

THE BULLETIN

News and Reports from the Social issues Team

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Should sex and relationships education be made compulsory in all schools?

Practically everyone is in favour of compulsory sex and relationships education (SRE) – or so we are led to believe. In a recent House of Commons debate, the Green MP Caroline Lucas reeled off a long list of the great and good who backed her private member's bill to make the provision of Personal, Social, Health and Economic Education (PSHE), including SRE, a statutory requirement. She declared:

It is backed by 87 per cent of parents, 88 per cent of teachers and 85 per cent of business leaders. YouGov and the PSHE Association found that 90 per cent of parents believe that schools should teach about mental health and emotional wellbeing.

Support also comes from two royal societies, five Select Committee Chairs... five teaching unions, the Equality and Human Rights Commission, Public Health England, the Children's Commissioner, the chief medical officer, the national police lead for preventing child sexual exploitation, the UN Committee on the Rights of the Child, the National Society for the Prevention of Cruelty to Children, Barnardo's, Stonewall, the End Violence against Women Coalition, Girlguiding, the Association of Police and Crime Commissioners and many, many more.¹

Not so long ago, the main argument advanced in favour of statutory sex education was that it holds the key to reducing teenage pregnancy rates and improving the sexual health of young people. More recently, another argument has come to the fore. It is now being claimed that providing compulsory SRE in all schools from the age of four is the only sure way to keep children safe from sexual harassment and sexual violence. Barely a week passes without the sex education lobby creating an additional hook on which to hang yet another headline to put further pressure on the government.

But what is SRE? What would it mean to make it 'compulsory', 'statutory' or 'mandatory'? What does it achieve?

The position as it stands

All maintained secondary schools in England and Wales are required to make provision for sex education for all registered pupils as part of the school's basic curriculum.² Legislation does not prescribe the precise content of sex education other than to state that it must include education about AIDS and HIV and any other sexually-transmitted infection.³ Primary schools are under no legal obligation to provide sex education. Whether or not they choose to do so is at the discretion of the governing body.

Where sex education is provided, schools are required to ensure that it is given 'in such a manner as to encourage... pupils to have due regard to moral considerations and the value of family life'. Schools are also under an obligation to have regard to government guidance which is designed to ensure that pupils (a) 'learn the nature of marriage and its importance for family life and the bringing up of children', and (b) that they are 'protected from teaching and materials which are inappropriate having regard to [their] age and [their] religious and cultural background'.⁴ Parents retain the right to withdraw their children from any part of sex education that is not covered by national curriculum science.⁵

Academies and free schools are required by their funding agreement to teach a 'broad and balanced curriculum', and the government encourages them to teach SRE within that. The funding agreement specifies that in its provision of SRE, an academy or free school must have regard to government guidance and permit the parental right of withdrawal as though it were a maintained school.⁶

¹ House of Commons Hansard, Vol 619, Col 1242, 20 January 2017.

² Education Act 2002, s101.

³ Education Act 1996, s579.

⁴ Education Act 1996, s403.

⁵ Education Act 1996, s405.

⁶ Department for Education, Mainstream academy and free school: single funding agreement, April 2016.

In practice, the vast majority of primary schools, academies and free schools do provide a programme of sex and relationships education. A survey undertaken by the Family Education Trust revealed that in some parts of the country, the National Healthy Schools Programme has been used as a mechanism to insist that primary schools teach SRE.⁷

What is sex education?

All too often, when campaigners call for statutory SRE in all schools, they fail to define what they mean. Sometimes they use the adjectives 'high quality' or 'age-appropriate', but that doesn't get us very far because such terms mean different things to different people. The same goes for the words 'comprehensive' and 'inclusive'. Exactly how 'comprehensive' and precisely how 'inclusive' do they want schools to be? Is nothing to be off-limits? Are no types of sexual conduct to be excluded? Assuming that there are to be at least some limits, where are the lines to be drawn?

The lack of definition is one of the reasons why we should be cautious about accepting the findings of opinion polls commissioned by the sex education lobby, which claim that up to 90 per cent of parents support statutory SRE. Given that all maintained secondary schools are under a legal obligation to teach some sex education and most other schools similarly make provision for it, many respondents may simply be registering their support for the status quo. Others, concerned about high levels of sexual activity and promiscuity among teenagers, may be registering their support for lessons encouraging young people to exercise restraint and to save sex for marriage, or at least until they are older.

Either way, it is doubtful that the majority of parents support the type of sex education promoted by the leading campaigners of statutory SRE. The reality is that there is a broad spectrum of approaches and models, and that is one of the primary reasons why groups such as the Sex Education Forum, the PSHE Association, Brook and the *fpa* want the subject added to the national curriculum.

In the view of the Sex Education Forum, which describes itself as 'the national authority on sex and relationships education', the safety of young people is being 'undermined by dramatic variations in what is taught'.⁸ Consistency and the avoidance of a 'postcode lottery' has long been a central plank in the argument for statutory SRE within a programme of PSHE.

According to the PSHE Association, making PSHE statutory 'does not mean dictating a standardised curriculum to every school in the country'.⁹ Perhaps not in the sense of requiring all schools to use precisely the same resources, but the aim is most certainly to ensure that a standardised approach is taken in terms of the values espoused.

So what kind of values would the Sex Education Forum and its associates like to see promoted in all schools by force of law?

The Forum's toolkit, *Are you getting it right?* contains a series of activities designed to encourage pupils to share their views about what they want to learn in SRE, how they want to learn, and what support and advice they want and need. The activity on a 'moral and values framework' makes it clear that the purpose is 'not to agree the rights and wrongs' of various statements, 'but rather to discover the range of opinions on the subject'.¹⁰ More recent guidance from the PSHE Association places a strong emphasis on 'non-judgmental classroom discussion', which is described as 'a key feature of high-quality PSHE education'.¹¹

⁷ Family Education Trust, *Unhealthy Confusion: The impact of the Healthy Schools Programme on sexual health messages in our children's education*, 2011.

⁸ Sex Education Forum, 'Gaps in sex and relationships education leave too many children at risk', 20 January 2016.

⁹ PSHE Association, Update on Caroline Lucas' Statutory PSHE Bill, 24 October 2016.

¹⁰ Anna Martinez and Lesley de Meza, *Are you getting it right? A toolkit for consulting young people on sex and relationships education*, Sex Education Forum, 2008.

¹¹ PSHE Association, *Teaching about consent in PSHE Education at key stages 3 and 4*, March 2015.

This same commitment to relativism is reflected in the ‘supplementary advice’, produced in 2014 by the Sex Education Forum in association with the PSHE Association and Brook.¹² The advice is devoid of references to morality, marriage or family life. While it talks about treating sex as ‘a normal and pleasurable fact of life’, apart from stressing the importance of consent, it has nothing to say about the moral context in which sex is to be enjoyed. There is not even a reference to the need for fidelity and exclusivity. It is as though such considerations are completely irrelevant to SRE.

The Sex Education Forum similarly takes an amoral approach to teaching children about pornography. Its e-magazine on pornography includes a ‘Teachers’ wishlist’ which states: ‘We want teachers to know... that pornography is hugely diverse – it’s not necessarily “all bad”.’ The Forum argues that young people need help in ‘interpreting’ pornography and that schools provide a ‘safe space’ to explore media messages to keep pupils safe and healthy.¹³

What would it mean to make SRE a statutory subject in all schools?

As we have seen, SRE is already compulsory in all maintained secondary schools, but schools retain considerable discretion as to what is included within the curriculum and how the subject is taught. Primary schools, academies and free schools have discretion as to whether or not to teach the subject at all.

To make SRE a statutory subject in all schools would remove that discretion from schools which are not currently required to teach SRE and would involve the imposition of at least some degree of prescription on all schools. Under the present arrangements, government guidance in both England and Wales places a strong emphasis on the need for schools to develop their policies on SRE in close consultation with parents, showing sensitivity to their wishes and concerns.¹⁴ But if SRE were to be made statutory, it would inevitably result in less parental input and influence.

In short, statutory SRE would spell the end of any meaningful consultation with parents and severely limit the discretion of school governing bodies. In practice, it would result in the imposition of relativism, the elimination of all moral absolutes and the further advancement of the LGBT agenda.

Would it mean removing parental right of withdrawal? Perhaps, but not necessarily. There is no doubt that the leading campaigners for statutory SRE would like to see the end of the parental opt-out, but they have indicated that retaining it for the time being is a price they would be prepared to pay in exchange for the prize of ensuring that all schools are obliged to deliver a consistent form of SRE.

In 2010, the Labour government unsuccessfully attempted to pass legislation which would have removed from parents the right of withdrawal after a child reached the age of 15. The stated purpose for this measure was in order to ensure that all pupils received at least one full year of sex education. Since then Labour’s position has been somewhat confused and ambiguous.¹⁵ At least some Labour backbenchers have proposed that the right of parental withdrawal should be replaced by a provision granting ‘pupils of sufficient maturity’ the right to be ‘wholly or partly excused from participating’ in PSHE lessons, with ‘sufficient maturity’ being defined by the Secretary of State in guidance.¹⁶

¹² Brook, PSHE Association, Sex Education Forum, *Sex and Relationships Education (SRE) for the 21st Century*, 2014.

¹³ Sex Education Forum, *The Sex Education Supplement, Vol 1*, Issue 1, April 2013. For more on this subject, see Norman Wells, ‘Should children be taught about pornography?’ Affinity Social Issues Team’s *The Bulletin*, No. 24, November 2013.

¹⁴ Department for Education and Employment, *Sex and Relationship Education Guidance*, DfEE 0116/2000, July 2000; Welsh Assembly Government, *Sex and relationships education in schools: Guidance*, Welsh Assembly Government Circular No: 019/2010, September 2010.

¹⁵ Family Education Trust, ‘Labour Party confusion over parental right to withdraw children from sex education lessons’, *Bulletin* 153, December 2013.

¹⁶ New Clause 1, proposed as an amendment to the Children and Social Work Bill at Report Stage in the House of Commons, February 2017.

What about statutory Relationship Education?

In its 2014 report *Fully Committed?* the Centre for Social Justice (CSJ) expressed doubt about the effectiveness of making PSHE and SRE compulsory as a mechanism to improve young people's relational health and skills. Instead, it proposed that Relationship Education should be made compulsory in its own right so that 'national standards could be applied and children could not be withdrawn from it'.¹⁷

The report recommended that Relationship Education should be age-appropriate and emphasise the importance of respect, tolerance and commitment, and went on to stress that it should include self-respect, how to recognise and handle bullying and peer pressure, the meaning of consent, signs of an unhealthy, abusive and/or exploitative relationship, and conflict management. The recommendation insisted on the need for a module aimed at preparing children and young people for life-long relationships with family (including couple relationships and parenting). It also stated that young people needed to learn about research-based differences between marriage and cohabitation in terms of stability, and the effects of family breakdown.

This proposal has recently been revived by a cross-party group of MPs during the passage of the Children and Social Work Bill through Parliament, though their proposed new clause makes no reference to lifelong relationships, the difference between marriage and cohabitation, or the effects of family breakdown. Even though the CSJ's recommendations have been shorn of their socially conservative elements, the general approach has found acceptance with some MPs who had previously been opposed to statutory SRE.¹⁸

In its report, the CSJ stated that: 'Our proposal avoids confronting any reluctance to make SRE compulsory due to sensitivities around mandating discussions in schools about young people's attitudes towards sex.' And therein lies a major part of the problem with the recommendation. By sleight of hand, it has the effect of imposing compulsory SRE on all schools, including primary schools, academies and free schools which currently have discretion as to whether or not to teach it. It also limits the involvement and influence of parents by ensuring the application of national standards, and it erodes the right of parental withdrawal, in that it would be limited to those aspects of Relationship Education which the governing body considered to fall within the meaning of sex education.

In practical terms, this could mean that while parents would retain the freedom to withdraw their child from a lesson on different methods of contraception, a governing body may determine that a class on same-sex marriage or same-sex parenting does not count as sex education and refuse a request to withdraw a child from those lessons. In spite of the superficial difference between statutory Relationship Education and statutory Sex and Relationships Education, the same objections apply equally to the latter as to the former.

What are the effects of SRE?

