although they would often be singled out for suffering, God would single them out with his favour and blessing: *'Blessed are those who are persecuted for righteousness' sake, for theirs is the kingdom of heaven'* (Matt 5:10).

What Jesus preached, he consistently practised. Everything was made by him and for him. Without him nothing was made that was made. Everything belongs to him. His rights are absolute. He has the right to be loved, worshipped, served and obeyed. He possesses the right to sit enthroned in heaven, and the right to punish anyone who disobeys him in even the slightest way. And yet, the Bible tells us that the one who had the right to universal worship and adoration *'made himself of no reputation'*; the one who had the right to be served took *'the form of a servant'*, the uncreated Creator came *'in the likeness of men'*, and as a man, the source and giver of all life gave up his life in the most humiliating and degrading way by being nailed to a cross (Phil 2:7-8). In the Lord Jesus Christ, 'all rights reserved' became 'all rights laid aside'.

Yet that was not the end of the story. He laid aside his rights for a purpose. The Man of Sorrows was willing to be acquainted with grief for the joy of taking a great company of men, women and children to glory. He rose from the dead, and now *'God has highly exalted him and given him the name which is above every name, that at the name of Jesus every knee should bow, of those in heaven, and of those on earth, and of those under the earth, and that every tongue should confess that Jesus Christ is Lord, to the glory of God the Father'* (Phil 2:9-11).

¹² The principle of being willing to forego the exercise of legitimate personal privileges and freedoms which the apostle espoused and by which he lived for the sake of Christ's church is not incompatible with the exercise of legal rights and entitlements under certain circumstances. Paul himself, for example, was prepared to exercise his right of appeal to Caesar for justice as a Roman citizen (Acts 25:11). Yet as F F Bruce comments: 'From what we know of Paul, we may be sure that the uppermost consideration in his appeal to Caesar was not his own safety, but the interests of the gospel... A favourable hearing from the emperor in Rome might win recognition for Christianity, if not as the true fulfilment of Israel's ancestral religion (which Paul believed it to be), at least as a permitted association (*collegium licitum*) in its own right', F F Bruce, *Paul: Apostle of the Free Spirit, Paternoster*, 1977, p.366. Added to this, the Lord himself had revealed to Paul that he would bear witness to him in Rome (Acts 19:21; 23:11).

As we have seen, there can be no higher expression of human dignity than is found in the Bible. Neither can there be any clearer statement of human responsibility. Yet the language of rights is conspicuous by its absence. Set against that background, the following words of the apostle John are truly staggering:

He was in the world, and the world was made through him, and the world did not know him. He came to his own, and his own did not receive him. But as many as received him, to them he gave the right [Greek: exousia = power] to become children of God, even to those who believe in his name: who were born, not of blood, nor of the will of the flesh, nor of the will of man, but of God. (John 1:10-13)

We are not children of God by nature, we cannot make ourselves children of God, and no one else has the power to transform us into children of God. None of us possesses any 'right' to become a child of God. Yet through faith in the Lord Jesus Christ, God sovereignly bestows that right - that power - upon us, Together with that privilege, he grants 'the right [Greek: *exousia*] to the tree of life' and an entrance into the city of God (Rev 22:14), where God shall for ever dwell with his people in an eternal world of joy and peace.

Norman Wells

Young versus Old

'The social contract between generations in Britain is being broken.' So wrote David Willetts in an article entitled 'Pensioners prosper, the young suffer' in the Observer (October 24, 2015). It is part of a strong series of articles and arguments being produced at the present time comparing the lot of older people in respect of pensions and younger people in regard to earnings and housing.

The idea of a social contract was first enunciated by Edmund Burke as being 'a contract between those who are dead, those who are living, and those who are to be born'. It sets out the political idea of continuity between generations so that each generation maintains what it has received from the previous one, and preserves what it has to pass on to the next. Thus society has stability and consistency. So there must be balance between the generations. So it has been the expectation that each new generation will be better off than the previous one.

The claim is that this social contract is being broken by an increasing imbalance between the older generation that has retired and the younger generation that is just beginning to make its own way.

Older people favoured

At the Conservative Party Conference in October 2015, at a fringe meeting, Alex Wild of the Taxpayers' Alliance suggested that pensioner benefits such as the winter fuel allowance, free TV licence, travel concessions etc. should be cut in order to fund improved housing and other benefits for the younger generation. At that same conference Dr Liam Fox also advocated cutting pensioner benefits. 'This is the time to fix the roof. We have a broken opposition. We have just won a general election and we need now to take the tough decisions we believe are right.'

Dr Fox developed his concerns in a blog on Conservative Home (28 October 2015) in which he speaks about a political juggernaut that is heading our way that cannot be avoided: 'The issue of generational imbalance has been much talked about, yet we seem to be no closer to resolving the complex problem that it represents.' He then develops the nature of this problem by looking at the demographic reality and the financial impacts that will accrue. His conclusion is that 'if we are to maintain the same levels of pensions and benefits that we currently enjoy, extended to a larger retired population, then we will require a larger workforce.' The alternatives will be penal rates of taxation on the projected smaller working population or significantly reduced rates of pension and benefits. A report from the Equality and Human Rights Commission published on 30 October 2015 highlighted the worsening situation for young people and compared that to the more prosperous state of older people.

David Willetts has also pursued his argument stating that 'our country favours the old over the young and the problem is getting worse'. (Times Online, 26 November 2015). He substantiated his claim by pointing to the generous access to pensions for the old and restricted access to housing for the young. By the policies they support he claims 'older generations are deliberately damaging the prospects of their children'. In particular he points to the triple lock which ensures that state pensions will rise in line with average income, the retail price index or at 2.5% whichever is the highest.

These concerns are given some validation by the Intergenerational Fairness Index produced by the Intergenerational Foundation. Their report for 2015 (published on 12 July 2015) stated that there had been a 10% deterioration in the prospects of younger generations relative to older generations between 2010 and 2015.

Angus Hanton, cofounder of the Intergenerational Foundation and joint author of the Index, says, 'Younger generations have been systematically disadvantaged compared to older generations over the past five years, and unless urgent action is taken, those younger generations will become locked further out of housing, unable to access state help, and made to pay ever higher costs for education, while bearing the costs of a rapidly aging population.'

The Institute for Fiscal Studies has produced an analysis (reported in the Independent on 20 October 2015) that shows that the median pensioner income in 2013-2014 was £394 a week, whereas for working age people it was £385. The figures reflect income after housing costs have been removed. Many older people have very low housing costs having cleared their mortgages. This comparison is a reversal of the previous situation 30 years ago when pensioner poverty was a major issue on the political agenda. It would be wrong to believe that pensioner poverty has been removed, but the situation for most older people is vastly improved. Paul Johnson of the IFS suggests that the triple lock on pension increases should now be removed. The situation will not continue, while many current pensioners have company pension schemes, those schemes are being changed or even removed by employers for future retirees. Thus an increasing number of older people will be forced to rely on the state pension and whatever savings or personal pensions they have paid into during their working lives.

The Intergenerational Foundation report quotes the comments of Laurence Kotlikoff, Professor of Economics at Boston Massachusetts Institute of Technology, 'Intergenerational inequity continues to be the moral issue of our day... The UK, like other developed economies, has engaged in fiscal, educational, health and environmental child abuse.'

That there is a distinct moral aspect to this problem cannot be denied but at the heart of this inequity are political decisions some of which have been made with an eye to votes at elections. What seems to be the case is that generational balance has been lost in these areas of public policy. Arguments can be made to defend what has happened.

Older people disadvantaged

Set against the favourable position of many older people over younger people in income terms, we must also consider the arguments put forward by agencies like AgeUK in their report 'The health and care of older people in 2015' (published in October 2015). They highlight some of the social and health deficiencies and disadvantages that older people face. So the report points out that almost £2 billion has been cut from older people's social care in the last 10 years. In addition to that they estimate that the number of people with unmet needs in England has increased from 800,000 in 2010 to over a million in 2015. The scandal of the 'fifteen minute care visit' has been highlighted in the media on numerous occasions, and the underfunding of Residential Care by Local Authorities is likely to result in significant closures of homes over the next five years (Financial Times, 18 March 2015).

AgeUK also point out that while NHS funding has been mostly protected it has not kept pace with demographic change and growing needs. This is illustrated by the fact that emergency admissions and re-admissions to hospitals are increasing. Many of these could be avoided with more community health and social care services. Pressure on primary services has risen significantly. The number of times an older person visits a GP practice has increased from an average of 7 per year to 13 per year in just 13 years. Rates of admission to hospital for conditions such as pneumonia, urinary tract infections, and congestive heart failure are rising dramatically, and these would once have been treated through GP services.

The Pilgrim Friend's Society reported in their February 2016 blog that the Office of National Statistics had reported a 5.4% increase in elderly deaths in 2015. This was the biggest annual increase for almost fifty years. Indeed more older people died in 2015 than in any year since 2003 according to Public Health England (PHE).

PHE advisors have warned that elderly people are now bearing the brunt of a growing crisis in the NHS and cuts to social care. Oxford University's Professor Danny Dorling is an advisor to PHE on older life expectancy. He has said, 'When we look at 2015, we are not just looking at one bad year. We have seen excessive mortality since 2012. I suspect the largest factor here is cuts to social services – meals on wheels and visits to the elderly. We have seen these changes during a period when the health service is in crisis while social services have been cut back.'

So while in some areas older people seem to be receiving some degree of preference, in other areas their treatment is highly detrimental. Indeed there is continuing and strong evidence that in many areas public attitudes to old age and at times to older people are generally negative and even devaluing.

Older people devalued

The rate of development of technological aids is quite extraordinary and especially in the field of communication. New products and innovations abound. However one of the features of much of this technological advance is that it appears to be aimed at the younger generation, excluding or at least limiting access for older people. For instance, in some smart phones the speed of reaction to effectively use them is half a second, but for most older people their reaction time is a whole second or even slightly longer. So using that equipment becomes a problem for many. It is as though the manufacturers do not have any thought for, or do not value, older people.

In addition, AgeUK continues to raise issues about prejudicial attitudes and behaviour based on age. On their website they list the following illustrations:

- An older person losing their job merely on the grounds of age
- Someone being refused interest-free credit, a new credit card, car insurance or travel insurance because of age
- Older people receiving a lower quality of service in a shop or restaurant because of the organisation's attitude to older people
- Older people being ineligible for benefits such as Disability Living Allowance due to artificial age limits
- Cases of people being refused a referral from a doctor to a consultant because 'you are "too old"'
- People being refused membership to a club or trade association because of age

And we may add to this list magistrates having to step down from the bench, not because of incompetence and inadequacy, but because they have passed 70. Similar age limits apply to many voluntary agencies and churches. This is despite the individual's continued awareness, ability and aptitude. Age becomes the criteria rather capacity to do the job.

Recent reports show that elderly patients are suffering poor care and treatment in hospitals and care homes in silence. The Parliamentary and Health Service Ombudsman issued a report at the end of 2015 which was reported in the Daily Telegraph (29 December 2015). This stated that a third of over-65s who experienced below standard care did not speak up because they were concerned their future treatment would be compromised.

The media has improved in recent years but even so many articles involving an older person will still have the age of that person even when it is of no real significance to the matter being reported. In the same way the entertainment world still tends to caricature older people, and the grumpy, negative, complaining old person is seen more often on the screen than in real life.

These attitudes, failures and prohibitions are unacceptable and show the defective thinking of our culture in respect to old age.

Confused thinking about young people

The muddled and confused thinking about older people is equally reflected in confused thinking about younger people. There is a general assumption that young people are important because obviously they represent the future. But how this then works out in public policy shows that there is no coherence or real clarity about the understanding of the place of younger people in society. It has to be observed, in passing, that the changing view of the family in society is affecting this. So the value of younger people is seen in isolation from their place within the family unit, which is a vital building block in the structure of society itself.

Therefore the cuts that so adversely affect older people are also having a detrimental impact on younger people. Even the Prime Minister's mother has joined in protests about the closure of 44 children's centres in Oxfordshire as the council seeks to save £8 million by this one act. At the same time Oxfordshire are also closing Day Centres for the elderly. But the centres for the young, in particular, have played a vital role in the lives of many families. By their nature they provide a service to families that private day care often does not. Again there is an issue of politics and economics, but there is also an issue about the development of children and support to struggling parents. Obviously there are some alternatives for both young and old in private provision, but many younger people with children find their budgets stretched already as wages rise so slowly. The real question that this article is raising is about the value being put on the nurture of the young and the support society will give to parents.

There is a confused view of younger people within Western culture. This was illustrated in a wide ranging article in the Guardian (8 March) entitled 'Generation Y, Curling, or Maybe: what the world calls millennials'. The article reviewed attitudes to that group of people born between 1980 and the mid-1990s. It showed that there is generally an unsympathetic view of this age group. They are seen as being pleasure seeking and so self-focussed, but also facing major problems because of the economic climate.

So in Britain 'they have been hit on two fronts, by vertiginously steep house prices and employment difficulties. In 1991, 67% of 25 to 34 year olds were homeowners in England; by 2011-12, this had declined to 43%. Those who cannot afford to buy must rent... spending an average of 47% of their net income on rent (72% in London). In the UK 14.4% of 16 to 24 year olds aren't in full-time education or employment, compared with 5.7% of the total working population, the largest gap in more than 20 years.'

Generational confusion

So is the social contract between generations being broken? It may well be. But it may be that in our society it cannot be kept. What the above illustrates is that there is confusion in thinking about the relative place and value of young and old. Indeed that confusion has been a feature of our society since the late 1960s when the term teenager first became current in popular culture and age differentiation became so much a feature of British life. Political and economic decisions across the

spectrum have failed to come to terms with a growing older population, a diminishing younger population (at least percentage –wise) and how those two groups should be related.

Biblical concepts of generational relationships

In a situation where the church has an opportunity to show the world the ideal of Biblical practice, sadly she merely reflects the shortcomings that are in society in general. But the Bible sets out how a community should function.

So what is the Bible's view of relationships between the generations? In the first place the Bible speaks extensively about the nature and impact of true family life, and that is a foundation for any truly Biblical understanding. But in addition it sets out six basic principles about old and young which are vital to a right functioning society. Here we can just outline those principles, with some references that can be followed through.

- *Warning against wrong attitudes* – a basic definition of a dysfunctional nation is one which wrongly evaluates old and young (Deuteronomy 28:50 & Isaiah 47:6). Whereas a balanced society sees old and young prospering (Jeremiah 31:13 & Zechariah 8:4-5). Generational conflict is the mark of a failing community.
- *Danger of ignoring each other* – when there is preference for one generation over another the Bible shows that the outcome is often disastrous (1 Kings 12:1-16; Ecclesiastes 4:13). Favouring one generation over another is not a biblical practice.
- *Mutual support and respect* – encouraging and strengthening one another across the generation divide is a beautiful concept. Consider the relationship between Mary and Elizabeth (Luke 1:39-56). Respect for older people is a command (Leviticus 19:32). This respect means careful response by younger to older (1 Timothy 5:1-2). It also means that younger people should not be devalued (1 Timothy 4:12).
- *Acknowledging different roles* – there is no question that there is difference between the generations, but each is to act appropriately to their age (Exodus 17:8-9; Joel 2:28). In such a relationship older people have a significant role in caring for younger people (Philemon 8-10).
- *Working together* – the wisdom of older people should be shared with younger ones (Psalm 71:17-18; Psalm 145:4). And younger people should learn from older folks (Titus 2:1-6). The balance between energy and wisdom is vital to a wholesome community (Proverbs 20:29).
- *Mentoring and development* – it is often said that the young are the future of the church. While that is a logical view, it lacks express biblical backing. Jesus said God could cause the stones to praise him (Luke 19:40). He is not dependent on natural processes. But the Lord has ordained that the church grows by the interaction of generations; older men encouraging and training younger men is a common picture in the Bible, for instance Moses and Joshua, Elijah and Elisha, Paul and Timothy/Titus; Barnabas and John Mark.

These principles set out a basic set of values about the worth and significance of each generation. It is an example that our society desperately needs to see.

Roger Hitchings

Where is complementarianism heading?

I am a complementarian. This is because I believe the Bible and hold to its ongoing relevance for revealing concrete, objective, moral truth in an era of complex and confusing subjective moral relativism. The Bible speaks to sexuality, gender and the responsibilities inherent in a physically, psychologically and spiritually healthy understanding and practice of masculinity and femininity. Any God-glorifying approach to understanding biblical masculinity and femininity will conclude that complementarity sums up the action-shaping attitude of a Christ-submissive gender role. But what exactly is biblical complementarity? As a movement, where is complementarianism heading? What are some areas in which caution and compassion are called for in teaching biblical complementarity?

The other side of the coin: egalitarianism and feminism

In order to understand the heart of complementarianism it is helpful to define it in contrast to some competing worldviews.

Egalitarianism

The term is derived from the French *égal* which means 'equal'. Egalitarianism, in the context of gender, is the view that men and women are equal in personhood *and* role.¹³ If a man may do something, so may a woman. There is no family 'head'; both husband and wife have equal leadership roles and as parents. The woman makes decisions for the family just as much the man. This has also led to an increase in stay-at-home dads as more women become the primary breadwinners and financial decision-makers.¹⁴

Ecclesiologically, egalitarianism is the basis of many churches' decisions to allow women into leadership roles that would, in an earlier time, have been held only by men on the basis of primary biblical texts.¹⁵ Economically, egalitarianism drives the growth in gender-neutral marketing;¹⁶ no toys are more appropriate for boys or for girls. Militarily, in both the US and UK, both sexes may serve in any combative or non-combative role, including elite special forces. Debate has recently raged in the USA as to whether, in the event of a major war, women should be drafted alongside all qualifying men.

All this reflects to some extent a paradigm shift in Western society in the past fifty years. What is at the heart of this change?

Feminism

Sociologically, egalitarianism is rooted in feminism – 'the advocacy of women's rights on the grounds of equality between the sexes'¹⁷ – which can itself take various forms: **Liberal feminism** seeks to change a culture through its educational system and civil legislation. In this way women gain basic democratic rights. It seeks the right to vote for women and other appropriate means of political representation. It targets human trafficking as well other practices such as Female Genital

¹³ Arneson, Richard, 'Egalitarianism', *The Stanford Encyclopedia of Philosophy* (Summer 2013 Edition), Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/sum2013/entries/egalitarianism/>

¹⁴ Livingstone, Gretchen, 'Growing Number of Dads Home with the Kids' (Pew Research Centre, 5 June, 2014), <http://www.pewsocialtrends.org/2014/06/05/growing-number-of-dads-home-with-the-kids/>; Dailey, Kate, 'What's behind the rise of stay at home Dads?' (BBC News Magazine, 5 June, 2014) <http://www.bbc.co.uk/news/magazine-27626510>;

¹⁵ Stassen, Glen H. and Gushee, David P., *Kingdom Ethics: Following Jesus in Contemporary Context* (Downers Grove, Illinois: IVP, 2003), 316.

¹⁶ Grindberg, Emmanuella, 'Let Toys be Toys: The Case for Gender Neutral Marketing' (CNN, 24 September, 2015) <http://edition.cnn.com/2015/09/24/living/gender-neutral-toys-marketing-feat/>

¹⁷ *The Oxford Dictionary*

Mutilation, so commonplace in the Islamic world. There is no doubt that much good that has come from these feminist campaigns. **Marxist feminism** sees capitalism and the oppression of women as intrinsically linked. **Radical feminism**, according to sociologist Ashley Crossman, believes,

that gender inequality is a result of the collective efforts of men to dominate, control, and exploit women. Violence against women, compulsory heterosexuality, and the organization of the traditional family are all viewed as ways to ensure male dominance through female subordination to and dependence upon men.¹⁸

This definition is consistent with the feminism of the French existentialist and pioneer feminist Simone de Beauvoir particularly as laid down in her book, *The Second Sex*. **Evangelical feminism**

argues that God created man and woman as equals in a sense that excludes male headship. Male headship/domination (feminism acknowledges no distinction) was imposed upon Eve as a penalty for her part in the fall. It follows in this view, that a woman's redemption in Christ releases her from the punishment of male headship.¹⁹

What has egalitarianism and feminism achieved?

Whatever its stated aims, egalitarian ideology often contradicts itself, accomplishing the exact opposite of its intention. So, for example, if it is deemed best that a husband should stay at home and care for a child, this places him in a role that egalitarians/feminists would say demeans a woman and perpetuates her 'subjection'. If true egalitarianism is to prevail, who takes care of the baby?

It may also be that, in order to perpetuate the appearance of equality, unequal standards are utilised to achieve the goal. So, for example, are the same standards for physical fitness and performance being upheld for enlisting in the military? The simple and verifiable answer appears to be that they are not. In the US, while the men's fitness test requires a minimum of three pull-ups, a majority of women applying to become US Marines were unable to meet this standard. The standard now only requires hanging from a bar with elbows slightly bent for 70 seconds – equality in person, role, and responsibility, but unequal in standard. Such products of egalitarian ideology reveal a system that is anything but equal. In some cases, particularly in the military or law enforcement, equal roles but unequal standards could prove disastrous.

Setting things straight: Complementarity and the necessity of different roles

Logically and practically it is impossible for society to operate well if role is equated with worth. Every organisation requires a multiplicity of roles and levels of authority. Every shop has owners, managers, assistant managers, floor assistants, cashiers, stockists and cleaners. A healthy business requires people of equal worth but in different roles. If this is so for society to function, surely it is reasonable that healthy families and churches should also recognise differences in roles alongside equality of worth?

Complementarity is the preferred term in describing equality in the personhood and worth of men and women while also acknowledging a difference of roles between the sexes.²⁰ Biblical complementarity is found from the very beginning, particularly Genesis 1:26-31, 2:18-25 and 3:1-24

¹⁸ Crossman, Ashley, 'Feminism' (About education, 16 December, 2014), http://sociology.about.com/od/F_Index/g/Feminism.htm

¹⁹ Ortlund, Raymond C. Jr., 'Male-Female Equality and Male Headship' in Piper, John/Grudem, Wayne, *Recovering Biblical Manhood and Womanhood: A Response to Evangelical Feminism*, (Wheaton, Illinois: Crossway, 1991, 2006), 95.

²⁰ Piper, Grudem, *Recovering Biblical Manhood and Womanhood*, xv.

(focusing on vv.16-19).²¹ These passages affirm the common humanity of male and female, that both are made in the image of God. They are equal in person and purpose, reflecting the image of God.