The evidence in support of the claims made for statutory SRE is in short supply. Surprisingly little research has been conducted to evaluate the success of sex education programmes. An external steering group established by the last Labour government noted that:

[T]here is a dearth of good quality international evidence on SRE. A literature review of the international evidence that does exist confirms that it is difficult to be precise about the impact of SRE, for a number of reasons. Firstly, there is not always clarity about what the objectives of SRE are. For example, do we judge the success of SRE in terms of reduced unplanned pregnancies and STIs, or through improvements in the quality of sexual and other relationships that young people experience? Second, there is such significant variation in the delivery of SRE that it makes comparisons between programmes difficult...¹⁹

¹⁷ Centre for Social Justice, *Fully Committed? How a Government could reverse family breakdown*, July 2014.

¹⁸ New Clause 5, proposed as an amendment to the Children and Social Work Bill at Report Stage in the House of Commons, Feb 2017.

¹⁹ *Review of Sex and Relationship Education (SRE) in Schools: A report by the External Steering Group*, October 2008, para 22. See also T Stammers, 'Sexual health in adolescents: "Saved sex" and parental involvement are key to improving outcomes', *BMJ*, 2007, 334:103-4.

An examination of one 'enhanced sex education programme', for example, found that while the programme increased young people's knowledge it had no discernable effect on sexual activity.²⁰ The lead researcher, Dr Marion Henderson commented, 'It may be that we have already seen the limits of what sex education can achieve and we need to look wider at parenting and the culture in which children grow up.' Professor Lawrie Elliott from Edinburgh Napier University undertook a review of evaluations of a number of sex education initiatives and found that they had little or no positive impact on the sexual behaviour of young people. He concluded that we may have reached a threshold in what can be achieved by population based interventions and commented: 'Our findings challenge the conventional wisdom that traditional public health methods such as education in schools linked to sexual health clinics are able to affect the sexual health of the neediest in society.'²¹

Yet still the claims are made:

- 'Compulsory SRE lessons for all children must be introduced as soon as possible - it will help prevent children being groomed and sexually exploited.'²²
- 'Good quality SRE is shown to have a positive impact in helping to reduce sexual harassment and sexual violence.'²³
- '[Theresa May and her Cabinet] have... been told by just about everyone that the best way to keep children safe is to insist that every school in the country teaches high-quality... SRE and the broader subject of personal, social, health and economic (PSHE) education – no ifs, no buts, and no exemptions for faith schools.'²⁴

How relativism in SRE is placing young people at increased risk

No one doubts that sexual harassment and violence is a major problem in many schools. And no one denies the challenges presented by the ready availability of online pornography and the relatively new phenomenon of 'sexting'. But is there any evidence that teaching SRE to every pupil in every school will put everything right?

The type of sex education favoured by advocates of making the subject a compulsory part of the curriculum in all schools is already being taught in many of our schools, but still the problem of sexual harassment persists. In fact, the evidence from recent serious case reviews suggests that the relativistic approach advocated by the leading campaigners for statutory SRE is not the solution, but is rather part of the problem.

With its emphasis on sexual pleasure divorced from the context of a lifelong loving union, the comprehensive sex education favoured by the Sex Education Forum and its associated groups is creating in young people the expectation that they will have a series of casual sexual relationships. As the social commentator, Cassandra Hough has remarked: 'It is no wonder that the hookup/friends-with-benefits/anything-goes sexual culture has become normalised among today's emerging adults.'²⁵

It is within that culture that child sexual exploitation has been allowed to go undetected, and vulnerable young people have found themselves without the protection they desperately need.

²⁰ M Henderson, 'Impact of a theoretically based sex education programme (SHARE) delivered by teachers on NHS registered conceptions and terminations: final results of cluster randomised trial', *BMJ*, 2007, 334:133.

²¹ Edinburgh Napier University press release, 14 September 2010.

²² Javed Khan, chief executive of Barnardo's, 'Children want safer lives', Barnardo's news release, 11 January 2017.

²³ House of Commons Women & Equalities Committee, *Sexual harassment and sexual violence in schools*, HC91, 13 September 2016.

²⁴ Joan Smith, 'By ignoring sex education, ministers are risking children's safety', *Guardian*, 27 January 2017. Joan Smith is a columnist and human rights activist, who co-chairs the Mayor of London's Violence Against Women and Girls Panel.

²⁵ Cassandra Hough, 'Learning about Love: How Sex Ed Programs Undermine Happy Marriages', Witherspoon Institute, *Public Discourse*, 29 October 2014.

A serious case review published by the Bristol Safeguarding Children Board last year notes ‘an underlying confusion for practitioners in distinguishing between underage but consensual sexual activity between peers and child sexual abuse and sexual exploitation’.²⁶ But that confusion does not exist in a vacuum. It is rather ‘rooted in the complex and contradictory cultural, legal and moral norms around sexuality, and in particular teenage sexual experimentation’.²⁷ Put simply, a major part of the problem lies in the moral confusion that has resulted from an abandonment of moral absolutes.

The same theme features in the 2015 serious case review into child sexual exploitation in Oxfordshire. Having made the observation that there were times when ‘confidentiality was put before protection’,²⁸ the report suggests that for at least some professionals this related to ‘a reluctance to take a moral stance on right and wrong, and seeing being non-judgmental as the overriding principle’. The Oxfordshire report further states that: ‘[T]here was... an acceptance of a degree of underage sexual activity that reflects a wider societal reluctance to consider something “wrong”,’ and argues that ‘action to prevent harm’ should always take precedence over ‘action to be non-judgmental’.

In a most telling comment, the Oxfordshire report notes that ‘the reluctance in many places, both political and professional, to have any firm statements about something being “wrong”’ is among the factors that create an environment where it is easier for vulnerable young people/children to be exploited. It also makes it harder for professionals to have the confidence and bravery to be more proactive on prevention and intervention.’

How should Christians respond?

In the light of these observations from the serious case reviews, we should strongly oppose any approach to SRE that is reluctant to declare anything ‘wrong’. Children, young people and professionals alike all need a clear moral compass in order to safely negotiate the confused and confusing landscape that lies before them.

The answer to the social ills we are now experiencing in the wake of the sexual revolution is not to be found in statutory SRE. In fact, as we have seen, given the current political and educational climate, statutory SRE is calculated to do more harm than good. The evidence is on our side and we should not shrink from using it to demonstrate that our real need is not some educational quick-fix, but a deep and sustained moral, social and cultural change.

(a) Christian parents need to be vigilant

Christian parents with children in school need to make sure that they are familiar with the school’s sex and relationships policy and with the materials that are used in class.²⁹ Parents should also make use of every opportunity to influence the school’s policy and choice of materials.³⁰ Government guidance repeatedly emphasises the importance of consultation with parents and sensitivity to their wishes and concerns,³¹ so

²⁶ Jenny Myers and Edi Carmi, *The Brooke Serious Case Review into Child Sexual Exploitation: Identifying the strengths and gaps in the multi-agency responses to child sexual exploitation in order to learn and improve*, Final Report, Bristol Safeguarding Children Board, March 2016.

²⁷ *Ibid.*

²⁸ Alan Bedford, *Serious Case Review into Child Sexual Exploitation in Oxfordshire: from the experiences of Children A, B, C, D, E and F*, approved by the Oxfordshire Safeguarding Children Board, 26 February 2015.

²⁹ Education Act 1996 s404 requires the governing body of a maintained school to ‘(a) make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education, and (b) make copies of the statement available for inspection (at all reasonable times) by parents of registered pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one’. Most schools publish their SRE policy on the school website.

³⁰ Lovewise (www.lovewise.org.uk) produces a growing range of resources for use in schools and also for the use of parents with their children at home. The Family Education Trust leaflets, *Why Save Sex?* and *What is Love?* Are also meeting a need in many schools – www.familyeducationtrust.org.uk Another useful publication is Louise Kirk, *Sexuality Explained*, Gracewing 2013.

Although primarily designed for the use of parents with their own children, it provides a model to teachers and other educators of how to present sexual intercourse as a life-giving act which seals the bond of marriage and properly belongs only within that context.

³¹ Department for Education and Employment, *Sex and Relationship Education Guidance*, *op. cit.*, Welsh Assembly Government, *Sex and relationships education in schools: Guidance*, *op. cit.*

schools have every reason to be receptive to constructive comments and suggestions.

Where a school's sex education provision is less than satisfactory, Christian parents should bear in mind that they have the legal right to withdraw their children from sex education lessons that fall outside the requirements of national curriculum science. Whether they exercise that power or not, they will need to be prepared to correct the messages that their children will be receiving either directly from their teachers or indirectly through other pupils.

(b) Christian citizens need to be engaged

No individual Christian has the time or capacity to take an active interest in every issue of social concern, but there is a pressing need for at least some to keep informed and take appropriate action in response to attempts to impose statutory SRE or Relationship Education on all schools. There is scope for Christian parents, grandparents, teachers, school governors and other concerned members of the public to correspond with their MPs, write to the local and national press, and take part in radio debates on this important issue.

(c) Christian churches need to educate and equip their members

In the face of an increasingly militant secular humanism, pastors and other church leaders need to return to first principles in the instruction of their congregations in areas such as the nature of man and human sexuality. With the forces of academia, the media and the political establishment conspiring to impose a view of anthropology and marriage which is diametrically opposed to the divine revelation, it is not an option for pastors to bury their heads in the sand and shy away from addressing these topics.

If the Lord's people are to be equipped to stand against the wiles of the devil in this area, they will need clear biblical instruction on issues such as:

- The nature of man, created in the image of God as male and female;
- The complementarity of man and woman in the home, in the church and in wider society;
- The nature of marriage as the lifelong union of one man and one woman and the only proper context for sexual intimacy;
- The importance of a stable family life with a father and mother who are committed to each other as well as to their children;
- The benefits of sexual abstinence prior to marriage and fidelity within marriage.

(d) Christian churches need to exercise pastoral care with compassion but without compromise

Sex education lessons which present pupils with a menu of sexual options from which they may freely choose will inevitably result in many young people being confused about who and what they are and the kinds of relationships they wish to pursue. Not only is a non-judgmental approach to sex education now informing pupils about a variety of equally legitimate 'sexual orientations', but it is also teaching them about an infinite number of 'gender identities'.

Sadly, children from Christian homes and other children within the orbit of the church will not be immune to the confusion that will inevitably ensue from such damaging and destructive messages, so churches will have to formulate a pastoral response to the individuals affected. The world insists that a compassionate response demands that we embrace and celebrate a person's sexual orientation and lifestyle and gender identity whatever it may be, but if we have a true love for those we are ministering to we shall uphold biblical teaching and standards.

It is only as churches embrace a biblically robust anthropology, plainly set forth a biblical understanding of marriage and family life, and reinforce such a vision in their pastoral care and discipline that parents will be equipped and emboldened to bring up their children in the admonition of the Lord and combat the influences that they will be subject to at school, through the media and in wider society.

Norman Wells

The Mental Health Explosion in Schools

Newspaper headlines and articles inform us on a regular basis that mental health is an increasing problem in our society, not least amongst our children and young adults. The statistics are compelling and, on the face of it, alarming.

- One in ten children aged between 5 and 16 years (three in every classroom) has a mental health problem, and many continue to have these problems into adulthood. Half of those with lifetime mental health problems first experience symptoms by the age of 14.
- Among teenagers, rates of depression and anxiety have increased by 70% in the past 25 years.
- One in five children has symptoms of depression and almost a third of the 16-25-year-olds surveyed had thought about or attempted suicide.¹

Given the weight of articles and statistics it's hard not believe that there really is a big problem out there. The UK government spends around 12 billion pounds a year on mental health services, with calls for even greater investment based on estimates that mental health problems cost the UK economy around £100 billion per year. The estimated global cost of mental health problems is £1.6 trillion – greater than cardiovascular disease, chronic respiratory disease, cancer, or diabetes individually. According to sources such as the Mental Health Foundation mental health problems constitute the largest single source of world economic burden.