Having established this equality, we must then acknowledge clear differences: male and female are sexually different, with *complementary* anatomical make-ups that are necessary for the task of procreation and fulfilling God's command to 'be fruitful and multiply and fill the earth'. Jesus affirms the creation order of male and female and in so doing addresses their equality before God at the same time as maintaining the reality of their different sexual make-up (Matt 19:3-6). Genesis 2:18-25 develops these differences by describing the female as a 'helper' to man. Stephen B Clarke explains:

Complementarity implies an equality, a correspondence between man and woman. It also implies a difference. Woman complements man in a way that makes her a helper to him. Her role is not identical to his. Their complementarity allows them to be a partnership in which each needs the other, because each provides something different from what the other provides. The partnership of man and woman is based upon a community of nature and an interdependence due to a complementarity of role.²²

Complementarianism in the home advocates loving male headship and leadership and also respectful and loving submission of the wife. At its core a Christian marriage should faithfully reflect the relationship between Christ and his church: Christ-like masculine leadership and church-like feminine submission (Ephesians 5:31-32).

Complementarianism also desires the upholding of male headship in churches and biblical sexual ethics. Churches have increasingly been pressured by culture to leave behind 1 Timothy 2:12-13 and appoint women in pastoral leadership roles in churches.

In a forthcoming book, Owen Strachan and Gavin Peacock write:

As a matter of biblical fidelity, though women have ample opportunities to serve and teach in the life of the congregation, women do not teach men. To do so is to stray from biblical wisdom. There is no way around this ancient-sounding reality. Redemption in Christ does not nullify God's pre-fall divine design.²³

But what of the language of submission? Women are not slaves! Biblical complementarity completely shuns such attitudes and separates itself from any idea of 'male domination' which would make allowances for rape, prostitution, pornography, and other forms of sexual abuse and exploitation. Egalitarian and feminist thought paints complementarianism as the wife forsaking any attempt to influence the husband and living in suppression and fear. A leading advocate for biblical complementarity, John Piper, has usefully outlined what submission is *not* on the basis of 1 Peter 3:1-6. In his outline, Piper deals usefully with common objections by noting that submission does not mean agreeing on everything, does not mean the woman leaving her brain at the marriage altar, does not mean not trying to influence her husband in any way, does not mean putting the will of the husband before the will of Christ or gaining all spiritual strength through her husband or living and acting in fear.²⁴ Piper refers to submission as 'the defined calling of a wife to honor and affirm her

²¹ Stephen B Clark, *Man and Woman in Christ: An Examination of the roles of Men and Women in Light of Scripture and the Social Sciences* (Ann Arbor, Michigan: Servant Books, 1981), chapter 1.

²² Clark, *Man and Woman in Christ*, chapter 1 (<http://cbmw.org/uncategorized/from-the-beginning/>)

²³ Quote shared with me by Gavin Peacock from upcoming book, *The Grand Design: Male and Female He Made Them*.

²⁴ Piper, John, 'Six Things Submission is Not' (26 February, 2016) <http://www.desiringgod.org/articles/six-things-submission-is-not>

husband's leadership, and so help to carry it through according to her gifts.' Doubtless, feminists will claim that this is still subjection. This is because egalitarian thought illogically concludes that 'difference in function necessarily involves a difference in essence'.²⁵

Ray Ortlund asks the important question:

How is it that in the last twenty years or so, as we have increasingly lost our understanding of male headship and as feminist ideals have been aggressively pursued throughout our society – how is it that, under these conditions, sexual exploitation and confusion and perversity have exploded in incidence?

He draws the conclusion, 'Male headship is not to blame. Male domination and feminism are the two viruses attacking our sexuality today.'²⁶

The black and white reality: we live in a grey world

Complementarianism desires to approach daily life with a worldview governed by the Scriptures. It seeks a biblical masculinity where men take responsibility as the primary providers and protectors in their families, in the church and in society. It desires to see in men honour and chivalry accompanied by a serving, self-sacrificial, mind-set established through Holy Spirit heart transformation.

Complementarians need, however, to avoid black and white assertions in areas of moral complexity where the Scriptures do not specifically speak. So, for example, in the debate over women in the military, some conclude that for women to be soldiers is wrong. Greg Gibson and Owen Strachan comment:

It should be said that Christian dads should never allow their little girls to die for them. This is the opposite of manhood. This is the opposite of honor. This is the opposite of Christ-like self-sacrifice on the part of men (Eph. 5:22-33). What's more, this is the logical conclusion of C.S. Lewis' discussion of 'men without chests'. Any man who would ask his wife or daughter to endure the horrors of war to protect him has missed the very core of biblical manhood, and Christ's own example as the Savior of his Bride.²⁷

Grant Castleberry has supported fathers refusing to allow their daughters to register for the draft.²⁸ I understand the sentiments and concerns and agree with much of what these brothers say. Practically speaking, however, we have to get to grips with the fact that war is real; it is evil. But there may very well be a situation where a wife or daughter has no option than to enlist for the sake of her family. While this has not been an idea supported by western thought, a world does exist beyond the West which has experienced these realities throughout history, with records of women fighting in wars from as early as the 17th century BC. Indeed, the Bible gives us the example of Deborah in Judges 4. Women also volunteered for service across the UK during World War 1 and all aged between 18 and 60 were registered with many being conscripted during World War 2. Today, Kurdish women soldiers are proving to be a most valuable asset in the war against ISIS. In many cases, the execution of men or their enslavement by ISIS, accompanied by western reluctance to send in ground troops, has necessitated women taking up arms.

²⁵ Schreiner, Thomas R., 'Head Coverings, Prophecies, and the Trinity, 1 Corinthians 11:2-16' in Piper and Grudem, *Recovering Biblical Manhood*, 128 (cf. 111).

²⁶ Ortlund Jr., Ray, in Piper and Grudem, *Recovering Biblical Manhood*, 105.

²⁷ Gibson, Greg and Strachan, Owen, 'We Will Never Let Our Daughters Die for Us' (CBMW: 6 February, 2016) <http://cbmw.org/topics/manhood/we-will-never-let-our-daughters-die-for-us/>

²⁸ Castleberry, Grant, 'The Christian Worldview Stands Against Women in the Draft', (CBMW: 3 February, 2016) <http://cbmw.org/public-square/the-christian-worldview-stands-against-women-in-the-draft/>

In other situations outside the military where men do not stand up and fulfil their responsibility what should the women do? Sadly, women may have to step up and take a lead until such time as men do their duty.

What of the woman who no longer under her parents' care and is not married? Should the fact that she is a woman keep her from enlisting in the military or another law-enforcement agency should she so desire? I am not convinced that there is anything dishonourable in her doing so. Some complementarians argue that any role in the military is unfeminine. This may be so, but it is also the case that many women are physically stronger and better equipped than some men.

While in his generally magnanimous way, noting differences of opinion on the matter, Piper implies that he does not even believe it appropriate for a woman to be a police officer:

If a woman's job involves a good deal of directives toward men, they will need to be non-personal in general, or men and women won't flourish in the long run in that relationship without compromising profound biblical and psychological issues. And conversely, if a woman's relationship to a man is very personal, then the way she offers guidance and influence will need to be more non-directive.²⁹

Titus 2:5 indicates that women ought to be keepers at home. Without detracting from that principle the reality must be noted that not every woman marries, not every marriage produces children, and many situations do call for women to work outside of the home for the sake of the family (Proverbs 31 seems to support this as well). Piper's conclusion thus seems a little extreme, with no clear Scriptural source that affirms this outside of the church and the family. I am not comfortable with promoting women in the military or law-enforcement where their lives may be endangered; it seems a cowardly thing to do when, ideally, there should be plenty of men offering to lay their lives on the line. Perhaps, if we see a revival of faith, truth and biblical complementarity things will change. Until then accepting women in these roles (if physically capable of doing them) may be a necessary evil. In being clear about the rule of gender roles, complementarians need to take care to acknowledge possible exceptions to the rule lest we drift into an attitude of male superiority, domination, or patriarchy.

Conclusion

It is a joy to see the way in which many churches and individual Christians are continuing to hold on to a strong and robustly biblical worldview on gender, sex and the different roles of men and women. It is also an encouragement to know of many who are turning away from the flaws of egalitarianism and feminism, having recognised that role does not indicate worth. Hopefully this will result in women once again taking responsibility in roles where they are particularly gifted and where men are deficient, particularly childcare and homemaking. At the same time, complementarians need to guard against residual patriarchalism, viewing women as unqualified for any role with authority in appropriate contexts. A gracious application of complementarianism should keep the focus on submitting to Scriptural patterns for church, family life and society. Piper sums it up well, '...we may come to different views on some roles, but that submission to Scripture is a great common ground.'³⁰

Regan Blanton King

²⁹ Piper, John, Should Women be Police Officers?, (Desiring God: August 13, 2015)

<http://www.desiringgod.org/interviews/should-women-be-police-officers>

³⁰ Ibid.

Nothing to hide or be ashamed of

Once again faith, education, indoctrination, extremism and radicalisation are in the news, and as the Headmaster of a school built on Christian principles I relish such debate. The Prime Minister has warned that 'teaching intolerance' has to be stopped and the DfE has said it makes 'no apology' for wanting to ensure children are properly protected. New proposals would give inspectors powers to ensure children are 'properly safeguarded' in madrassas as well as in schools. The Northern Council of Mosques has said that such 'control and monitoring' over lessons would 'effectively lead to a form of state-sanctioned religious expression' and 'unduly encroaches on the legitimate right of faith providers to teach their children faith'.

I agree with the view that if what we are teaching children cannot be 'inspected' then we shouldn't be teaching it – be it in schools, madrassas, church camps, or holiday Bible clubs. Jesus Christ taught openly (Mark 14:48-49) and far from brainwashing people and forcing them to believe certain things he asked over 150 questions in the New Testament, always encouraging people to question and think. He had nothing to hide and urged his followers not to teach secretly but openly. The apostle Paul said that he was 'not ashamed' of the Christian message (Romans 1:16). If what we are teaching children cannot be 'inspected' then we should not be teaching it.

However, I also agree that the state cannot encroach on the 'legitimate right of faith providers to teach their children faith'. It would cut across the very purpose of education to dictate what people should believe. The man voted the greatest Briton ever, Winston Churchill, said, 'True genius resides in the capacity for evaluation of uncertain, hazardous and conflicting information'. Should not young people be encouraged to have strong beliefs, to be unafraid to go against the crowd, dare to say that society might be getting things wrong and hold counter-cultural views – so long as they are not hateful and violent, are themselves willing to be disagreed with and questioned, and can back up their views with reasoned arguments, kindness and respect?

It is why 'how' we teach, as much as 'what' we teach, is so critical. At Fulham Boys School, we never hide or dumb down the fact we are a school built upon Christian principles. In every subject, including PHSCE, RE and Science, the Christian views are presented alongside other worldviews and theories. We expose our boys to what Christians believe and encourage them to evaluate it, weigh it up. We don't force them to believe it. We have an environment that encourages thinking, questioning and scrutiny.

In such a transparent climate, would you not expect, even think it is the duty of, a school to expose young people to the claims of the Bible and Jesus Christ, as long as it is in a fair and balanced way that encourages them to scrutinise those teachings? Surely this is preferable to having society's views and biases forced on young people; to be told that what we have decided on today is right and every other generation has got it wrong; that certain arguments and views are not even allowed to be put on the table.

As long as I am the Headmaster of the Fulham Boys School, Fulham Boys will be exposed to the claims of Jesus Christ and to the Bible in assemblies and in lessons. Let me be totally honest – as a Christian I would love nothing more than if these boys came to believe and love these things as much as I do. But I will always encourage them to really challenge them, question them, to know the other sides of the argument. If a belief or idea is real and true then it has to stand up to the most intense scrutiny.

So, Ofsted and the DfE, you are most welcome to carry out the most rigorous inspection you know how. Feel free to speak to whomever you like and to look at whatever you need to. We have got nothing to hide or be ashamed of.

Alun Ebenezer

Book Review:

Being Mortal – Illness, Medicine and What Matters in the End

Atul Gawande (2014), Profile Books, 282 pages, £8.99

I have long contended that the primary theme of the Book of Books is life and death – those two words occur about 1,000 times, in a ratio of approximately 60:40. I have also long contended that a preacher's primary purpose is to get his people into heaven – to live the good life and to die 'in Christ' (1 Thessalonians 4:14-16). Christians should therefore be profoundly aware of our human mortality – there is a deathbed that awaits everyone. So, a book with the title *Being Mortal* should fascinate us all.

Moreover, this book is already a huge winner. It is an international best-seller, it has won numerous prizes and undoubtedly sold millions of copies. The author is famous too. He has a string of degrees from Stanford, Oxford and Harvard. He is now a surgeon in Boston, a professor at Harvard, an award-winning writer and in 2014 he delivered the BBC's Reith lectures, four highly-acclaimed talks entitled, *The Future of Medicine*.

Gawande was born in 1950 in Brooklyn, New York. His parents, both doctors, were immigrants from India, but he has readily adopted the all-American way of life – at least, he has named his children Walker, Hattie and Hunter!

The book's structure

First, *Being Mortal* is a jolly good read – I zipped through its 282 pages in about a week, which is high-speed for me. Gawande writes exceptionally well – the prose flows, the pace is measured and the stories are gripping. And it is full of learning – I made copious notes in the margins.

Second, *Being Mortal* is something of a revolutionary book. Though it examines those ancient themes of life and death, it pulls no punches when it comes to twenty-first-century ageing and dying and death. His thesis is simple – though medicine generally keeps us alive wonderfully well, in the area of dying it has signally failed us. Doctors have over-medicalised death. We have often not allowed the dying to die. Gawande maintains that (p. 9), 'The waning days of our lives are given over to treatments that addle our brains and sap our bodies for a sliver's chance of benefit.' And he argues that (p. 155), 'People with serious illnesses have priorities besides simply prolonging their lives. Our system of technological medical care has utterly failed to meet these needs ...'

Third, *Being Mortal* raises alternatives. Gawande examines the end goal of medicine and refocuses it. He claims that good medicine is not about ensuring a good death, but a good life. In this he echoes Cicely Saunders' grand palliative care mantra, 'You matter because you are you, and you matter to the end of your life. We will do all we can not only to help you die peacefully, but also to live until you die.'

The book weaves these arguments through the stories of several terminally-ill people and their families. We meet ordinary patients like Nelene Fox and Alice Hobson, but also pioneering carers like Sarah Creed and Keren Wilson, as well as outstanding doctors like Bill Thomas and Edward Benzel. We travel from homes to assisted living facilities to nursing homes to hospital wards. For many that road is institutionalised, regimented and anonymous. Gawande rails against this. He calls for a coherent and compassionate strategy of medicine to bring about good end-of-life care, whether at home, hospital or hospice. But Gawande is not content to produce a mere travelogue of medical facilities. He wants to drill down and deeply challenge our thinking about being mortal. He is countercultural.

Gawande's medical insights

Gawande, as a practising and thinking physician, has some profound insights into his trade. For example, on p. 200, he explains the changing doctor-patient relationship. First it was 'paternalistic': I'm the doctor and I know what's best for you – take the red pill. Then it became 'informative': I tell you the facts and figures about the red and blue pill – which one do you want? And nowadays the relationship tends towards the 'interpretive': What is it you want most? Okay, so the red will do this and the blue will do this to achieve your priorities. This tactic is aimed at a shared decision-making. In addition (p. 207), there is the doctor's bad news strategy, the 'ask, tell, ask' approach. Gawande describes it as, 'They [the doctors] ask what you want to hear, then they tell you, and then they ask what you understood.'

Gawande's pithy sayings

Gawande is a master raconteur and the book is sprinkled with truisms and aphorisms – some funny, some uncomfortably true. For example (p. 89), he recognises that for many old people, the keyword is home. 'Home is the one place where your priorities hold sway. At home, you decide... Away from home, you don't.' And on p. 130, '...the best thing in your life is when you can go yourself to the bathroom [toilet].' And when discussing (p. 187) the sort of cancer surgeon you want, 'You don't want Custer. You want Robert E. Lee, someone who knows to fight for territory that can be won and how to surrender it when it can't.'

The current problem

Gawande starts at the beginning (p. 17), 'Elders were cared for in multigenerational systems, often with three generations living under one roof'. He is adamant that, for most Westerners, this traditional role of extended family caring has needfully become wistful thinking. Global development, personal mobility and employment opportunities have transformed societies so that the extended family has been largely superseded by the nuclear, or even the disintegrated family. These changes have brought about the veneration of 'the independent self'. But they have also created a problem. Sooner or later self-independence becomes impossible – serious illness or infirmity will strike. What do we do when independence can no longer be sustained? New patterns of care are needed.

And we could all benefit from a little lesson in geriatrics (p. 25). In times past, life for most people 'would putter along nicely' until illness hit. Then the bottom would drop out. It was like death by 'walking off a cliff'. By contrast, modern medicine has caused our decline to be typically characterised by 'a mountain road descent', the fall is slowed by numerous medications and therapies. And nowadays there is a third trajectory. Increasingly large numbers of people live a full life and simply die of old age with no particular cause of death. It is more like 'a long slow fade'.

These differing scenarios have had a profound effect upon medical practice. Doctors usually excel when faced with a discrete problem, be it a broken leg or a heart attack. They can apply plaster of Paris or prescribe pills. But the 'long slow fade' is beyond repair and therefore medically less interesting. The lesson here is that, at some stage, the declining body simply cannot be fixed, but it can be managed. Gawande summarises this lesson on p. 44: 'Decline remains our fate; death will someday come. But until that last backup system inside us fails, medical care can influence whether the path is steep and precipitate or more gradual, allowing longer preservation of the abilities that matter most in your life.'

The signs of ageing

Throughout the book Gawande draws some vivid pictures. He says, for instance (p. 30), that ageing is a combination of softening and hardening – our teeth and bones soften, while our blood vessels and joints harden. He says, we are in decline as evidenced by our shoddy handwriting, lack of multitasking and muscle strength. He says, look at the muscle at the base of your thumb – is it bulging or flat, are you young or old? But, Gawande insists, this is all natural.

He notes that the elderly tend to fall over. A fall, 'that harbinger of unstoppable trouble', is both a serious threat and an alarm bell. Falling often results in a broken hip and if that occurs, no one ever regains their former mobility; in fact, 20% never walk again. Gawande explains the three primary risk factors (p. 40) – poor balance, more than four prescription medicines and muscle weakness. If none of these factors are present, the elderly have only a 12% chance of falling within a year. If all three are present then the chance is almost 100%.

Gawande continues to tell it like it is (p. 55), 'It is not death that the very old tell me they fear. It is what happens short of death – losing their hearing, their memory, their best friends, their way of life.'

So, we can all agree that the aged need help. What about a nursing home? What is Gawande's view? He rails against those dismal nursing homes with their Three Plagues of 'boredom, loneliness, and helplessness'. He wants to burn them down. Though he happily recounts an experiment at one such establishment where plants, dogs, cats, 100 birds and even children were introduced – it was a roaring success for the residents and staff. And he examines your chances of avoiding a nursing home altogether (p. 79). This is, according to Gawande, '...directly related to the number of children you have, and... having at least one daughter.' At the same time, he highlights that our modern dependence on dual incomes often leads to '... results that are painful and unhappy for all involved.'

What makes life worth living?

Here is another probing question that Gawande raises (p. 92). 'What makes life worth living when we are old and frail and unable to care for ourselves?' Is it safety and survival, as the influential American psychologist, Abraham Maslow, asserted in the 1940s?

Gawande paints a more complex picture. He believes that the young seek personal growth and self-fulfilment, otherwise known as 'self-actualisation'. But as we age, we narrow in, we reduce our time pursuing achievement and social networks. So, whereas young people prefer meeting young people and extending their circle, old people prefer the opposite – they focus on being, rather than doing. And so contrary to expectation, and according to the work of another American psychologist, Laura Carstensen, the elderly find 'living to be a more emotionally satisfying and stable experience.' In other words, ageing brings about a greater appreciation of everyday pleasures and relationships – vanity and ambition quietly disappear. I like that. But above all, it means that the elderly need simple everyday comforts and companionship – that is the key to helping the aged. A measure of home help, a little assisted living, is maybe all that is required. It is also the answer to choosing between neglect and institutionalisation, which Gawande believes (p. 103) is 'among the most uncomfortable questions we face.'

Drawing on the work of the philosopher, Ronald Dworkin, Gawande agrees (p. 140) that, 'Whatever the limits and travails we face, we want to retain the autonomy – the freedom – to be the authors of our lives.' And again on p. 146, 'As people become aware of the finitude of their life they do not ask for much. They only ask to be permitted, insofar as possible, to keep shaping their story of their life in the world.'

The paramount chapter

Chapter 6, entitled *Letting Go*, is probably the paramount section of the book. Gawande, the great doctor, surveys the aged and the ill and comes to realise that, ‘...making their lives better often requires curbing our purely medical imperatives – resisting the urge to fiddle and fix and control.’ It poses the great question – ‘When should we try to fix and when should we not?’ He quotes (p. 155) from a 2008 Coping with Cancer project, that terminally-ill cancer patients subjected to ‘...intensive care had a substantially worse quality of life in their last week than those who received no such interventions’. He continues, ‘Spending one’s final days in an ICU [intensive care unit]... is for most people a kind of failure. The end comes with no chance for you to have said good-bye or “It’s okay” or “I’m sorry” or “I love you”’. In other words, there are no last words.

One of the greatest obstacles to ‘letting go’ is the unpreparedness of not only the patient, but also the family – they are unready to confront human mortality. And if doctors have problems estimating survival times, families invariably overestimate them – the doctor may be thinking of added months, the family is usually thinking of years. As he has stated earlier (p. 187), ‘Some are deluded by a fantasy of what medical science can achieve.’

Moreover, doctors tend to adopt a battle mode rather than a palliative approach and the family frequently eggs them on. These relatives know that out of, say 100 terminally-ill patients, one or two may rally after aggressive treatments – it is what is statistically referred to as ‘the long tail’. Gawande (p. 171) opines, ‘The trouble is that we’ve built our medical system and culture around the long tail. We’ve created a multitrillion-dollar edifice for dispensing the medical equivalent of lottery tickets – and have only the rudiments of a system to prepare patients for the near certainty that those tickets will not win. Hope is not a plan, but hope is our plan.’

The hard conversations

What everyone needs is end-of-life discussions, which Gawande promotes in Chapter 7, *Hard Conversations*. What do you want at the end – resuscitation, ventilation, antibiotics, tube feeding? These conversations that lead to an understanding and acceptance of our mortality are a process, not an epiphany. And the words matter. Gawande helpfully quotes (p. 182) the advice of palliative care specialists. ‘You shouldn’t say “I’m sorry things turned out this way”, for example. It can sound like you’re distancing yourself. You should say, “I wish things were different.” You don’t ask, “What do you want when you are dying?” You ask, “If time becomes short, what is most important to you?”’