Blame for much of the burgeoning mental health issues amongst children has been directed at schools. Peter Tait, former headmaster of Sherborne Preparatory School, writing in 2015 in the Telegraph opines,

The causes of the growing mental health problems lie largely with the schools and it is the causes, not the symptoms, that need addressing... it is not competition and hard work that causes stress and mental health issues among their students, rather fear and anxiety.²

The Times Educational Supplement (TES) in 2013 reported on published research which was more emphatic in its conclusions: *'Stress at school is the biggest contributor to depression, self-harm and attempted suicide among young people...'*³

So what is happening to the mental health of our nation? Are we simply living more stressful lives? What is happening to the well-being and mental health of our children? Is the exam system too burdensome, the pressure to succeed too great for many? Is the answer more resources, more counsellors, more counselling, more training in mindfulness, more and improved medication? Or are there other factors at work?

This article examines some of the less commonly discussed explanations for what is commonly portrayed as a mental health pandemic. In doing so it is hard to avoid the conclusion that as society moves away from biblical truth and principles and embraces secular alternatives with a focus on the self, it is unwittingly fuelling its own mental health crisis. If this is the case then Christians have a big role in addressing the problem.

We will look at the topic under three headings:

¹ <https://www.place2be.org.uk/our-story/why-our-work-matters.aspx>

² Peter Tait, The Telegraph, December 2015; <http://www.telegraph.co.uk/education/educationopinion/12025711/Schools-largely-to-blame-for-rising-mental-health-issues.html>

³ The Times Educational Supplement, July 2013; <https://www.tes.com/news/tes-archive/tes-publication/school-stress-blame-student-depression>

- What is a mental health problem?
- How the educational establishment fuels the problems?
- What we can do to address the problems.

This is not, of course, a medical treatise nor is it a comprehensive discussion of the subject, so don't expect everything there is to know (or you know) about the subject to be covered. Hopefully, though it will be helpful in guiding our thinking and stimulating prayer and action.

What is a Mental Health Problem?

It can be a little boring but it does help to try and define the key terms we are talking about. In the current post-modern age of equality of opinion (and indeed, the equality of opinion and truth), alternative 'facts' and journalistic hyperbole, we have to work hard to ensure that we establish common ground and an objective, rational framework for discussion.

It is particularly important here because the definition of a mental health problem is at the very heart of the debate on the rapid growth of mental health issues. Mental health problems range from eating disorders through to personality disorders, bipolar and Schizophrenia. These and many other names such as post-traumatic stress disorder, panic disorder, OCD, phobias, anxiety and depression are familiar to us. However, they are just waypoints on a very detailed map and many of us will be unfamiliar with the hundreds of conditions that form the catalogue of mental disorders.

The definitive reference work on mental disorders is the Diagnostic and Statistical Manual of Mental Disorders (DSM) produced by the American Psychiatric Association. This characterises several hundred types of mental disorder. The World Health Organization publishes The International Statistical Classification of Diseases and Related Health Problems (ICD), which dedicates a section covering similar mental and behavioural disorders. Both the DSM and ICD have been revised several times over their existence. The DSM, for example, was first published in 1952, DSM-1, and contained 130 pages covering around 106 mental disorders. Several versions later DSM-4, published in 1994, contained descriptions of over 300 disorders. The latest version, DSM-5, with over a 1000 pages, was published in 2013 and although the number of disorders described appears to have decreased, the controversy over its use and classifications has not.

For example, although the range of conditions which span the autistic spectrum have been reduced to provide a tighter and more restricted definition of autism – a problem to parents who fear some children won't now get the help they need because they will fall outside of the definition – the condition of binge eating disorder has been introduced.

The DSM is regarded as the psychiatrists' bible but, unlike the Bible, there is no restriction on its expansion. Even if you are unfamiliar with the DSM and the controversies surrounding it (see, for example, the troubling relationship between mental health-related drug sales and the DSM discussed in *Cracked*⁴), you may well be asking yourself why the number of defined mental health disorders has grown so substantially since the 1950s.

One large contributing factor appears to be that there has been a progressive lowering of the threshold for what counts as a mental disorder. Normal human feelings of sadness and anxiety, for example, are being labelled as medical disorders that require treatment and, as the creator of an earlier version of the DSM (DSM-4) admitted, the many new disorders they included in that version actually helped trigger the unnecessary medicalisation and medication of potentially millions of people.⁵ Psychiatry, it appears, is

⁴ James Davies, 'Cracked: Why Psychiatry is Doing More Harm than Good', Icon Books, 2013.

⁵ *Ibid.*, Kindle Edition, 49.

redrawing the lines between disorder and normality (that is, symptoms that are a normal part of life) and in the process is creating an illusion of hugely increasing mental disorders.

Why did this happen? Those with knowledge of the process point to the fact that the teams responsible for the various versions of DSM simply focused on the description of a disorder without considering context. That is, they took the symptoms of what might be considered abnormal behaviour and catalogued these without asking whether or not the symptoms being catalogued were just normal human reactions to problematic life situations. Normal life has its ups and downs but we don't necessarily regard the excursions up or the excursions down as worthy of special consideration and definition as a disorder. Without some kind of objective measuring stick to act as a guide to which of these excursions should be included as a disorder and which should not, the result has been a steadily increasing number of defined mental disorders.

We might be tempted to place some confidence in the ability of eminent members of the American Psychiatric Association to produce and analyse research, discuss, challenge and agree on sets of disorders that are relevant and appropriate for the wider population. Unfortunately, from what we hear about the process, there is little or no comfort in the scientific process that was followed. Davies records the recollections of some members of the teams who worked to compile versions of the DSM: 'Meetings were often haphazard affairs'; 'the loudest voices often won out'; 'what I saw happening on these occasions wasn't scientific – it more resembled a group of friends trying to decide where to go for dinner'.⁶ For example, the removal of homosexuality in 1974 from the DSM was not, as you might expect a rational, scientific process but was in essence a political decision forced by pressure groups.

How difficult is it to find an objective measure that would help determine whether or not a set of symptoms were associated with an underlying mental disorder? Very difficult, if not impossible, it would seem. Some of the best and no doubt well-meaning minds in psychiatry have been focussed on this problem but the barrier they face is that mental disorders are fundamentally different from physical disorders, so much so that's it is possible to question whether many mental disorders exist at all. There are usually biological or other physical tests for physical disorders which act as objective benchmarks, but the crucial problem for psychiatry is that there are no objective biological tests which allow the confirmation of a correct diagnosis. They don't exist because psychiatry has yet to identify any clear biological causes for any but a handful of the disorders in the DSM. Indeed, for many disorders it seems impossible to prove that they exist as a discrete biological disease. All this makes the DSM and its counterparts at best unreliable, disturbing and potentially harmful compilations of disorders of the mind.

But the problems don't stop there. Psychiatrists have to match a set of symptoms from the patient to symptoms in the DSM. However, this is seldom straightforward and is a recognised source of diagnostic error. Subjective factors can have considerable influence and symptoms don't necessarily constrain themselves to DSM definitions. The upshot is that diagnoses can be highly inaccurate and variable across different psychiatrists. A study in 2006, for example, concluded that '*The unreliability of psychiatric diagnosis has been and still is a major problem in psychiatry, especially at the clinician level.*'⁷ Uncertainty was the original problem it was hoped the DSM would solve, by introducing progressively more scientific rigour to each version. Although some would argue the uncertainties have been reduced, it is not at all clear that this is the case.

Given this picture, you may be left wondering whether psychiatry can do anything useful at all. Well of course it can and it does. The point of this section is to make the reader aware of the very substantial uncertainties associated the terms 'mental disorder' and 'mental health', and as a consequence the uncertainties associated with the growth in the numbers of such conditions. Although there are no

⁶ *Ibid.*, Kindle Edition, 31.

⁷ A Aboraya, E Rankin, C France, et al., *The reliability of psychiatric diagnosis revisited: the clinician's guide to improve the reliability of psychiatric diagnosis*, Psychiatry (Edgmont), 2006, 3:41–50.

authoritative figures available the rapid growth in mental health problems is in part, perhaps a substantive part, a simple consequence of defining many aspects of normal behaviour as a mental health issue.

How the Educational Establishment Fuels the Problem?

We turn now and look at the reaction of the educational establishment to issues of mental health. In their book *The Dangerous Rise of Therapeutic Education*, Kathryn Ecclestone and Dennis Hayes make the link between rising mental health problems and the response of government and education bodies:

A key strand in contemporary political and cultural accounts of how we regard ourselves and others is an unchallenged assumption that we face an unprecedented epidemic of mental health problems, and that policy makers must respond... The goals and institutional arrangements of 'Every Child Matters' (ECM) formalise such concerns by requiring welfare and education agencies to ensure that, as part of being 'safe' and able to achieve educationally and socially, children's wellbeing is paramount... ECM therefore enables the state to intensify its responses to popular concerns by incorporating them in educational policy and practice.⁸

They then show how the reaction of the educational establishment to the 'epidemic' has changed the very idea of what education is. They argue education has changed from responding to the challenge of pursuing truth and wisdom and the mastering of difficult subjects or learning craft skills to a preoccupation with everyday concerns and feelings. This has two key effects that we need to consider in the context of this article.

First, they see this not as a crisis *in* education but a crisis *of* education. This crisis arises from the disintegration of the idea of education and of loss of belief in human potential. They speak from a position of radical humanism which focuses on the ability of humans to transform the world by making scientific and social progress through reason. Philosophically God-less, this view nevertheless reflects God's mandate to Adam and Eve to subdue the Earth (Genesis 1:28) – a process both biblically and practically that is to be carried out in communion with God. Instead of education equipping us for this task, it promotes "*'happiness', 'emotional literacy' or 'emotional well-being' as goals and outcomes of the education system...*"⁹

As is often the case, there resides at the core of this perceived distortion of educational purpose a truth. The truth is that if you are emotionally troubled or unstable to the point of distraction then you are unlikely to learn well. Emotional stability, which is not the same as the absence of emotional pressures, is a state of being in control of your emotions so that emotional pressures are moderated and are not allowed to press so heavily that they interfere with your focus and concentration on the business at hand.

What the educational establishment is doing, they argue, is to focus on the emotional so much that the purpose of education is no longer clear. This is perhaps no surprise as the history of education in particular is replete with examples of over-reactive, ideological swings in the apparent pursuit of educational excellence. It is no longer just about allowing time out, say, for bereavement of other similar emotional trauma; it is now the daily scrutiny of the emotions for ripples of instability in the mistaken belief that unless these are identified and addressed by the system, education cannot progress. The bottom line is that in seeking to address the mental health epidemic, government has (perhaps unwittingly) changed the nature of education. This change is quite possibly self-propagating since the education system produces individuals who are less able to think, understand and challenge, objectively, the very system which fails to provide these critical attributes.

⁸ Kathryn Ecclestone, Dennis Hayes, *The Dangerous Rise of Therapeutic Education* (Taylor and Francis), Kindle Edition, 1.

⁹ *Ibid.*, 162.

Secondly, as the title of their book indicates, the greatest concern of the authors is the therapeutic response to these emotional perturbations of everyday life. They write,

It is no accident that children reporting anxiety in unprecedented numbers have experienced the [therapeutic] interventions we discuss in the book: therapeutic education inserts vulnerability and anxiety, children express it and then get more therapeutic interventions.¹⁰

In engineering terms this a simple positive feedback mechanism, which can quickly overwhelm and make something useful, useless. Small problems are amplified and become bigger (and more extensive) problems which in turn are then amplified... Put a microphone too close to the speakers which are reproducing what the microphone feeds them and the whole amplification system squeals uselessly and out of control until you break the cycle and separate the two components.

Ecclestone and Hayes analysis is detailed and comprehensive and this short coverage by no means does it justice. However, they clearly describe a situation where the explosion in mental health problems is fuelled by a repeating cycle of therapeutic interventions. If their analysis is correct, at least one answer to the mental health explosion is to stop treating those who are not emotionally or mentally ill as if they were. That doesn't mean that the issues aren't important; it simply means they should be addressed by different approaches that don't promote a cycle of increasing numbers of symptoms which the approach is trying to reduce.

The degree of commitment to this new education approach may not be clearly observable at a distance, particularly in an era when exam targets and associated success criteria are such a prominent feature of debates about schools. However, a close look at, for example, the UK government's SEAL programme reveals just how committed it is to this approach.