The end of life entails difficult choices. The hard conversations make decision making easier. Gawande gives the example of a 74-year-old emeritus professor of psychology facing surgery to remove a cancerous mass in his spinal cord. The procedure carries a 20% chance of leaving him quadriplegic, but without it he has 100% chance of becoming quadriplegic. He and his daughter, Susan Block, a palliative care specialist, chat the night before the proposed surgery. As she drives home, she realises she does not know what her father really wants. She turns the car round and goes back to the hospital. She and her father have the agonising conversation. It transpires that her father is willing to have the operation and its consequences if, ‘I’m able to eat chocolate ice cream and watch football on TV.’ That response shocks his daughter. ‘He’s never watched a football game. It wasn’t the guy I thought I knew.’ The operation goes badly wrong and the surgeons want him back in. What does she do? ‘I had three minutes to make this decision, and I realized, he had already made the decision.’ The surgeons assured her that he would be able to eat chocolate ice cream and watch football on TV. So she gave the okay. The crux was that he had decided. He lived another ten years, disabled but able to write another two books.

The hard decisions

Eventually, even doctors have to face human mortality, close up and personal. From p. 194, Gawande begins to recount his father's dying and death. 'My father was in his early seventies when I was forced to realize that he might not be immortal. His 'Brahma bull' of a father began to sink. 'Our family was embarking on its own confrontation with the reality of mortality.'

This brings about what Gawande refers to as the 'breakpoint discussion'. 'A series of conversations to sort out when they need to switch from fighting for time to fighting for the things that people value.' It is the switch from aggressive curative medicine to gentle palliative care. It is what I have called in my book, *The Edge of Life*, the 'crossover point'. It is a dangerous place. Emotions can become raw. But its occurrence is unquestionably beneficial to doctors and family and, above all, the patient.

It happened to Gawande when his father was facing repeated tumour surgery. 'He and his neurosurgeon knew what was coming. But they also knew what mattered to him and left well enough alone.' Being mortal can be testing, but also manageable. Gawande returns to this thorny 'fork in the road' on p. 223. Thinking about one of his patients he recalls, 'We were up against the unfixable. But we were desperate to believe that we weren't up against the unmanageable.'

Yet doctors are neither infallible nor the captains of their patients' lives. As Gawande explains (p. 220), doctors can have an unhelpful and contrary mindset: '...the only mistake clinicians seem to fear is doing too little.' But, he insists, 'doing too much could be no less devastating to a person's life.' Gawande tells the story of Jewel Douglass, one of his cancer patient. She eventually decided to give up on more and more medical treatment. He recalls (p. 209), 'She wanted to be a wife/mother/ neighbour/friend again.' And Gawande got the message. 'Only now did I begin to recognize how understanding the finitude of one's time could be a gift.' And again on p. 232, '...the wise course is so frequently unclear. But the challenge, I've come to see, is more fundamental than that. One has to decide whether one's fears or one's hopes are what should matter most.'

As Gawande clarifies on p. 238, 'In the end, people don't view their life as merely the average of all the moments – which, after all, is mostly nothing much plus some sleep. For human beings, life is meaningful because it is a story.' And the elderly have priorities beyond being merely safe and living longer – they want to shape their story. 'And in stories, endings matter' (p. 239).

Euthanasia and assisted suicide

The inevitable subject was inevitably coming and, on p. 243, up it crops – euthanasia and assisted suicide. His argument begins with the well-attested rights of patients to refuse food and water and medications and to have their pacemakers turned off. And he also draws on 'the double effect' of some sedatives and analgesics. So, according to Gawande (p. 244), 'All proponents seek is the ability for suffering people to obtain a prescription for the same kind of medications, only this time to let them hasten the timing of their death.' As a consequence, '...only the stonehearted can be unsympathetic.' And despite his admission (p. 245) that, 'Our ultimate goal, after all, is not a good death but a good life to the very end' and that 'assisted living is far harder than assisted death', Gawande concludes that 'Given the opportunity, I would support laws to provide these kinds of prescriptions to people.' At this point I became substantially less enamoured with Atul Gawande.

The great omission

And I have another quarrel with him. Despite all the glowing paragraphs and chapters in this book there is one enormous omission, one deep black hole. There is, apart from a couple of name-checks,

no God. This is surprising for three reasons. First, there is Gawande's Indian ancestry and his family's Hindu background. Second, there is his almost entire life spent in the ultra-religious USA. Third, there is the fact that death forces us all to consider 'the great beyond'.

Yet one can almost feel Gawande's impotence at this juncture. Previously (p. 76), he has reported the poor outcomes of sub-standard care and failed communication so typical of those bad institutions. 'This is the consequence of a society that faces the final phase of the human life cycle by trying not to think about it.' And he admits that we never attain the real goal, namely, '...how to make life worth living when we're weak and frail and can't fend for ourselves anymore.'

Yet Gawande ducks the God issue. Well, to be fair, he makes a feeble stab at something transcendent. He mentions, *en passant*, the work of Josiah Royce, yet another American philosopher, who stated that what makes life worthwhile is seeking 'a cause beyond ourselves'. Royce called this 'loyalty', which is the opposite of individualism. This is just philosophical flimflam. We need something more robust. We need to be seeking and finding and enjoying the Triune God as man's highest and deepest chief end. Perhaps the closest that Gawande comes to anything supernatural is (p. 128) where he says that, 'Medical professionals concentrate on repair of health, not sustenance of the soul.' He then rightly assesses, 'That experiment has failed.' And he again rightly confirms that, '...we seek a life of worth and purpose'. Yet Gawande's bucket is empty. My response to these most evident of human desires is to grasp the biblical assessment of human life, its genesis and its ending, look at Jeremiah 1:5 – and elsewhere – and see the identity, worth and purpose that knowing God provides. Gawande is clearly missing out.

Some other negatives

Let me try and find something else unfavourable to say about the book, otherwise I might be accused of lacking perspicacity. It has a largely American context and content – that is hardly Gawande's fault. It is also a bit long. There are probably too many characters and stories – Gawande clearly rehearses his thesis several times. Oh dear, that's about it.

The book's finale

The book ends with the death of Gawande's father. Of course, it is a sad affair. The family cremates the body and spreads the ashes in three places – at his US home, at his childhood Indian village and on the Ganges River. The Hindu rituals of the latter leave Gawande with a nasty parasitic infection. Nevertheless, reflecting on helping his father struggle with being mortal was 'among the most painful and most privileged experiences of my life' (p. 262).

My conclusions

This is a longer, much longer, review than I ever intended writing. But *Being Mortal* is the best book I've read this year – okay, it's only January. Yes indeed, we all need to think sensibly about our mortality, the big conversations, the big decisions, what we want at the end of our life, how we can help the dying, what is beyond the grave, and so on. These are primitive topics. We only fool ourselves if we seek to evade them.

John Ling

Life Issues

Abortion

Abortion in Northern Ireland

On 30 November 2015 a Belfast High Court judge ruled that Northern Ireland's abortion legislation is in breach of Article Eight of the European Convention on Human Rights. In late January 2016, both the Attorney General for Northern Ireland and the Minister for Justice announced their intentions to appeal, for different reasons, the High Court ruling.

Abortion in Scotland

The 1967 Abortion Act does apply to Scotland. Therefore the upper time limit for most abortions stands at 24 weeks. Now there are fears that this limit could be extended if, and when, abortion law is devolved from the UK Parliament under the pending Scotland Bill, which has been introduced as a result of the failed 2014 independence referendum. Despite the fears, Scotland's First Minister has already stressed that her SNP government will make no changes to the law.

Dr Palaniappan Rajmohan

In 2014, undercover reporters from The Daily Telegraph caught Dr Palaniappan Rajmohan on video willing to perform a sex-selective abortion. In February 2015, MPs defeated, by 292 votes to 201, an amendment, introduced by Fiona Bruce MP, that would have made sex-selective abortions illegal under UK law.

In November, Rajmohan was disciplined, not for his willingness to kill an unborn child because of her sex, but because he lied on government paperwork. He admitted falsely recording that Ms A wanted a termination because she was 'too young for pregnancy' when she had told him that her real reason was the sex of the foetus. And what was Dr Rajmohan's punishment? Three month's suspension from practice. A mere slap on the wrist.

Yet another test for Down's

The UK National Screening Committee (UKNSC) has recommended that a new non-invasive test for Down's syndrome forms part of the NHS's Fetal Anomaly Screening Programme (FASP) in England. If the government approves the change it will mean fewer women will need to undergo invasive diagnostic tests, such as amniocentesis, which carry a small associated risk of miscarriage.

At present, at least 90% of unborn children who are prenatally diagnosed with Down's syndrome are aborted. If the new cfDNA test were implemented it is estimated that it would detect another 102 Down's babies each year, of which 92 would likely be aborted. On the other hand, it is projected that the NIPT would prevent 25 miscarriages caused by the old invasive tests.

Don't Screen Us Out

And what is the reaction to all this among some Down's adults? They are appalled. In January 2016, a new campaign group, Don't Screen Us Out, was launched after the UK National Screening Committee (UKNSC) released its decision to recommend the implementation of the non-invasive

prenatal testing (NIPT) technique called 'cell-free DNA' (cfDNA), which could lead to a profound reduction in the number of children born with Down's syndrome.

The group warns that the new test will, '... enable a kind of informal eugenics in which certain kinds of disabled people are effectively "screened out" of the population before they are even born.' The Don't Screen Us Out organisation calls on the UK government to halt the implementation of cfDNA screening and to introduce reforms which would more effectively support those with Down's syndrome and their families.

China's new two-child policy

On 29 October 2015, the Chinese government announced that it would end, or at least modify, its decades-long one-child policy. All couples would now be allowed to have two children. The controversial policy was introduced in 1979 to reduce the country's birth rate and slow its population growth rate. The policy was mostly managed through a series of birth permits, compulsory sterilizations and forced abortions – often carried out brutally. In 2012, the Chinese government announced that the one-child policy had prevented 400 million births, including 336 million abortions, which corroborates evidence from other sources that the abortion rate in China has been about 13 million each year.

But the legacy of the old policy is all too evident. Traditional family life has become restricted with too many overindulged 'boy emperors'. There is also an ageing population, creating a dangerously imbalanced demographic spiral. The Chinese workforce will lose 67 million people during the next 15 years with estimates that a quarter of its population, 440 million people, will be over 60 by 2050. And because of widespread abortion or infanticide of girls, there are now an estimated 20 to 40 million eligible Chinese men unable to find brides. This demographic distortion has fuelled an increase in sex crimes and a growing sex-trafficking industry.

The UK's new two-child policy

The UK government's proposed new policy, announced in the 8 July budget, will impose a two-child limit on tax credits and housing benefits. The policy, to be introduced in April 2017, has been condemned as 'fundamentally anti-family'. Others consider it could split up families as well as put pressure on people trapped in abusive households. Moreover, there have been warnings that it could lead to more abortions.

Gene Editing

The development of gene editing

The age of genetic engineering arguably began in 1973 when scientists in California developed recombinant DNA techniques that allowed the insertion of new genes into living cells. But it was a hit-and-miss technology. At the turn of this century, we were told that gene therapy would change the world. It did not. Patients were 'infected' with viruses that contained 'healthy' DNA in order to replace their defective or missing DNA. Sadly, such treatments created their own problems with isolated 'boys in bubbles' and a few patients developing leukaemia, or even dying.

Those therapeutic nightmares have now become therapeutic dreams, almost. In the last few years, those old unpredictable methods have been replaced by the elegant, precise – and contentious – techniques of gene editing. There are currently three basic technologies, known as zinc fingers, TALENs and CRISPR. They act similarly as a type of satnav that guides its way to a specific site on the

DNA chain and then an associated enzyme, behaving like a pair of ‘molecular scissors’, edits the DNA – cuts it out and splices it in, anywhere and everywhere, and easily, and cheaply. These radical gene-editing techniques have opened up a whole new therapeutic world – it is still genetic engineering, but this time, so much more nifty.

No topic has dominated the chattering world of biological science during the last year as much as gene editing. While it is universally regarded as ‘the biggest biotechnology advance’ for decades, its possibilities have divided both the scientific and the bioethical domains. It has raised again that age-old problem of ‘we can, but should we?’ Specifically, should we edit the human genome and begin to engineer human beings?

We already ‘engineer’ our offspring, albeit crudely. Who we choose to reproduce with is a form of selective editing. Preimplantation genetic diagnosis (PGD) is a recognised method of choosing some embryos to live and some to die. But gene editing raises other concerns. For instance, is it safe technically and socially? There may be unintended side effects – certainly it is a novel and untried technology. It is also capable of producing germline modifications – genetic changes that are passed down the generations of offspring without their consent. Yet, if gene editing can help the millions born each year who are disabled for life, is consent even relevant? Yet, if allowed, where will the slippery slope of genetic tinkering end – medical treatments, physical and mental enhancements, or out-and-out eugenics? Will we come to regard people as mere carriers of genetic information rather than as persons with individual intrinsic dignity and value? It has been said that gene editing ‘has the potential to completely wipe out diseases, but also that to wipe out humanity.’

And consider its phenomenal development. Currently the major technique for gene editing is CRISPR-Cas9. CRISPR is shorthand for Clustered Regularly-Interspaced Short Palindromic Repeats. Cas9 is an enzyme which acts as the ‘molecular scissors’. It was only in 2012 that Jennifer Doudna and Emmanuelle Charpentier discovered that CRISPR and Cas9 could ‘cut and paste’ genes and genomes. And it was only in April 2015 that Huang and his colleagues in China first used the procedure to edit the genomes of human embryos.

Whatever the pros and cons, the gene-editing race is on – it will not go away. Gene-editing methodologies may come and go, but the momentum of this technique is unstoppable. At the end of 2015, the journal *Science* awarded CRISPR the Breakthrough of the Year Award. A recent Thomson Reuters’ analysis of hot research topics noted that of the ten most cited research papers of 2015, three involved CRISPR. And gene-editing start-up companies have popped up worldwide as a result of gigantic financial investments. For example, in August 2015, Google and other investors ploughed \$120m into a genome-editing enterprise, Editas Medicine, in Cambridge, Massachusetts. A Nobel Prize must surely be in the offing.

Incidentally, there is currently ‘a humungous biotech patent dispute’ over who owns the intellectual property rights to CRISPR-Cas9. The outcome of recent submissions to the US Patent and Trademark Office could be worth millions to the research institutions that are at war over the relevant patents. Jennifer Doudna and Emmanuelle Charpentier filed a patent application on 15 March 2013. But other groups have since improved and applied the technique. For instance, Feng Zhang of MIT filed a patent application for the CRISPR–Cas9 technique in October 2013, which was granted in April 2014. If CRISPR-Cas9 were to become a licensed technology, the expected revenue could be substantial. Meanwhile, the original Doudna–Charpentier patent remains under review. The claims and counter-claims continue.

However, note carefully that not all gene editing need be bioethically disturbing. It may have enormous potential to treat, or even cure, some genetic diseases in adult human beings, where

clearly it is not a form of germline therapy. The first example of this sort of bioethically-acceptable treatment has been that of one-year-old Layla Richards, who in 2015 was dying from leukaemia after all conventional treatments had failed. Gene-edited immune cells, known as T-cells, specifically engineered as UCART19 cells, were used to treat her at Great Ormond Street Hospital. It is too early to say if she is cured, but she is now alive and well. Such gene-editing treatments are not the problem. The dilemma comes when human embryos are subjected to gene editing – that is germline therapy, embryo destructive and highly controversial.

The Washington pow-wow

Is there any hope for a global consensus on gene-editing regulation? From 1 to 3 December 2015, almost 500 scientists, bioethicists and legal experts from more than 20 countries gathered in Washington DC to consider this and other related questions at the so-called International Summit on Human Gene Editing: A Global Discussion.

It concluded that basic and pre-clinical gene-editing research should be allowed – even in human gametes and embryos, but that ‘the modified cells should not be used to establish a pregnancy.’ It was also agreed that gene editing could be used for clinical applications to treat diseases in human non-germline cells that cannot be inherited, such as blood and immune cells. However, germline editing, either to remove inherited diseases and stop them being passed onto future generations, or to enhance human capabilities, was considered to be too risky. It was decided that these agreements should be ‘revisited on a regular basis’ and an international forum should be created. Can anyone seriously believe that this is anything other than the recognition that a slippery slope is real and threatening? But slopes stop nothing – quite the opposite, they speed up descent. Only tough laws, moral barriers and agreed moratoria can stop bad practices.

Gene editing comes to Britain

Meanwhile, gene editing of the human embryo has come to Britain. In September 2015, a team at the Francis Crick Institute in London, headed by Kathy Niakan, applied to the HFEA for a licence to use gene editing to shed light on the early stages of life, reduce miscarriages and potentially improve fertility treatments. Niakan stated, ‘We would really like to understand the genes needed for a human embryo to develop successfully into a healthy baby. The reason why it is so important is because miscarriages and infertility are extremely common, but they’re not very well understood.’ This is an odd proposal since the majority of embryonic implantation failures and subsequent miscarriages are caused by chromosomal abnormalities, not single gene defects as Niakan wishes to study. But anything involving the improvement of infertility – the essential so-called ‘therapeutic benefit’ – catches the ready ear of the popular media. And many scientists have learned that a little hype goes a long way towards obtaining regulatory approval – remember those puffed-up, but eventually successful, calls for human-admixed embryos and ‘three-parent’ IVF.

Using the CRISPR-Cas9 genome-editing technology, Niakan and her team plan to run a pilot study in which the Oct4 gene will be knocked out of human zygotes in order to assess its role in the developing embryos. Next, they intend to ‘turn off’ up to four genes in human zygotes and establish if they are crucial for the subsequent development of the embryos. A total of about 120 embryos, donated as ‘spares’ from IVF, will be used and, after about 7 days, will, of course, be destroyed. The HFEA met to consider this application on 14 January 2016. A decision was promised shortly. In another context, I have already vowed to eat my hat if the HFEA refuses to grant the licence.

Dr David King, the director of the campaign group Human Genetics Alert, has said, ‘This is the first step on a path that scientists have carefully mapped out towards the legalisation of GM babies.’ Yet

the level of policymakers' support for human gene editing can be gauged from a recent speech by Professor Sir Mark Walpert, the government's Chief Scientific Adviser. He maintained that the knowledge we will gain from human genetic editing – along with the responsibility to prevent suffering from life-threatening conditions – means that the UK should be leading such discussions about embryo engineering. And, no doubt, also the practice thereof.

And so it came to pass that on 1 February, the HFEA duly granted the aforementioned licence. Somewhat strangely, nothing was announced on the HFEA's website until 3 February. Yet this is the first time any country has considered the DNA-altering technique in human embryos and afterwards approved it. Another first for the UK. The experiments could start within a few months. Sadly, my hat is preserved!

Assisted Reproductive Technologies

Battling over frozen human embryos

This is not a new type of battle. Couples who use IVF often produce 'spare' embryos. They are typically frozen, the couple falls out or divorces and the 'ownership' of the embryos is disputed. Off to court the couple goes.

There are hundreds of such stories – most never make the news, but some do. Take, for instance, the recent case of Jalesia McQueen and Justin Gadberry, a divorced Missouri couple in a court battle over the frozen embryos left over after the birth of their twins through IVF. Mr Gadberry wants no more children with his ex-wife. She cannot use the embryos without her former husband's consent. She has stated, 'This is the thing that kills me – having to fight to get my own children.'

All parties will undoubtedly be in and out of Missouri courts in the coming months. It is noteworthy that it was a Missouri court which produced the infamous judgement in the 1857 Dred Scott case, namely that a slave was not a citizen, but property. 159 years later, the Missouri court system has another chance to right another wrong. Are these embryos to be regarded as property, or will they be presumed to be human beings?

Battling over IVF-surrogate babies

IVF and surrogacy can be doubly troublesome. Here is yet another novel example of what can go wrong. In December 2015, an Israeli gay couple collected their baby daughter from an IVF-surrogate arrangement in Nepal. On returning to Israel, genetic tests showed that she was related to neither of the men. They went back to Nepal to hand her over to a heterosexual couple.

Surrogacy is prohibited in Israel for gay couples and Nepal has recently declared a moratorium on the practice. The reporting of this particular sort of tangle may be new, but how many other such mix-up cases exist? Hearsay evidence suggests that it is not uncommon. But without genetic testing, such cases will never be uncovered. Incidentally, as well as Nepal, now India and Thailand have banned international clients from using local surrogates.

Family dynamics after donor insemination

As I've said/written before, 'You could not make this stuff up.' In 2001, a girl was born as a result of donor insemination. In 2005, her sister was similarly conceived and born. Since their births, both

girls have been brought up by their biological mother and the mother's lesbian partner. Seven years ago, their biological father, who is in a civil partnership with another man, petitioned the courts to have contact with his daughters. A long-running legal battle ensued, which the girls say has ruined their childhoods.

In October 2015, at the High Court in London, Mr Justice Cobb ordered that the now 14 and 10-year-old girls have 'indirect' and 'limited' contact with their two 'fathers', even though it is against the girls' wishes. The Judge said, 'I remain clearly of the view that the fathers have something of real value and importance to add to the lives of the girls.' He also added that the case illustrated the 'immense difficulties' which could be 'unleashed' when families were created by 'known-donor fertilisation'.

Surrogacy in Europe condemned

In December 2015, the European Parliament acted to condemn all forms of surrogacy. It adopted the 'Annual Report on Human Rights and Democracy in the World in 2014.' The relevant wording is contained in Paragraph 114, namely, that the European Parliament, 'Condemns the practice of surrogacy, which undermines the human dignity of the woman since her body and its reproductive functions are used as a commodity; considers that the practice of gestational surrogacy which involves reproductive exploitation and use of the human body for financial or other gain, in particular in the case of vulnerable women in developing countries, shall be prohibited and treated as a matter of urgency in human rights instruments.' Tough words indeed.

Stem-Cell Technologies

Diabetes and adult stem cells

Diabetes is now a major public health problem that is approaching epidemic proportions with 400 million sufferers worldwide, including 3.9 million in the UK. Moreover, diabetes is the most common cause of end-stage kidney disease – it kills around 40,000 people in the UK each year.

A novel treatment for high-risk patients is based on injecting a product called ORBCELL-M, which is derived from mesenchymal stem cells (MSCs) grown from donated bone marrow. NHS Blood and Transplant has set up a stem-cell factory in Liverpool to supply this product to be used in a clinical trial with 48 type-2 diabetic patients in Birmingham, Belfast, Ireland and Italy. It is part of the NEPHSTROM (Novel Stromal Cell Therapy for Diabetic Kidney Disease) project. Though not a cure, it is hoped that this therapy will reduce kidney inflammation and damage, improve renal function and remove the need for dialysis. It is thought that the transplanted stem-cell material releases soluble compounds, such as growth factors and immunomodulatory substances, which contribute to tissue repair and regeneration.