SEAL stands for Social and Emotional Aspects of Learning and was introduced as guidance in 2005 by the then Department for Education and Science (DfES). In setting out its position the guidance quotes from a well-known author on emotional intelligence, Daniel Goleman:

Students who are anxious, angry or depressed don't learn; people who are in these states do not take in information efficiently or deal with it well... when emotions overwhelm concentration, what is being swamped is the mental capacity cognitive scientists call 'working memory', the ability to hold in mind all information relevant to the task at hand.¹¹

This quotation seems to have become a mantra to those promoting this approach while his book provides an intellectual and practical rationale.

SEAL is designed to promote the development and application to learning of social and emotional skills that have been classified under the five domains proposed in Goleman's model of emotional intelligence¹². These are: self-awareness; self-regulation (managing feelings); motivation; empathy and social skills. At first sight the approach appears sensible and is consistent with the point noted above that someone in emotional turmoil may well be distracted and their learning ability impaired. The concerns arise, however, on asking harder questions about the degree to which Goleman's analysis is true.

One question you should be asking yourself at this point is, but what if these approaches work? If we find that while increasing the numbers of identified mental health issues the approach actually addresses them, and leads to improvements in conventional educational standards, then shouldn't we welcome it?

¹⁰ *Ibid.*, 164.

¹¹ D Goleman, *Emotional Intelligence*, New York: Bantam Books, 1995.

¹² *Excellence and Enjoyment: social and emotional aspects of learning*, DfES 1378-2005 G.

The empirical evidence is mixed. A review entitled, 'Social and emotional aspects of learning (SEAL) programme in secondary schools: national evaluation' for the Department for Education in October 2010 by a group of independent experts concluded,

Finally, in terms of impact, our analysis of pupil-level outcome data indicated that SEAL (as implemented by schools in our sample) failed to impact significantly upon pupils' social and emotional skills, general mental health difficulties, pro-social behaviour or behaviour problems."¹³

The review focused on measuring social and emotional outputs rather than the bigger question of whether the approach improved learning.

The reason for the poor impact was ascribed, broadly, to a failure to implement the SEAL process effectively and it was clear from the report that at least one underlying cause was teachers not having a belief in the effectiveness of the approach and finding it too difficult or time consuming to integrate feelings-orientated perspectives into their teaching approach. A couple of examples of a good integration of SEAL into an everyday lesson recorded in the report are worth noting:

History lesson: Year seven. Learning objectives included: 'To empathise with the villagers of Eyam'; and 'To understand my emotional reaction to situations'. Lesson objectives on display included: 'Use our empathy skills to understand how people react in different ways'. Teacher objectives included: 'To encourage pupils to use their empathy skills to gain a more in-depth understanding of the events in Eyam'.

There was a display on the back wall headed 'British Empire in Africa' and subtitled 'Slavery and Empathy'. This consisted of printed descriptions of the feelings of slaves as they were being transported from Africa – 'I was very hot', 'I was scared' etc. The teacher later explained that Year nine pupils had been asked to keep a diary as though they were a slave being transported. They were instructed to highlight two key phrases from the diaries describing how they were feeling about the experience, which were typed and printed and then used to construct the display.

It is not hard to see why some teachers might find this approach, if not a distortion, a distraction from the core process of teaching and somewhat difficult to implement as a holistic approach across the curriculum. It would also seem very difficult to judge when a feelings-led, subjective approach to understanding began to undermine (as opposed to complement) one centred on objective reasoning. In responding to the government's attempts to engineer a generation of socially and emotionally intelligent individuals, we would do well to heed and ponder the concerns of Ecclestone and Hayes.

In contrast, a widely quoted study in 2011 in the USA which looked at the effects of social and emotional learning (SEL) programmes concluded:

Compared to controls, SEL participants demonstrated significantly improved social and emotional skills, attitudes, behavior, and academic performance that reflected an 11-percentile-point gain in achievement.¹⁴

The study reviewed 213 separate studies covering 270,034 students over a wide range of ages from the period 1955 to 2007. What is not clear from this paper is what exactly was done in schools and classrooms to achieve these results, how long the impact of such approaches lasts – there is some indication of

¹³ N Humphrey, A Lendrum, M Wigelsworth, *Social and emotional aspects of learning (SEAL) programme in secondary schools: national evaluation*, DFE-RR049.

¹⁴ J A Durlak, R P Weissberg, A B Dymnicki, R D Taylor & K B Schellinger, *The impact of enhancing students' social and emotional learning: A meta-analysis of school-based universal interventions*, *Child Development*, 82(1), 2011, 405-432.

significant decline over periods of a few months – or what the longer term negative effects might be. In addition, we will see later that some of the improved attributes do not lead to improvements in mental health.

Critics of SEAL also point to its ideological and structural weaknesses. Carol Craig of the Centre for Confidence and Well-Being, examines some of the weaknesses in Goleman's approach and concludes,

If Goleman cannot be used as the intellectual foundation and justification of large-scale work of this type in schools, are there other figures in the field who could provide this rationale?¹⁵

Pursuing this question she finds that others with a professional view on emotional intelligence conclude that '*...emotional intelligence is more "myth than science"*.' Craig goes on in this comprehensively researched article to consider a wide range of issues and problems with the SEAL programme and its counterparts in the USA. The biggest concern arising from her critique is the flimsy ideological and empirical justifications for these experiments in mass psychological conditioning. As Christians we should also be concerned about how these approaches undermine the Biblical view of the human condition and how we best tackle it.

Self-esteem is a core component of the SEAL approach and the SEL movement in the USA. Before concluding this section it is instructive to consider the role of self-esteem in mental health issues as described by Glynn Harrison in his book *The Big Ego Trip*¹⁶. The book is overtly Christian and in tracing the failure of the self-esteem movement he discusses an alternative rooted in Biblical truth. Published in 2012 it is particularly interesting, as an aside, to note now that the first sentence in the book following the introductory title is a quote from Donald Trump. It reads: '*Show me someone without an ego and I'll show you a loser.*'

The issue from Harrison's perspective is summed in the following comparison:

Half a century ago if somebody complained of feeling down or felt that nobody liked them, that they were 'no good' or that they didn't like themselves, a friend would most likely offer advice along the following lines: 'Don't get stuck in your own problems. Don't think about yourself so much. Instead of being a "here-I-am" sort of person, try to be a "there-you-are" person! Think about other people. Try to get out more. Make new friends and explore some new interests. You'll never get anywhere by contemplating your own navel.' Today the same friend would offer this same person radically different counsel: 'You need to believe in yourself more! Stop thinking so much about other people's problems and worrying about other people's expectations. You need to discover who you are. Be yourself. Learn to like yourself. Build up your self-esteem.'¹⁷

Before going further you might be thinking it's time for a definition of self-esteem. This, interestingly, appears impossible. Harrison points out that since the inception of the term by psychologist William James in the 1890s there is no generally agreed definition, despite the enormous attention it has received, particularly over the last fifty years. However, for the sake of something to work with, we can take James' description: *self-esteem depends on the ratio of our actual achievements compared to our expectations: our hopes, dreams and ambitions*. We could then perhaps add that it also depends on our achievements compared with those of others.

Psychologists and others link low self-esteem to educational failure and mental illness, and so for them to increase self-esteem or to boost the ego (or 'boosterism' as Harrison terms it) is to address the problems of

¹⁵ C Craig, (2009), 'Well-being in schools: The curious case of the tail wagging the dog?' <http://www.centreforconfidence.co.uk/projects.php?p=cGikPTU2JmIkPTYzMw==>

¹⁶ Glynn Harrison, *The Big Ego Trip*, IVP, Kindle loc. 1260.

¹⁷ *Ibid.*, loc. 141-147.

educational failure and mental illness. This is what has been happening over the last few decades. If we consider our attempt above to define self-esteem it does have an element of the objective about it. If we achieve more against our own aspirations and standards, and against the achievement and standards of others, then the greater our self-esteem. Of course, if we achieve more, others can too and the benefit from that comparison is lost (that is, of course, if we can decide on what comparisons are important - intellect, income, acclaim?). If we achieve more against our own standards and aspirations then we tend to adjust them upwards and we lose the personal comparison boost. The self-esteem movement understands this and believes it can be fixed by focussing on self-admiration and 'Me'.

Harrison discusses the work of American psychologist Jean Twenge. Twenge published her book *Generation Me* in 2006 and concluded with the headline grabbing view: '*Today's young Americans are more confident, assertive, entitled – and more miserable than ever before.*'¹⁸ Twenge believes the evidence suggests that in terms of mental health the self-esteem project has left Americans worse off.

Harrison points to a comprehensive body of work which asks whether or not the self-esteem movement has worked. The simple conclusion is that it hasn't delivered and it hasn't worked. His solution is outside the remit of this article but it is useful to remember that Christians suffer from the problems associated with a view of self and self-esteem and ego, sometimes without ever being aware of how big a problem it is. If you take the time to read the book you will not only see more clearly the emptiness and failure of God-less views and ideologies of the self but you will also gain a view of yourself which, in communion with God and his word through Jesus Christ, will help you understand and practice true self-worth.

In the next section we seek to pull these diverse and somewhat cursory discussions together in order to generate some points for action.

What we can do to address the problems?

Summary

The issue addressed is the explosive increase in mental health problems, particularly those relating to schoolchildren. We have seen that we should be sceptical about the figures describing the growth in mental health problems:

- Firstly, because many symptoms that were once taken as everyday features of normal life are now categorised as mental health problems. The definition of what constitutes such a problem has increased, increasing the numbers of people falling under the definitions and therefore those with a mental health condition. As a spin-off this example illustrates the importance of clearly defining what we are talking about before talking too much about it.
- Secondly, we should be sceptical about the rising rates of mental health issues because research evidence suggests that measures put in place to address such issues in schools, colleges and universities have not worked effectively in improving traditional educational standards but have made the problems worse by promoting the growth of mental health problems. These measures have also had the effect of changing fundamentally what education is, with a distorting emphasis on feelings, emotion and self.

The particularly disturbing feature underlying these figures is the powerful movements within government, academia and other establishments which are driving ideologies characterised by poor science and poor evidence.

We have not discussed causal factors such as curriculum changes, exam pressures, league tables and all

¹⁸ J Twenge, *Generation Me*, Atria (2006).

round pressures to succeed which also play a part. This is partly because while they are often cited anecdotally as reasons for burgeoning mental health statistics, there appears to be little research evidence to justify the claims, and also because they may be better addressed outside of the room labelled 'mental health problems'. Teaching resilience and strategies for dealing with high workloads can be effective:

Christians who are concerned about the philosophical and practical dangers of self-esteem should broadly welcome the emerging emphasis on resilience. These programmes are essentially practical, focused on building good relationships and developing self-awareness. They duck the deeper philosophical problems, but their emphasis on realistic assessments of ourselves and getting involved with the needs of others at least fits into a Christian worldview, rather than cutting across its key assumptions.¹⁹

Stress is real and we have all experienced it to a greater or lesser degree. A degree of stress in certain situations is considered to be good and helpful, but too much is not. The broad self-help approach is to seek to control those factors which give rise to the stress with a view to reducing them while at the same time improving the ability to cope with it. It follows therefore that if exam rates or exam success are generating stress for both students and teachers then of course reducing these factors may well help. However, these factors need to be balanced with ensuring students and teachers are better equipped to deal with stress.

The key conclusion here is that approaches which foolishly overplay the need for emotional literacy or promote inordinate increases in self-esteem are flawed, ineffective and dangerous – to individuals, to education, to the educational system and to society.

What Can We Do?

- On this and other issues, be rightly sceptical (a scepticism which arises from a realistic appraisal of fallen mankind) and question that which on the face of it may seem plausible and reasonable. Look for the counter arguments and weigh the evidence as much as possible.
- Seek to understand the issue, its problems and the Christian/biblical alternatives.
- Develop a view of education which is biblically-based and rounded.
- As parents and school governors, respectfully challenge programmes and approaches in schools which over-emphasise the role of emotions at the expense of objective truth, clear thinking, reasoning, moral and ethical principles and absolutes; develop a view of education which encompasses the growth of character and wisdom.
- Seek and promote approaches that cultivate resilience, perseverance, courage and confidence, without getting bogged down in self-esteem ideology.
- Discourage the idea that a child is special. Instead encourage the idea that children are unique, which is less likely to result in a distorted sense of their importance.
- Encourage children to fit in rather than stand out: Is your home-life alive with values of compassion, looking out for one another and finding ways of chipping in? Or is there an undercurrent of criticism and condemnation running through the family?²⁰

The above article is based on one submitted by an independent, bona fide contributor, who, for professional reasons, has asked not to have his name disclosed. In the understandable circumstances, we are happy to agree to this request.