Euthanasia and Assisted Suicide

Assisted suicide law in New Jersey

After California comes New Jersey. Assisted suicide legalisation is spreading from the West to the East coast of the USA. The New Jersey legislature is now considering a physician-assisted suicide bill in a bid to launch the New Jersey Aid in Dying for the Terminally Ill Act (Senate Bill 382). It would

allow terminally-ill patients to request life-ending medication. A 2015 poll showed that nearly two-thirds (63%) of New Jersey residents support giving this entitlement to its terminally-ill patients. The Bill is badly drafted. It would not require, in most cases, a psychological examination of the patient before receiving approval for assisted suicide. It would force pharmacists to supply the lethal prescription. There would be no investigation process to ensure that the patient actually wants to commit suicide. And anyone who works for the patient's medical insurance company could act as both of the required witnesses. It is a shabby Bill for a shabby procedure.

Assisted suicide in Germany

On 6 November 2015, the German Bundestag passed a law which permits assisted suicide for 'altruistic' but not for 'business' motives. The voting was 360 vs. 233. However, Germany has not legalised full-blown euthanasia.

The new law is similar to that of Switzerland, but the 'altruistic'-'business' distinction is seen as an attempt not to replicate the setting up of commercial organisations like the Swiss suicide 'clinics', such as Dignitas.

It is anticipated that this new legislation will be appealed at the Constitutional Court by both anti-euthanasia campaigners and by German 'assisted-suicide associations'. It seems as though this German law is so badly drafted that it pleases no one. Moreover, it appears to be riddled with dangerous loopholes.

Deep sedation in France

On 27 January, the French Parliament approved new end-of-life legislation creating a new 'right' for terminally-ill or gravely-ill patients to obtain 'deep, continuous sedation altering consciousness until death', on demand. Both the National Assembly and the Senate voted for the same text. Although this new, so-called Claeys-Leonetti law is said officially to stop short of euthanasia and assisted suicide, it is sufficiently ambiguous to be regarded as a perilous step towards euthanasia. And because it is 'on demand', doctors will be under an obligation to deliver death – this is even more extreme than the current Dutch and Belgian end-of-life laws.

More care, less pathway

In 2013, the UK's Department of Health called for the abolition of the Liverpool Care Pathway (LCP). This move had been prompted by an independent review, chaired by Baroness Julia Neuberger. It showed that the LCP had often been misused and misinterpreted as a tick-box exercise. The review recommended individualised care plans and better staff training in end-of-life care. Care of dying people should be tailored to their individual needs and wishes, rather than being protocol driven.

In December 2015, the National Institute for Health and Care Excellence (NICE) published its updated guidelines entitled, 'Care of Dying Adults in the Last Days of Life.' NICE stated that its five recommendations are on:

- 1] recognising when people are entering the last few days of life
- 2] communicating and shared decision-making
- 3] clinically assisted hydration
- 4] medicines for managing pain, breathlessness, nausea and vomiting, anxiety, delirium, agitation, and noisy respiratory secretions
- 5] anticipatory prescribing.

On 16 December 2015, an article in the British Medical Journal summarised these NICE recommendations as imposing three new duties upon medical professionals, namely:

- 1] Seek support from more experienced staff, including those in palliative care services, if you are unclear about any aspect of care of the dying adult, including the recognition of dying and symptom management.
- 2] Assess for and treat any reversible causes of distressing symptoms or signs in people in the last few days of life – for example, uncontrolled pain or dehydration causing agitation.
- 3] Regularly review the care plan (usually daily), discuss any changes with the dying person and those important to the person; make clear documentation in the medical notes.

This all sounds eminently sensible. However, whatever schemes, structures and systems are recommended, the quality of end-of-life care depends upon the dedication and intention of nurses, doctors and carers. Every society may be judged by how it treats its most vulnerable citizens. Proper, compassionate end-of-life care upholds the dignity of every life. We hope that the dying will now receive even better support.

Access to Palliative Care Bill [HL] 2015-2016

On 2 February 2016, Baroness Finlay's excellent private member's Bill entered its Committee Stage in the House of Lords – this is a line-by-line examination of the Bill. There is, as yet, no date set for its Report Stage.

USA and Elsewhere

The Planned Parenthood saga

The Planned Parenthood Federation of America saga started in July 2015, when the Center for Medical Progress (CMP) released undercover films of its officials evidently offering to sell tissue samples from aborted fetuses. The series of 11 videos went viral on YouTube, their authenticity was challenged, questions were asked on Capitol Hill, legal battles were started, truths and lies were traded – it became acrimonious.

Planned Parenthood was pushed onto the back foot. For example, on 23 December 2015, the Obama Administration refused the numerous demands by politicians and others to investigate Planned Parenthood's activities. On 4 January 2016, Planned Parenthood revealed that it had performed 323,999 abortions and received \$553.7 million from US taxpayers during the 2014-2015 fiscal year. On 6 January, Congress voted in a bill, 240 vs. 181, to remove most of Planned Parenthood's federal funding. On 8 January, President Obama vetoed that bill. On 14 January, Planned Parenthood filed a lawsuit against the CMP accusing the group of violating numerous state and federal laws. On 25 January, a Texas grand jury cleared Planned Parenthood of any wrongdoing and instead bizarrely indicted David Daleiden, the founder of CMP, and his associate, Sandra Merritt on two charges of tampering with government property and falsely offering to purchase human organs. If found guilty, they face a maximum of 20 years' imprisonment.

This saga is far from over.

Arkansas, North Dakota and Ohio at the Supreme Court

In February 2013, the state of Arkansas passed its Human Heartbeat Protection Act and enacted it the following November. This required an abortionist to perform an ultrasound before an abortion, and forbade abortion if a foetal heartbeat could be detected, effectively about 6 weeks into a pregnancy. In March 2014, the Act was struck down by a federal judge because it, '... impermissibly infringes a woman's Fourteenth Amendment right to elect to terminate a pregnancy.' After numerous legal challenges and counter-challenges, on 19 January 2016, the US Supreme Court ruled that it would not hear an appeal that could reinstate the Arkansas law.

At the end of January, news came that the US Supreme Court was also blocking North Dakota's Heartbeat Bill, which would prohibit an abortion once a foetal heartbeat could be detected. That move will probably also end a similar proposal from Ohio.

Abortion declines in the USA

At the end of 2015, Operation Rescue, a leading US pro-life organisation, announced that the number of abortion clinics in the USA was continuing to decline. This is a trend that began in 1991. In 2015, 53 abortion clinics shut down or halted all abortion services. Currently, there are 517 clinics offering surgical abortions and 213 offering medical abortions – these are the lowest numbers for decades.

Also recently, the US government agency, the Centers for Disease Control and Prevention announced that the number of abortions performed during 2012 dropped by 4%. In total, about 699,000 abortions were reported to the federal government that year, which is 31,000 fewer than the year before.

The abortion rate has also declined. In 2012, it fell by 5% to 13 abortions per 1,000 women of child-bearing age. That is about half the rate of 1974, the year after the landmark Supreme Court decision that established a nationwide right to abortion in the case of *Roe vs. Wade*.

This is all further evidence that the US population is slowly turning against abortion. In addition, a new Marist poll, published in January 2016, found that 81% of Americans would limit abortion to the first trimester of pregnancy. This includes 66% of those who call themselves pro-choice.

John Ling

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.

Freedom of Expression

Mike Overd

Mike regularly preaches the gospel on the streets of Taunton. When a homosexual man approached him and demanded to debate the issue, Mike explained from Leviticus 20 that God does not condone homosexual practice. He was careful not to mention the death penalty and always preaches the gospel in a loving way.

Latest

At first instance, District Judge Shamim Ahmed Qureshi told Mike that he could have used Leviticus 18 instead because Leviticus 20 mentions the death penalty elsewhere in the chapter. He ordered Mike to pay a total of £1,200 in costs and £250 compensation to the homosexual man for causing him 'emotional pain'. **Mike appealed the ruling in December 2015 with the help of the Christian Legal Centre. He was completely exonerated at the appeal hearing and costs have been awarded in his favour. (Christian Legal Centre)**

Michael Jones

In November 2015, Christian street preacher Michael Jones was charged with two religiously aggravated offences under the Crime and Disorder Act 1998 for comments made whilst open-air preaching in Beverley, near Hull. Mr Jones has preached in the area for over 14 years. The comments he made were related to Islam not offering the forgiveness that can be found in Christ. Mr Jones was interrogated by police and kept in a cell for 8 hours while the authorities decided whether to press charges. He maintained that he had not said anything about Muslims but had made comments about IS. The transcript prepared from Mr Jones' recording of his own messages proved that he was telling the truth.

Latest

On 31 January the Crown Prosecution Service informed the Christian Legal Centre that all the charges against Mr Jones had been dropped due to a lack of evidence. **(Christian Legal Centre)**

Core Issues Trust

Core Issues Trust, a Christian charity which provides therapeutic support for those dealing with unwanted same-sex attraction, was banned in 2012 from running adverts on London buses following intervention by the Mayor of London, Boris Johnson. The advert, which read 'Not Gay! Ex-Gay, Post-Gay and Proud. Get over it!', was a direct response to provocative ads being run by LGBT lobby group Stonewall: 'Some people are gay. Get over it!'

Following a leak to the Guardian newspaper, the Trust's adverts were banned just hours before they were due to become public, but Transport for London (TfL) continued to permit Stonewall's adverts to run on 1000 London buses. At the time, Boris Johnson took personal credit in the media for instructing the adverts to be pulled. Notably, his intervention took place three weeks before the London Mayoral election and just two weeks before he was due to appear at a hustings event organised by Stonewall.

Latest

In March 2013, the High Court ruled that neither the Trust nor Stonewall should have been permitted to run their advertisements on London buses. Passing the ruling, Mrs Justice Lang concluded that TfL had applied its policy 'partially' and that its decision-making process was 'procedurally unfair' and 'in breach of its own procedures'.

Despite the finding, Mrs Justice Lang upheld the ban on the Trust's advert. Following the decision, the Trust submitted a Freedom of Information request which revealed emails suggesting the Mayor had personally instructed TfL to ban its advertisements. One letter from the Mayor stated 'I instructed that [the ad] be immediately stopped.' Emails originating from senior staff within the Mayor's Office and TfL read 'Boris has just instructed TfL to pull the adverts', 'The Mayor's intervention is coming through strongly' and 'The mayor immediately put the wheels into motion to halt the campaign after being alerted to the plans by the Guardian.'

The Trust took the case to the Court of Appeal which sent it back to Mrs Justice Lang to consider the new email evidence which she had not seen at the first hearing. Despite the evidence, Mrs Justice Lang ruled in July 2014 that Boris Johnson did not order the Trust's adverts to be pulled.

Remarkably, Boris Johnson denied banning the adverts in a signed witness statement to the High Court, saying 'I did not instruct TfL to do anything.' Lawyers acting for him argued that when the Mayor had used the word 'instruct' he was merely expressing a point of view. Mrs Justice Lang concluded that 'the dispute at the hearing about the correct meaning of the word "instruction" was in danger of becoming a debate about semantics.'

The Trust has now been ordered to pay costs in excess of £100K and is considering next steps with the Christian Legal Centre. Crucially, the case established for the first time that 'ex-gay' is a characteristic protected under the Equality Act. **(Christian Legal Centre)**

Christian Freedom at Work

Victoria Wastenev

Victoria Wastenev, a senior NHS occupational therapist, was disciplined for giving a Christian book to a Muslim colleague. Victoria has worked as an occupational therapist at the East London NHS Foundation Trust for over eight years and has an exemplary record. As a committed Christian, she tries to take opportunities to share the gospel with those around her.