¹⁹ Glynn Harrison, *The Big Ego Trip*, IVP, Kindle loc. 1550-1554.

²⁰ *Ibid.*, loc. 2535-2537.

One small step for marriage...

The highest-ever number of marriages in a single year in England and Wales was the 426,241 recorded in 1972.

It may be wondered, therefore, why it should be a matter for particular rejoicing that the marriage statistics for 2014, released on 14 March this year by the Office for National Statistics (ONS), showed that 247,372 opposite-sex couples had married in that year.

The reason is fairly straightforward. A number of evangelical social commentators, myself included, had greatly feared that the introduction of same-sex marriage from 29 March 2014 would lead to a serious decline in the number of opposite-sex couples who would want to marry, rather than merely cohabit.

There were three main reasons why couples might have taken this view:

- After it was redefined by the Marriage (Same Sex Couples) Act, 2013, marriage no longer had the unique, prescriptive definition it had enjoyed since 1866: *Marriage, according to the law of this country, is the voluntary union for life of one man and one woman, to the exclusion of all others.* The new definition, though couched in words as similar as they could be made to be, was in fact quite different: *Marriage in this country means the union of two people, voluntarily entered into for life, to the exclusion of all others.* Under the new forms of words marriage was no longer uniquely defined. It had become a ragbag of different relationships – a man and a woman, a man and a man, a woman and a woman – any of which could qualify as a marriage. The new definition of marriage was therefore permissive, rather than descriptive. The changes of 2014 have often been described as the redefining of marriage. It could be argued that they might more accurately be described as the undefining of marriage.
- Alongside the changes concerning who could be parties to a marriage, there seemed to be considerable evidence that the social importance of marriage was being undermined. The significance of new marriage seemed to be the legal status and recognition which it gave to those entering into it, whereas old marriage had been an indispensable building block of the nation's corporate stability and social structure. The expression *births, marriages and deaths* seemed to imply an equality of significant events in the human life-cycle. New marriage seems to emphasise the benefits to the couples being married, rather than on its contribution to the well-being of society. Some fairly trivial points clearly illustrate the less rigid way in which new marriage is to be regarded: Although never a legal requirement, the old marriage definition was a standard formal statement displayed in local register offices and quoted by registrars when conducting civil marriage ceremonies. The new definition no longer has to be displayed in local register offices and in respect of the civil marriage ceremony it has the status of 'suggested introductory wording' rather than being a requirement of the ceremony. In their small way, these relaxations seem to indicate a more casual attitude to marriage.
- If new marriage is now being viewed as one of a number of individual *lifestyle choices* rather than the essential cement of our social structure, and perceived to command less respect than once it did, both from officialdom and the general public, then it would not be surprising if as a consequence it becomes less attractive to young couples.

For all these reasons, it seemed likely that the annual number of marriages would continue to fall, as it has done in most of the 42 years between 1972 and 2013. During those 41 years, the number of marriages per year reduced by 58 per cent, while the resident population of marriageable age increased by 24 per cent. The implications of this huge change within British society are incalculable.

The figures for 2013, the last year in which all marriages involved opposite-sex couples, had sounded a warning with regard to the attitude to marriage in Britain. In that year only 240,854 couples were married in England and Wales – more than eight per cent fewer than in 2012.

Against this background, it seemed inevitable that the statistics in Britain would follow the pattern in Spain after the introduction of same-sex marriage there in 2005. Over the next six years, the number of opposite-sex marriages fell in each year until in 2011 it was down to only 159,205, compared with 216,149 in 2004 – a massive drop of 26 per cent in seven years.

Remarkably, however, none of this has happened in Britain. Marriage figures for 2014, released on 14 March this year by the Office for National Statistics (ONS) showed that in England and Wales the number of marriages involving opposite-sex couples, far from suffering a steep decline, rose to 247,372. Although this was only a 2.7% improvement on the figure for 2013, we should be thankful for it, and pleased for the 6,518 couples the increase represents, who have chosen to marry, rather than merely to cohabit.

Two notes of warning need to be sounded. One is that in any set of recurring annual statistics, the figures for any one year can prove to be untypical of the general trend. This possibility is more likely when there has been a material change in the circumstances to which the statistics relate, as is certainly the case with the 2014 marriage figures. A more reliable picture of the ongoing trend will be revealed when the figures for 2015 are released later this year.

Secondly, however encouraging the annual marriage statistics are seen to be in future years, we will need constantly to remind ourselves that the decision taken in 2013 to redefine marriage from 2014 will remain a human disaster for the well-being of our nation, the stability of our society and the happiness of our people. It will also have incurred God's displeasure, and when God measures the righteousness of a nation, the statistics are not a relevant factor.

In Scotland and Northern Ireland, both of which publish their own figures, the number of marriages also increased in 2014. The 28,703 opposite-sex marriages in Scotland represented an increase of 4.2 per cent over the 2013 figure.

In Northern Ireland, where same-sex marriage has not been legalised, there were 8,550 marriages in 2014, a rise of 5.2% on the previous year.

Scotland has already published its statistics for 2015. There were 28,020 opposite-sex marriages, a decrease of 2.4% compared with 2014.

In England and Wales, same-sex marriages were available from 29 March 2014 and the statistics show that 4,850 same-sex couples were married between then and 31 December. This represents 1.9 per cent of the total number of marriages in that year. The full-year equivalent would be 2.5 per cent.

In addition, Since 10 December 2014 in England and Wales, existing civil partners have been able to convert their partnerships into marriages. In the three weeks to the end of the year 2,411 did so.

Eight same-sex marriages took place in Scotland in 2014 (there was a later start date for these in Scotland) and 359 conversions of civil partnerships. In the following year, 736 same-sex couples were married (2.6% of the total) and 935 couples converted their civil partnerships into marriage.

There are reasons to conclude that the number of same-sex marriages in 2014 is encouragingly lower than might have been expected.

Firstly, in 2013 - the unspectacular eighth year of civil partnerships - 5,646 partnerships were contracted in England and Wales. If the figure of 4,850 same-sex marriages in 2014 was extrapolated to the equivalent of

a full year, it would grow to 6,368 - just 722 more than the number of civil partnerships in 2013. Given that the redefinition of marriage was a much more dramatic issue, and a regular high profile news subject for two years prior to its introduction, the actual take-up in 2014, seems surprisingly modest.

Secondly, the 2014 figure contrasts significantly with the take-up when civil partnership was introduced on 21 December 2005. From that date, 1,857 partnerships were contracted in the first 11 days, and 14,943 in the year 2006. To keep up that degree of take-up, there would have needed to be 12,421 same-sex marriages between 29 March and 31 December 2014. The actual number was only 39% of that figure.

Since the introduction of same-sex marriage, the number of civil partnerships being contracted in Britain has plummeted. From the 5,646 in 2013, the number dropped to 1,683 the following year, and fell again to 861 in 2015. The figure for 2016 is due to be published in September this year. Although the recent low figures must put the future of the status in some doubt, the government has indicated that it will be monitoring the statistics over the next few years before any changes are considered.

Rod Badams

The Care of Refugees: Should the West Prioritise Christians?

In the USA a terrible tragedy is happening. A nation that was founded by Christians fleeing religious persecution overseas is tearing itself apart over its new president ordering the US refugee system to prioritise religious minorities fleeing persecution. Yet perhaps the greatest tragedy faces Christian refugees fleeing genocide in the Middle East. They now face the painful discovery that many they assumed might actually support them in their hour of need, their fellow Christians, are in fact those most vehemently opposed to this policy. Can you imagine how they feel?

It was in 2004, a year after US-led coalition forces toppled Saddam Hussain that systematic attacks on Iraqi churches and Christians began, including abductions and murder of senior clergy. By 2007 two lawyers experienced in genocide investigations argued in an academic paper that what was happening to Christians in Iraq constituted 'genocide'. The start of the Syrian civil war in 2011 not only allowed Islamic State of Iraq to spread to Syria, but also created a multiplicity of jihadist groups, many funded by the Saudis, which aimed to create a radical Islamic state. Some of these groups have specifically threatened or targeted Christians. Yet these are the 'rebels' the previous US government was seeking to engage with. Let us be clear, it is not just IS that has been targeting Christians and other minorities such as the Yazidis – it is other 'rebel' groups as well.

It is indisputable that Christians in Iraq and Syria have been facing crimes against humanity. That is why since 2003 90% of Iraq's Christians, estimated to have been 1.5 million, have fled the country. Similarly, in Syria a huge percentage of the estimated 2.2 million Christians have fled.

So what has been the West's response to this? There have been none of the mass demonstrations we have seen recently. Western governments, when pushed, have made public statements, but done little in response to help refugees fleeing the Middle East. In fact, Christians have actually been pushed to the back of the queue.

Despite US Secretary of State John Kerry finally conceding in March 2016 that Christians, Yazidis and other minorities were facing genocide, not only did the US refugee policies not prioritise those groups, the proportion of Syrian Christians accepted actually fell last year to one half of one percent. Much of the blame for this lies with the UN to whom both the UK and USA outsource their selection of refugees – although the US also takes refugees directly as well.

However, the US government was far from blameless. In 2015 Barnabas Fund set up its Operation Safe Havens (OSH) programme to help Christians fleeing genocide who needed to leave the Middle East. Barnabas Fund's negotiating team, which included a former member of the UK House of Lords, spoke with a number of western governments. Australia was sympathetic and to date has taken over 1,040 Christian refugees, Poland took in 160, others went to the Czech Republic, Canada and even Brazil. But the US government made it extremely clear they would not even consider taking in explicitly Christian refugees, even though they were being specifically targeted in Iraq and Syria.

In response to the refugee crisis, the UK government has pledged to resettle 20,000 refugees from Syria in the UK by 2020. But the UK government is discriminating against Christian refugees, despite the fact the European Parliament has formally acknowledged that the persecution of Christians and other religious minorities by IS constitutes genocide. Following a Freedom of Information request, the Home Office revealed that of the 4,175 Syrian refugees settled in the UK between 7 September 2015 and 30 September 2016, only 64 (1.5%) are Christians, while 97% of those welcomed to the UK are Muslims. This flies in the face of the fact that, prior to the civil war, Christians made up around 10% of Syria's population and moreover are in greater danger than Sunni Muslim Syrians because they are targeted by IS and other Islamist rebel groups. Neither the UK nor US has made any special allowance for Iraqi Christians, who are simply treated like any other refugees seeking asylum.

It is not just in the refugee sphere that western nations have abandoned Middle Eastern Christians. Western foreign policy has largely pulled back from engagement in countries such as Syria. The space they have vacated has been filled by countries such as Russia, which has now revived its claim to be the protector of eastern Christians. Whilst it clearly suits President Putin's popularity at home to be seen standing up for orthodox Christians, the reality on the ground is that virtually no other nation has done so. Now, at least in the refugee sphere, America's new president has sought to do so. Yet Christian organisations are campaigning against this, claiming it is a 'Muslim ban'. Yet the executive order does not mention, 'Muslim', 'Islam' or any particular religion. Nor does it name any country – it temporarily suspends visas from a pre-existing list of countries: Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen. Moreover, by a very large margin proportionately more Christians than Muslims have fled from both Iraq and Syria.

These claims of a 'Muslim ban' play precisely into the hands of extremists who want to say that countries such as Iran, Iraq and Syria are 'Islamic countries' when in fact their Christian communities have existed there since before the arrival of Islam. Meanwhile Libya is an example of a country which had a Christian community from the first century (Mark 15:21; Acts 2:10; 11:20; 13:1; Cyrene was in modern Libya) which was later eliminated following the early Islamic invasions. The same fate now appears to face the ancient Christian communities in Iraq and Syria as they are facing genocide from jihadist groups. There is a serious danger that some Christian organisations are allowing partisan anti-Trump sentiment to colour their judgment on this issue, to the detriment of Christians fleeing genocide in the Middle East. Whatever they feel on other issues about President Trump this is a time when they must speak up for those who cannot speak for themselves (Proverbs 31:8).

We as Christians, in addition to prayer, should write to our MPs, urgently requesting an investigation into the underrepresentation of Christians in the number of refugees accepted into the UK. We should practically support refugees who have arrived into our own communities, supporting them while they anxiously await the resolution of a claim for asylum. We can also support and encourage charities who run initiatives, such as Barnabas Fund, which works with Christian refugees helping to rebuild their lives in a place of safety, where they are free from the threat of persecution because of their faith.

Hendrik Storm (Barnabas Fund)

Dealing pastorally with the realities of divorce and cohabitation in society

In August 2001 the BBC reported that the latest Office for National Statistics (ONS) figures indicated the lowest divorce rate for 22 years. The statistic indicated a drop from 144,135 granted in England and Wales in 1999 to 141,135 in 2000 – a 2.4% fall. The article noted ‘Marriage guidance groups say they are encouraged by the findings, while sceptics say the drop is merely a result of less people getting married in the first place.’¹ Fast forward to the present and the latest statistics released by the ONS at the end of 2016 reveal how far the divorce rate has dropped since. The figures revealed that there were 111,169 divorces in England and Wales in 2014 which in itself was a 3.1% drop compared to 2013.² Is this a positive sign? On the one hand, it is hard not to be encouraged that 2014 saw 29,966 fewer divorces than 2000. But let us consider the grave reality for a moment.

A bleak picture

True, it is good that there were almost 30,000 fewer divorces than in 2001. At the same time there *were* 111,169 families that were broken up. There *were* 222,338 individuals who saw their marriage crumble to a point where at least one party found it irreparable and without hope of reconciliation. There *were* 222,338 individuals who in some way or another will have to deal with the consequential baggage of their destroyed marriage for the rest of their lives. This leads to an elevated risk of suicide, with men who experience such relationship breakdown twice as likely as women to consider ending their life.³ Consider further how 66,588 – around 60% of divorces in 2014 were the result of adultery of similar ‘unreasonable behaviour’. That is at least 66,588 people who have had their love, trust, vulnerability, and every facet of their relationship cruelly betrayed, who may very well have thought that their marriage was in good order, only to one day discover all was not as it seemed. Reconciliation may have been sought, but the desire was not reciprocated.

If only the sadness of divorce stopped with the couples concerned. Not only were 222,338 individuals affected by a marriage ending in divorce; 222,338 families were hurt, members on both the husband and wife’s side, and at least 90,000 children under 16 will now live between mother and father or will grow up without one parent, their lives forever impacted by this loss and change of family life.⁴ In many cases, consequences will be life-damaging and long-term. And these are just the statistics for one year. In 2015 over 110,000 divorce proceedings began and with the pending introduction of easy, no fault ‘online divorce’ throughout England and Wales, divorce will continue to be cheaper, easier, and more attractive for others.⁵ It is therefore clear that there are millions throughout England and Wales whose lives have, to one extent or another, been affected by becoming a part of the divorce statistics.

Marriage and covenant

Marriage, at its core, is a covenant of dedication between a man and a woman, made legally, witnessed, and agreed to by others. For the Christian this is understood as a covenant made before the law and before Almighty God and his people. Thus for Christians there is a spiritual element to marriage. The marriage covenant is best understood in light of its vows – the solemn promises and oaths made between the man and woman being married. While some couples amend the traditional vows of the church service, many still choose to use the set wording. These are usually something like:

¹ BBC, ‘Divorce rate, lowest for 22 years’, 21 August 2001 <http://news.bbc.co.uk/1/hi/uk/1502007.stm>

² Office for National Statistics: Divorces in England and Wales: 2014, 5 December, 2016.

³ Rhiannon Evans, Brendan Kennelly, Olivia Kirtley, Graham Moore, *Men, Suicide, and Society*, Samaritans Research Report, 09/2012, 11.

⁴ Statistics from the Office for National Statistics for the number of under 16s affected are not currently available for 2014, so this number takes into consideration the general rate from previous years, particularly 2013.

⁵ Frances Gibb, ‘Online divorces to spare couples time and trouble’ in *The Times* (3 January, 2017).

Groom: I, _____, take thee, _____, to be my wedded Wife, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, till death us do part, according to God's holy ordinance; and thereto I give thee my troth.

Bride: I, _____, take thee, _____, to be my wedded Husband, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love, cherish and obey, till death us do part, according to God's holy ordinance; and thereto I give thee my troth.

These vows are meant to be treated with utmost seriousness. For many, the reality is that so often when things are better, richer and healthier, they are taken seriously. When things become worse, poorer and sicker, and the thought comes, 'I didn't sign up for this', the marriage vows can seem less meaningful. In most cases divorce is neither good nor right and that, in fact, one does 'sign up' for whatever struggle married life may bring. But so often the covenant made, perhaps with all good intentions, is shattered without reconciliation or restoration being sought.

Biblically, divorce should never be seen as God-glorifying or Christ-exalting. While permitted in the law of Moses (Deuteronomy 24:1-4), Jesus clearly indicated it was only permitted due to the people's 'hardness of heart' and emphasised 'what God has joined together, man must not separate' (Mark 10:2-12, HCSB). Elsewhere in the prophets, Malachi 2:16 presents a general principle in the context of Judah's marital unfaithfulness in their covenant with God:

'...I hate divorce' says the LORD, the God of Israel, 'and him who covers his garment with wrong' says the LORD of hosts. 'So take heed to your spirit, that you do not deal treacherously.'

Very strong words, indeed.

Romans 7:3 and 1 Corinthians 7:11-13 deal with the tragedy of divorce and the adulterous nature of sexual relations outside of one's marriage, even if subsequently divorced. In Matthew 19:6-7 Jesus states that the only valid reason for divorce among his followers is when the other party has committed sexual immorality. Sadly, many Christians are very happy to ignore this passage and persist in pursuing something that, regardless of the circumstances, God always hates. Pastors, church leaders and any involved in Christian counselling should be very clear on this reality and seek reconciliation and renewal of the marriage as good and right before God.

In summary, a Biblical understanding of divorce shows that 1) God always hates divorce, 2) Divorce exists solely because of man's sinfulness and hardness of heart, 3) Divorce is permissible solely in the case of sexual immorality, 4) Divorce in permissible cases should only follow having exhausted all attempts at reconciliation. So, *should* we be encouraged with any drop in divorce rates? Sadly, the situation gets more complex and this complexity will increasingly show itself in our churches, hence the need to assess the situation.

The sceptics were right

Remember the divorce statistic from 2001 and the quote from the BBC that indicated '...sceptics say the drop is merely a result of less people getting married in the first place'? Sadly, the sceptics were right. In reporting the drop in divorce rates, *The Daily Telegraph* acknowledged that the drop was due to many more couples choosing to live together as if married – 'cohabitation'.⁶ While not our focus here, it is important to acknowledge The Marriage Foundation's findings that 'Cohabiting parents make up 19 per cent of all couples with dependent children, but account for half of all family breakdown'.⁷

⁶ John Bingham and Ashley Kirk, 'Divorce rate at lowest level in 40 years following cohabitation revolution' in *The Daily Telegraph* (23 November, 2015).

⁷ Harry Benson, 'Unmarried parents account for one fifth of couples but half of all family breakdown', The Marriage Foundation, December, 2013 (<http://www.marriagefoundation.org.uk/wp-content/uploads/2016/06/pdf-016.pdf>).

Cohabitation could be perceived as allowing for more freedom than marriage, some viewing their situation in more of a 'friends with benefits' way than as an official relationship. Others live as though they are married and view themselves as dedicated and long-term in their relationship, though unwilling to legally and covenantally commit. For Christians, it should be clear that the former situation is without biblical warrant and displeases God greatly. The latter relationship, while not morally neutral, can be harder to deal with and calls for clarity and sensitivity. Let us consider some possible scenarios.

Case studies

Let us consider three case studies, two actual and one hypothetical.

Case study 1:

A man and woman attended church together as a couple for the first time on an Easter Sunday. They came, having recently been reading the Bible and listening to gospel sermons online, having little (in the man's case) and no (in the woman's case) church background. They were warmly welcomed and engaged in conversation and with friendliness by all, as was proper. They continued to attend studies and Sunday meetings over the next few weeks and were clear in professing faith. It emerged, to no one's surprise, that the couple was living together and were not married.

I asked to meet up with them and we discussed how they were enjoying growing in understanding the Bible and its truth. Eventually I asked them about their relationship with one another and what they desired and believed was right for the future. They acknowledged that they were living together as a couple since their engagement two years previous. They desired to be married but were wanting to wait until after their university studies were over and they both had jobs. I asked them if they were aware of the Bible's teaching on sex before marriage and abstaining even from the appearance of evil. They indicated they were and admitted to feeling a measure of guilt in their situation. However, they were under intense pressure from his family (in Europe) and hers (in Asia) not to marry until all these other practical issues were resolved.

I asked which they thought was worse – persisting in going against God's Word in their relationship or going against certain cultural norms and constructs? After further discussion it was agreed that they would attend the registrar's office, would register for marriage, and, upon the government's approval, be married. Various complexities meant that the couple felt the need to continue to live in the same house. While not ideal, we trusted their word that they would abstain from sexual activity, and they understood that they would not be baptised and accepted into membership until they either a) separated or b) covenanted together in marriage. Around three months after meeting, this dear couple covenanted together in marriage and they have since been baptised and received into the membership of our church.

Case study 2:

A man and his cohabiting partner were introduced to me as being interested in learning more about the Bible and what it means to be a Christian. I talked with the man on the phone, he attended the church, and I visited him and his family in their home. He had been with his partner for many years and they had children together. Eventually our discussion led to their relationship. He asked me whether he should be married. I walked through the Bible's teaching with him and we both concluded that it was right for him to be so. The situation is complicated by the fact that, unlike in the previous case study, it has been difficult to get past Western cultural expectations and norms, with stress being placed on things like paying for rings, arranging wedding details.

While displaying initial eagerness to be involved in the church and to grow in understanding the Bible, the ongoing delay in getting married and the awareness of a Christian friend's sudden marriage breakdown has delayed their spiritual growth and made them more distant from Christian fellowship. Both parties seem to want to get married and accept it is important from a biblical perspective, but no action has been forthcoming. For the sake of their children's well-being, I find it hard to suggest that the couple split. I am, however, more concerned for their ongoing spiritual state and the difficulty they are having not only in

covenanting in marriage, but also in entering the covenant of salvation through Christ. Currently, I will not endorse their separation, but rather look for marriage as an evidence of gospel transformation in their lives, following which there may be baptism and church membership.

Case study 3:

This case study is a scenario I grapple with in my mind every so often. It is in some ways a pastoral nightmare and one that I am thankful to have, so far, not experienced:

A man and a woman are cohabiting and have for some time. One party comes to repentance and faith. Were it only a couple, separation would be recommended and hopefully such an action would be a natural result of coming to faith. The problem is, the couple have children. They have been living as though married, so in one sense a part of me thinks that the believing partner should perhaps seek to properly covenant in marriage for the sake of the family unit's health and prayerfully hope that the Lord will bring the unbelieving partner to faith. Were this option to be sought, let us suppose that the unbelieving partner refuses to get married. What do you do then? On one level, separation seems right. On another level, should not the children and their health be considered? In the first place, the idea of the believing party pursuing marriage to his long-term unbelieving partner presents problems in and of itself – the two will be unequally yoked and the marriage will have a lopsided foundation and may likely be unsuccessful.

What is to be done in this situation? We live in a messy, complicated world and in such cases I do not believe there are ready-made answers. Each individual case must be approached with seriousness and spiritual discernment, gleaned through much prayer and study of God's Word individually and in the context of the local church. Personally, I am struggling to think of one solution to this situation that does not look messy or end messily. I struggle to see any way in which I could pastorally encourage someone to remain in a sexual and cohabiting relationship outside of the covenant of marriage. At the same time, there are so many complexities in this situation that present themselves that one must take extra care that grace and patience are practised.