Over the course of several months, she shared her faith with a Muslim colleague during consensual conversations, and also prayed for her (with her consent). Just as her colleague was due to begin hospital treatment, Victoria gave her a book to read during her recuperation entitled 'I dared to call Him Father' – the story a Muslim woman's encounter with Christianity. Victoria also invited her to church-organised events after discovering she was interested in the community work being done by her church to combat human trafficking. The events took place in the context of what Victoria believed to be a genuine friendship. Her colleague had never complained to her personally, had always initiated discussions about Victoria's faith and had expressly consented to being prayed for. She had also privately shared with Victoria that other colleagues were pressing her to lodge a formal complaint against her.

Victoria was therefore very shocked when her colleague made eight official complaints, accusing her of 'harassment and bullying'. She was suspended for almost 9 months and eventually found guilty of three 'offences' by an internal disciplinary panel: inviting her Muslim colleague to church-organised events, praying with her (despite having permission to do so) and giving her a Christian book.

Latest

An Employment Tribunal ruled that the Trust was justified in disciplining Victoria for sharing her faith with her colleague. Victoria is appealing the Tribunal's decision to the Employment Appeal Tribunal, and she has returned to work. **(Christian Legal Centre)**

Barry Trayhorn

Barry Trayhorn was forced to resign from his job at a sex offenders' prison after Bible verses that he quoted during a Christian chapel service provoked a hostile response from prisoners and prison management. Whilst leading worship at a chapel service in May 2014, Mr Trayhorn spoke about the wonder of God's forgiveness for those who repent, quoting 1 Corinthians 6:9-11 from memory. The verses mention a number of sins, including adultery, homosexual practice, greed and drunkenness.

Anonymous complaints from prisoners were made following the service and Mr Trayhorn was immediately barred from helping with chapel services. He was later told that his comments during the service were 'homophobic' and breached national prison policy. He was investigated and issued with a final written warning.

Barry said that the prison's treatment of him discriminated against him because of his Christian faith. He pointed out that the service was clearly advertised as 'Christian', that it was normal to hear the Bible being preached from and that people were free to leave the service if they didn't like what they were hearing. The prison defended its decision to discipline Barry because it said prisoners needed to be protected from 'offensive' statements and Barry's comments may have resulted in bullying of homosexual prisoners, even though no evidence for this was presented to the Tribunal.

Latest

An Employment Tribunal is soon to deliver judgment in Mr Trayhorn's case. **(Christian Legal Centre)**

Richard Page

Richard Page, a Christian magistrate, was disciplined by a Cabinet minister and England's highest judge for saying that a child's best interests lie in being raised by a mother and a father. Richard, who has served as a magistrate in Kent for 15 years and is a well-respected member of the family court, expressed this view during a closed-door consultation with colleagues in a routine adoption case. Having heard all the evidence, Richard decided that his legal duty to act in the best interests of the child meant that he could not agree with placing the child with a same-sex couple. Following an investigation by the local Justice of the Peace Advisory Panel, the case was referred to the Lord Chancellor and the Lord Chief Justice.

Latest

The Lord Chancellor and Lord Chief Justice gave Richard a public rebuke, saying that his Christian views about family life were discriminatory against same-sex couples and incompatible with his duties as a magistrate. He was barred from sitting in court until he completed 'equality training'. **(Christian Legal Centre)**

Sarah Mbuyi

Sarah Mbuyi, a Christian nursery worker, was dismissed after explaining her Christian view of marriage in response to a question from a colleague. Sarah Mbuyi began working at Newpark Childcare in London in April 2013. She became good friends with a homosexual colleague and used to have frequent conversations with her about Christianity.

During one such conversation, Sarah's colleague expressly brought up the issue of her sexuality and asked whether God would approve of her civil partnership. Sarah expressed her biblical view and

explained that whilst God does not condone homosexual practice, he loves her and desires her to come to him as she is. The colleague then reported Sarah to her manager.

At an internal disciplinary hearing, Sarah was confronted with her colleague's allegations, including the false claim that Sarah herself had raised the issue of homosexuality on a number of occasions. The nursery directors found against Sarah and instantly dismissed her for gross misconduct for 'harassing' her colleague.

Latest

In its judgment, the Watford Employment Tribunal, chaired by Judge Broughton, found unanimously that Sarah had been directly discriminated against on the basis of her belief that homosexual practice is contrary to the Bible. The Tribunal recognised that whilst her employer was not 'anti-Christian', Sarah had not been treated fairly and the decision to dismiss her may have been made on 'stereotypical assumptions about her and her beliefs'.

Sarah's belief was described by the Tribunal as one which is 'worthy of respect in a democratic society, not incompatible with human dignity and not in conflict with the fundamental rights of others'. **(Christian Legal Centre)**

Protection of Life (Assisted Suicide)

Nikki and Merv Kenward

Nikki and Merv Kenward are challenging the recent decision of the Director of Public Prosecutions to change the policy on the prosecution of medical staff who assist others in committing suicide. The Suicide Act 1961 makes it a criminal offence to assist or encourage the suicide, or attempted suicide, of another person. The Director of Public Prosecutions (DPP) has discretion on whether to prosecute according to the published policy.

In October 2014, the DPP amended the policy, making the prosecution of healthcare professionals in assisted suicide cases less likely. In response, the Kenwards made an application for a Judicial Review of the DPP's changes. Nikki, who was once so paralysed she could only wink her right eye, argued against the 'liberalised' guidelines. She and her husband campaign against euthanasia and assisted suicide through the Distant Voices campaign group.

Latest

High Court Judge, Lord Justice Bean, granted permission for a Judicial Review of the DPP's decision, saying: 'We propose to grant permission to proceed with the substantive claim. We are saying nothing about the strength of the claimant's claim beyond saying it is not frivolous or vexatious.' However, the High Court subsequently ruled that the DPP had acted lawfully. The Kenwards are now seeking to appeal this decision. **(Christian Legal Centre)**

Protection of Life (Abortion)

Aisling Hubert

Aisling Hubert began criminal proceedings against two doctors who offered sex-selective abortion. In 2012, undercover reporters from the Daily Telegraph filmed two doctors agreeing to abortions simply because the babies were girls. A police investigation followed and the Crown Prosecution Service (CPS) considered prosecution. However, the CPS concluded that, whilst there was sufficient evidence to provide a realistic prospect of prosecution, it would 'not be in the public interest' to bring such a prosecution. Following the CPS's decision, Aisling Hubert (21), from Brighton, instructed solicitors to launch a private prosecution.

Latest

The CPS intervened again and informed lawyers representing Aisling that it will take over and drop the case. A letter sent by the CPS said 'on the current evidence before the court, there is insufficient evidence to form a realistic prospect of conviction' and 'the public interest considerations in not pursuing a prosecution outweigh those in favour'. Judge Martin QC told Aisling that she now has to pay the legal costs of one of the two doctors filmed offering sex-selection abortions. She challenged the costs order and the CPS' decision to stop the private prosecutions at the High Court in December 2015. Sadly, the court rejected Aisling's case and as a result she faces costs of over £40,000. The Christian Legal Centre is committed to supporting Aisling and is considering next steps. **(Christian Legal Centre)**

Protection of the Family

The 'Browns'

The 'Browns' (names changed) are a Christian couple whose two adopted sons were removed by social workers. Mary, a former teacher in her early sixties, had met the older brother at the school in which she worked. She became aware of the harm he had suffered and wanted to help him and his younger brother. So, in 2010 John and Mary Brown received the two brothers into their home. 'Dan' and 'Tom' were still in primary school when they went to live with the Browns. The couple legally adopted the boys in 2013.

The brothers lived with their new family for nearly four years before they were taken into care in May 2014 following allegations made by the older son, which were never properly investigated by the school or social services. The social workers who questioned the Browns exhibited no clear understanding of Christianity, and the Browns' parenting methods were criticised.

Latest

The boys were separated from their parents and from each other and have not been together since. The Family Court issued care orders confirming the decision of the social workers. In January this year, the Browns were given leave to appeal a care order made in relation to their youngest son. A complete rehearing has now been ordered by the Court of Appeal. Now that the case has been remitted back to the family court there is a real opportunity for the family to be reunited. **(Christian Legal Centre)**

Counter-extremism

Counter-extremism Bill

The Bill is expected to contain Extremism Disruption Orders (EDOs). EDOs are aimed at 'harmful activities of extremist individuals who spread hate but do not break laws'. According to Home Secretary Theresa May, the measures will focus on 'extremism of all sorts'.

The orders will be issued by a High Court where it is persuaded that someone is 'participating in activities that spread, incite, promote or justify hatred against a person (or group of persons) on the grounds of that person's (or group of persons') disability, gender, race, religion, sexual orientation, and/or transgender identity'.

EDOs resemble a gagging order triggered by anything deemed contrary to the Government's definition of 'British values', including the tenets of the Equality Act. It has been reported that sanctions imposed would include a ban on broadcasting and a requirement for the police to vet anything posted on the internet or on social media. Anyone receiving an EDO would be banned from working with children for life.

The Joint Committee on Human Rights (JCHR), of which Fiona Bruce MP is a member, has committed to launch an inquiry into the Government's counter extremism strategy, to inform its scrutiny of the forthcoming Counter-extremism Bill. This will focus on 'compatibility with religious rights and freedom of expression under the European Convention on Human Rights'. **(Christian Institute)**

Out of school settings

The Department for Education's consultation on Out of School Settings is also connected with the counter-extremism strategy. A DfE consultation paper, which closed on 11 January, outlined proposals to give Ofsted legal power to investigate any setting that provides instruction to children for more than 6 to 8 hours in any week. Concerns were subsequently expressed at a Westminster Hall debate on 20 January, with MPs unanimously opposing the plans.

Many churches will be caught because children can attend multiple events in one week. In addition to Sunday school, a particular child could also attend a baptism or confirmation class, choir practice and youth group. These will be added together ('aggregated') to give the total time a child spends under instruction by the church. One-off events such as holiday Bible clubs would also be counted.

A child may exceed 6 hours' attendance every week, or just for some weeks of the year. Registration is triggered in both cases. This results in all activities, including the Sunday school, being subject to potential inspection. **(Christian Institute)**

Other campaigns

Ashers Baking Company

Ashers Baking Company's appeal against a ruling which said that the business broke the law by declining to decorate a cake with a pro-gay marriage campaign slogan has been adjourned until 9 May. The McArthur family, who own and run Ashers, turned down the order because it conflicted with their Christian belief that marriage is between a man and a woman.

The appeal was set to be heard on 3 February but was adjourned after a last-minute intervention from Northern Ireland's Attorney General over the constitutional validity of the regulations on which the case is based. The bakery was taken to court by the Equality Commission for Northern Ireland. In May 2015, Judge Brownlie ruled that Ashers broke sexual orientation and political discrimination laws. The Christian Institute is backing this case, which demonstrates the need for the law to reasonably accommodate family-run businesses with firmly-held beliefs. **(Christian Institute)**

Named Person scheme

On 19 February 2014, the Scottish Parliament decided that every child in Scotland should have a 'named person' – a state official tasked with looking after their 'wellbeing'. A legal challenge to the Named Person legislation is being contested by a coalition of groups, spearheaded by The Christian Institute, CARE, TYMES Trust and the Family Education Trust.

In 2015, Scotland's highest court rejected their concerns, when 3 judges from the Inner House of the Court of Session ruled that the legislation does not conflict with human rights or data protection laws. An appeal goes before the Supreme Court on 8 March 2016. **(Christian Institute)**

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