Conclusion

Man is sinful and has made a mess of this world, introducing increasing complexities into our relationships, covering matters such as lust, adultery, divorce and homosexuality. Even in the Christian life, sin happens.

For those facing divorce, every effort must be made (even if only by one party) to seek reconciliation, even where adultery has been present. Such an attempt is a reflection of God's grace in the gospel that meets us with salvation even though undeserved. If God so unconditionally loved us who have sinned against him, reconciling us to himself, should not those who profess and genuinely possess this love be able to show this when the marriage is in difficulty? Sadly, despite one's best efforts, there may be no corresponding desire in the other party.

If you are one of those who has become part of the divorce statistics, know that you are not alone. Know that God is gracious and will work your messy situation out for good. Know that while you may not know where your journey will end, you are in God's hands and he will work it out for your good and his glory. If you are counselling someone in such a situation or are dealing with the reality of cohabiting couples in your church, speak humbly, speak truly, speak lovingly and patiently; don't compromise but listen well. Pray fervently and seek wisdom from God's Word. Strive to uphold the sanctity and sanctifying nature of marriage. Whoever you are, whatever the situation, know that Jesus never leaves or forsakes those who are truly his people and that as his bride we will rest in his love for eternity.

At the end of it all, Jesus wins.

Regan King

The implications of the Supreme Court judgment in the case of The Christian Institute and others (Appellants) v The Lord Advocate (Respondent) (Scotland) [2016] UKSC 51

On 28 July 2016 the United Kingdom Supreme Court handed down judgment in the case of *The Christian Institute and others v The Lord Advocate (Scotland)*. It was a significant victory for the charities who brought the case and a major upset for the Scottish Government which had defended it. No amount of spinning by politicians (and there was a lot) could take away the fact that five Supreme Court justices unanimously ruled against the Government's named person legislation. The legislation was defective and could not be brought into force.

Named person scheme

The legal challenge was to a scheme of major legislation enacted by the Scottish Parliament. Under the Children and Young People (Scotland) Act 2014, every child in Scotland would have a state-appointed 'named person' tasked with promoting their 'wellbeing'. The Act failed to define wellbeing, but listed eight factors to which regard is to be had when assessing wellbeing: whether the child or young person is 'safe, healthy, achieving, nurtured, active, respected, responsible, and included' (summarised in the acronym 'SHANARRI'). Some official literature was more candid, stating that wellbeing can simply be a wider vision of 'happiness'.

The central part of the policy had been that named persons and various public authorities would be able to share personal data about children, young people and their families without consent. Centre stage in the legislative scheme were alarming provisions purporting to permit the sharing of sensitive personal data if the information holder considers that it 'is likely to be relevant' to the functions of the named person in promoting a child's wellbeing. Remarkably, there were also provisions which could permit the sharing of personal data merely if the information holder considers it 'expedient'.

The Scottish Government clearly believed it was lowering the threshold for data sharing when it introduced the 2014 Act. This intention was clear from the explanatory memorandum accompanying the Bill in Parliament. Notably, pilot named person schemes, operating on a non-statutory basis in anticipation of the legislation coming into force, assumed in practice that the lower threshold for information sharing already applied.

Crucially, the legislation made no provision for parents to opt-out of the scheme. This lack of opt-out was consistent with the Government's underlying policy of *Getting it Right for Every Child* ('GIRFEC') and making Scotland 'the best place in the world to grow up'. Perhaps not an unworthy aim, but the legislation usurped the proper role of parents. And so The Christian Institute, along with some other organisations and individuals, pursued a judicial review of the sheer breadth of the legislative framework. We strongly defended the principle that parents have the primary responsibility for the nurture of their children, free from state interference except in *exceptional* circumstances. In this, we focused on arguing that the legislation breached article 8 of the European Convention on Human Rights (ECHR) which states:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.¹

¹ It should be noted that the UK is party to the ECHR by way of its membership of the Council of Europe, a separate institution to the European Union. This membership is unaffected by the UK's decision to leave the EU.

Showing that the legislation breached article 8 was essential. Under the devolution settlement, any legislation passed by the Scottish Parliament which is incompatible with the ECHR is outside the competence of the Parliament.

Supreme Court judgment

Having lost our challenge in the Scottish courts, The Christian Institute and its supporting petitioners appealed to the United Kingdom Supreme Court, where the case was heard on 8 and 9 March 2016, having been expedited for hearing before the legislation was due to come into force on 31 August.

Judgment was eventually handed down nearly five months after the hearing. It was worth the wait. Accepting the petitioners' submissions, the Supreme Court struck down the information-sharing provisions in the legislation, holding that they *'are incompatible with the rights of children, young persons and parents under article 8 of the ECHR'*.² That being so, the Court declared the information-sharing provisions in the 2014 Act to be outside the competence of the Scottish Parliament and therefore *'not law'*.

The Supreme Court noted that the terms of the information-sharing provisions in the 2014 Act *'indicate an intention that the range of information to be shared will depend on the exercise of judgement by the information holder, and is potentially very wide'*.³ They similarly referred to the *'very broad criteria which could trigger the sharing of information by a wide range of public bodies and also the initiation of intrusive inquiries into a child's wellbeing'*.⁴

Critical to the Court's decision was the complex (if not impossible) task of reconciling the data-sharing provisions in the 2014 Act and the higher threshold requirements of the UK's Data Protection Act 1998 (the DPA). The judges referred to this as a *'logical puzzle'*. In simple terms, the tests in the 2014 Act adopted the language of *relevance*, whereas the DPA only allows for disclosure where there is *consent* or it is *necessary*. The new legislation could not stop the DPA still fully applying. As a result, the information-sharing provisions in the 2014 Act could not be taken at face value and failed the human rights test of being in *'accordance with the law'*, a test which requires that the law is sufficiently precise and accessible. The judgment also stated that the information-sharing provisions in the legislation *'may in practice result in a disproportionate interference with the article 8 rights of many children, young persons and their parents'*.⁵

Apart from the information-sharing provisions, we also argued a broader challenge to the named person scheme, arguing that a named person should only be appointed with consent or when it is necessary. Although the Supreme Court did not accept that submission in the way it was put, one legal commentator has remarked that *'on a careful reading this challenge all-but succeeded'*.⁶ Certainly, after all arguments had been put and much judicial ink spent, the Court's conclusions were not a million miles away from the petitioners' case. While the language of parental choice is conspicuously lacking in the legislation, the judgment concluded that the services *'offered'* by the named person must be voluntary. There can be no compulsion or any presumption that a failure by parents to cooperate with their child's named person means the child is at risk. As the court stated:

Nevertheless, there must be a risk that, in an individual case, parents will be given the impression that they must accept the advice or services which they are offered, especially in pursuance of a child's plan for targeted intervention under Part 5; and further, that their failure to co-operate with

² *The Christian Institute and others (Appellants) v The Lord Advocate (Respondent) (Scotland) [2016] UKSC 51*, at para 106. See <https://www.supremecourt.uk/cases/docs/uksc-2015-0216-judgment.pdf>.

³ *Ibid.* at paragraph 16.

⁴ *Ibid.* at paragraph 97.

⁵ *Ibid.* at para 106.

⁶ *'The 'Named Persons' Scheme – When Protecting Wellbeing is Totalitarian'*, Allan Norman, *Pink Tape: A blog from the Family Bar*, 30 July 2016, see <http://www.pinktape.co.uk/cases/the-named-persons-scheme-when-protecting-wellbeing-is-totalitarian/> as at 9 February 2017.

such a plan will be taken to be evidence of a risk of harm. An assertion of such compulsion, whether express or implied, and an assessment of non-cooperation as evidence of such a risk could well amount to an interference with the right to respect for family life which would require justification under article 8(2). Given the very wide scope of the concept of ‘wellbeing’ and the SHANARRI factors, this might be difficult. Care should therefore be taken to emphasise the voluntary nature of the advice, information, support and help which are offered under section 19(5)(a)(i) and (ii) and the [new legally binding statutory] Guidance should make this clear.⁷

So where does this leave parental consent? In short, it seems to mean that unless there is consent, there can be no basis for intervention by the named person (except if there is a proper child protection issue, in which case the law has long allowed for intervention anyway).

It is now for the Scottish Government to amend the legislation to make it human rights compliant and address the ‘lack of safeguards’ identified by the Supreme Court if they wish to bring the named person legislation into force. As matters currently stand, it is not clear what, if any, amending legislation will be brought forward, although a named person scheme cannot now operate along the lines originally envisaged by the Scottish Government, given the central role of the legislative provisions that have been struck down.

Implications

As a ruling from the highest court in the land, the judgment may, where relevant, be cited authoritatively in other UK courts. Perhaps the most quotable part of the judgment is:

There is an inextricable link between the protection of the family and the protection of fundamental freedoms in liberal democracies... Individual differences are the product of the interplay between the individual person and his upbringing and environment. Different upbringings produce different people. The first thing that a totalitarian regime tries to do is to get at the children, to distance them from the subversive, varied influences of their families, and indoctrinate them in their rulers’ view of the world. Within limits, families must be left to bring up their children in their own way.⁸

In this, the Supreme Court applied established principles of human rights law with remarkable clarity.

The ruling affirms that there must be proper grounds within the terms of the UK’s Data Protection Act before personal data about children and their families can be shared, even if other laws purport to permit it. People’s personal data cannot be shared arbitrarily. Rather, the law must be sufficiently precise and include robust safeguards so people can ascertain whether their privacy rights have been breached. The Court highlighted how a higher threshold applies for sharing *sensitive* personal data (e.g. consisting of information as to medical conditions, political opinions or religious beliefs) and the stark reality for those handling personal data that the right to a private and family life may sometimes impose a higher requirement than even the black letter of data protection law.

This is a wake-up call for those authorities and professionals who may have assumed that sharing personal information without consent is permissible provided that they consider it is likely to be relevant to a child’s interests (although no child protection concerns arise) – for example, where medical staff have shared with education authorities information about a parent’s intention of educating their child at home; or where a medical practitioner referring a child for a consultation has passed on sensitive personal information about a parent’s past (unrelated) condition. In those instances, the professionals seem to have given scant thought to whether sharing was strictly necessary or breached the right to privacy. Such an approach is not

⁷ *The Christian Institute and others (Appellants) v The Lord Advocate (Respondent) (Scotland) [2016] UKSC 51*, at para 95.

⁸ *Ibid.* at paragraph 73.

confined to public authorities in Scotland, where those operating pilot named person schemes simply invoked the cover that the relevant legislation *would* be brought into force on 31 August 2016 (seemingly unaware that the existence of legislation not yet in force cannot give legal legitimacy to anything).

The issue of data is important. Assuming a right to share sensitive personal information without a proper basis wrongly implies the power to intervene in other ways. The sharing of information is only a means to other ends. Significantly, the implications of the judgment go wider than the issue of personal data. The ruling stated emphatically that parents, not the state, have primary responsibility for raising their children. Applying this, should not a parent ordinarily have the right to decline to avail themselves of the full services of a health visitor? Or can a school ultimately override the wishes of parents who seek to withdraw their child from school activities celebrating causes contrary to their own beliefs?

Privacy taken with the wider rights of parents, children and young people is a significant area of law. It may extend to the right of children and their parents to limit exposure of their opinions in public settings. We are aware of a parent who was concerned about his child's school having a non-uniform day in which the mandatory donation for the privilege of participating would go to a leading LGBT campaign group. In those circumstances, could the spectacle of a Christian being the only child to attend school in uniform communicate his or his parent's religious beliefs and political opinions and breach their rights? Yes, according to advice we have received from leading counsel. And similarly in the cases of children whose views on same-sex marriage are 'outed' in class during teacher-led discussions, or the case of teachers in Christian schools who have been quizzed by Ofsted inspectors about their views on the same subject.

Our Supreme Court has served us well. It has elevated the importance of the family as the basic unit of society and has reminded civil government of its proper remit. The state and the family both have important God-given roles. Those roles are different but complementary. Consistent with Christian teaching, the state must respect the proper space for families to flourish and for children to be raised 'in the training and instruction of the Lord'⁹. At the very least, the judgment of the court in the case of *The Christian Institute and others v The Lord Advocate* is a timely curb on intrusion by legislators and public authorities into the realm of the family. As was stated in the case, the child is not the 'mere creature of the state'.

Sam Webster

⁹ Ephesians 6:4.

Book Review

**‘The Mission of God: A Manifesto of Hope for Society’,
Joseph Boot, Wilberforce Publications, 2016, 683 pages, £15.99 (Kindle £7.99).**

Rev. Dr. Joe Boot is founder of the Ezra Institute for Contemporary Christianity and the Senior Pastor of Westminster Chapel, Toronto. He is also the Director of the Wilberforce Academy, and Head of Public Theology at Christian Concern. He has publicly debated a number of leading atheists, and written previously about apologetics. This book takes him into the whole area of how Christians should engage with culture, in a wide-ranging, bold and provocative tome.

Boot begins his introduction to the book by asking: ‘What is the kingdom of God and how does it manifest itself? What is the relationship between faith and public morality and policy? Are Christians called to transform culture? In short, what is the *mission of God* and what part do we have to play?’ This sets the tone for the book which is split into two parts, on the Mission of God, and the Reign of God. As the subtitle indicates, this book constitutes nothing less than a comprehensive manifesto for a Christian vision of society.

Boot sees himself as inheriting the Reformed puritan tradition in how he approaches the relationship of Christianity to society, and this means he is theonomic in his approach, with an acknowledged heavy debt to Cornelius Van Til and R J Rushdoony. The question theologians pose is, ‘Do you want autonomy (man’s self-law) or theonomy (God’s law)?’ There is a lot of truth in this – we can choose our own way or we can follow God’s way, in every area of life and society. Describing himself as a ‘new puritan’, Boot envisions an explicitly Christian society with laws based on the principles of the Bible. This is, after all, what the puritans sought, and even achieved in large measure in England with repercussions lasting to this day. Indeed, it can be argued that it was puritanism that effectively created Western civilisation.

Until reading this book, I was unaware that the Parliament of England made a solemn covenant with God in 1643, which explicitly promised to obey the God of the Bible. Nor was I aware that the rate of illegitimacy fell to 0.5% during Cromwell’s rule – the lowest rate in 500 years of records. Today, by contrast, we see the worst ever rates. Nearly half of all births occur outside marriage, with all the disadvantages that this brings for both the mothers and the children. Boot laments that most Christians in our generation lack the vision, or confidence in the relevance of the Bible, to seek to re-establish a Christian nation with Christian laws that will benefit everyone in society.

Boot makes the case for a comprehensive understanding of Christ’s lordship over every aspect of society, and for the relevance of God’s moral law for today. He takes the cultural mandate seriously, and articulates a Christian vision for culture with Christ at the centre. Christians today have too readily accepted the idea of a religiously neutral state, or morally neutral laws, or culture or education. In fact, no state or law or culture or education system can ever be religiously or morally neutral. Much of Boot’s book is taken up with dismantling the myth of religious neutrality in each of these areas. He concludes that what is best for society, and what Christians should be working towards, is a state which is formally Christian, with laws that are based on the Bible, an explicitly Christian culture, and Christian education.

Boot makes clear that this can only happen with the consent of the people. A Christian state is the very opposite of a dictatorship. It maximises freedom for everyone. It supports democratic accountability of power with open debate and competing parties. Boot argues that biblical laws cannot be imposed on people, but must be embraced by a society that is seeking righteousness. Currently, as we abandon our Christian heritage and move towards an increasingly pagan society, Christian freedoms are being eroded and Christians are starting to face a degree of persecution for manifesting their beliefs in the workplace. State doctrine is being imposed and freedom of speech is being restricted. The only way out of this vicious spiral is a recovery of Christianity in the nation.

What makes this book difficult to review effectively is that it is so wide-ranging. Amongst other issues that Boot discusses in some depth, often with a whole chapter, are: puritanism, eschatology, a Christian view of history, pagan statism, the social gospel, jubilee, biblical law, crime and punishment, culture, politics, liberation theology, education, family and sexual ethics, environmentalism, evangelism and apologetics. The wide-ranging nature of the book is both a strength and a weakness. A lot of ground is covered which helps to show the relevance of the bible to all these areas, but a lot more could be said in every area. If this leaves the reader hungry for more, then that is no bad thing. The book is well referenced, with twenty pages of bibliography and an index.

Boot is unafraid to criticise anyone who tries to find solutions to any of these issues without clear reference to the Bible. His sharp and pointed criticism is not reserved only for secular philosophers and commentators, nor is it restricted to liberal theologians who have self-consciously decided that the Bible does not provide all the answers we need. No less an evangelical luminary than Timothy Keller comes in for some fifteen pages of stinging rebuke for his muddled approach to Old Testament law and social justice.

Indeed, one criticism of the book would be that he often spends more time criticising others than he does building his own case. I would have liked to have seen a more thorough attempt to build his vision from biblical exegesis than is sometimes presented. Nevertheless, a significant part of what he is doing is demonstrating that all attempts to build a comprehensive vision of society aside from an explicitly Christian society, are fatally flawed and doomed to failure. Much political thought today envisages what is effectively salvation by the state. This can only ultimately lead to tyranny.

This quote from Charles Hodge, cited in the book, sums up Boot's thesis:

It is our duty, as far as lies in our power, immediately to organize human society and all of its institutions and organs upon a distinctively Christian basis. Indifference or impartiality here between the law of the kingdom and the law of the world, or of its prince, the devil, is utter treason to the King of Righteousness... There can be no compromise.

This book is Boot's *magnum opus*, in which a compelling biblical vision of society is articulated with passion and verve. It is a hard-hitting *tour de force* covering a wide range of issues with a clear desire to see the Bible applied to the whole of society. In a book of this scope, no-one would be expected to agree with all the points made. By the same token, no-one can expect to read this book without being provoked and challenged. Boot himself realises that his position is a minority one in the church today, and that there will be some legitimate areas of disagreement even amongst those who do take a more theonomic view. Nevertheless, there is a lot of muddled thinking about Christianity and culture in the church today, and Boot provides a much-needed corrective.

The transformation of culture will not be an easy task. Boot has provided a remarkable resource explaining how far we are from a Christian culture today, and what we should be aiming for. This book is essential reading for anyone seeking to promote a Christian vision of society. I hope it gains the wide readership and influence it deserves.

Tim Dieppe

In the interests of transparency, we note that Tim Dieppe and Joe Boot are colleagues, both working for Christian Concern.

Life Issues

Abortion

50 years of abortion

Nearly 50 years ago, on Friday 27 October 1967, the 1967 Abortion Act received its royal assent. The killing started six months later on Saturday 27 April 1968. This year, 2017 is therefore the 50th anniversary, the golden anniversary, the semicentennial of the most cruel and perverse piece of legislation still on our Statute Book. Under its precepts at least 8.6 million unborn lives have been snuffed out. How will you be marking this woeful event? 'Righteousness exalts a nation, but sin condemns any people' (Proverbs 14:34).

Abortion (Disability Equality) Bill [HL] 2016 -17

Lord Shinkwin's Bill seeks to remove section 1(1)d from the Abortion Act 1967, which shamefully permits abortion up to birth on the grounds of disability. On 27 January, the Bill passed its committee stage in the House of Lords. An amendment was added by Baroness Massey of Darwen, which she said, 'Simply seeks a review of the impact of this Act on disabled children, their families and carers, and it talks about support services being appropriate.' The Bill now moves on to the report stage – no date has yet been set. Liz Sayce, CEO of Disability Rights UK, confirmed, 'We are in support of this Bill and congratulate Lord Shinkwin on raising this issue. The Bill is not about the rights and wrongs of abortion, fundamentally it is about equality. Wherever Parliament sets the number of weeks after which abortion is not permitted, it should be exactly the same whether the pregnancy is likely to result in a disabled or a non-disabled child. All lives are equal.' If this Bill becomes law, what a cornucopia of joy it would be to mark the 50th anniversary.

The Marie Stopes continuing saga

In August 2016, inspectors from the Care Quality Commission (CQC), the NHS watchdog in England, raised some serious concerns about abortions being carried out by Marie Stopes International (MSI) clinics in England, especially in Norwich. Initially, these concerns were related to governance, consent, training and safeguarding. More specifically, the CQC noted that, for example, 'there were no effective systems to monitor and manage risks', 'staff were not trained to recognise and respond to a deteriorating patient', 'bulk signing of HSA1 consent forms took place' and 'there were no effective systems in place for equipment maintenance'. In addition, the CQC insisted, for example, that MSI must 'review the practice of open storage of multiple surgical termination products in a single container' and 'amend policy and guideline to ensure good infection control practice'. As a result of the above, on 19 August 2016, MSI Norwich voluntarily halted several of its abortion procedures, including the suspension of all surgical terminations at its Norwich Centre. By 7 October, MSI had apparently responded to most of these serious patient safety concerns so that CQC lifted the restrictions on its termination of pregnancy services. On 20 December 2016, the CQC published its full report – it amounted to a damning catalogue of errors. The 30-page document [https://www.cqc.org.uk/sites/default/files/new_reports/AAAG0115.pdf] lists dozens and dozens of inadequate levels of training and standards in surgical safety, anaesthesia, reporting of incidents, life support and the safeguarding of those with learning difficulties. MSI Norwich reads like an incompetent, third-world medical outfit.

In January 2017, the NHS in Norfolk announced that it had transferred its three-year contract for abortion and related services to the British Pregnancy Advisory Service instead of MSI. Is that an improvement? Of course not! Each and every abortion clinic is horrid. There is a section (pp. 64 - 69) in my 2014 book, *Bioethical Issues*, that is entitled, *Abortion Unregulated, Unlawful and Undercover?* – I think MSI Norwich supports my contention.

Abortion law in Northern Ireland

On 2 November 2016, the UK's Supreme Court heard an appeal to allow women from Northern Ireland to access NHS-funded abortion. The challenge was brought by a mother and daughter who travelled to England for the girl to have an abortion when she was aged 15. Last year, the Court of Appeal ruled that there is no legal obligation on health services in England and Wales to provide publicly-funded abortions

which would be unlawful within NI. The complainants were subsequently granted permission to appeal to the Supreme Court. The Supreme Court granted six pro-abortion organisations the right to intervene in the case – these included the British Pregnancy Advisory Service, the Family Planning Association and the British Humanist Association. If the Court approved the case, it would increase abortions for NI women and it would also have serious implications for the rule of law and the value of NI's devolved institutions. Judgement in the case has been reserved until a later date. Meanwhile, a new pro-life organisation in Northern Ireland, *Both Lives Matter*, has published a report entitled, *One Hundred Thousand*. Using a statistically cautious approach, it estimates that there are 100,000 people alive today, who would not be, had the 1967 Abortion Act been introduced in NI. If the Act had been introduced, there would have been, on a low estimate, 163,760 abortions in NI. Set against that, the highest estimate for the number of women from NI who have travelled to England for an abortion over the last 50 years is 61,311. Simple subtraction means an estimated 102,449 abortions have been prevented in NI. Given that some of those would have by now died of natural causes, but also adding in figures for 2016, the report thus estimates that more than 100,000 people are alive today because the Act has not applied to NI. *Quod erat demonstrandum!*

Assisted Reproductive Technologies

Mitochondrial donation approved

In February 2015, the UK Parliament passed regulations permitting maternal spindle transfer (MST) and pronuclear transfer (PNT) to be used as techniques for mitochondrial donation (MD). Since October 2015, the regulatory framework has been in place since. Then on 15 December 2016, the Human Fertilisation and Embryology Authority (HFEA) approved the use of mitochondrial donation in certain, specific cases. This means that specialist IVF clinics wanting to offer the techniques to patients may now apply to the HFEA for permission to do so. It is understood that the first application was on the HFEA's desk within one hour of the announcement.

The HFEA's Licence Committee has the responsibility to assess a clinic's suitability, looking at existing staff expertise, skill and experience, as well as its equipment and general environment. Once this stage has been passed, licensed clinics may apply to the HFEA's Statutory Approvals Committee for permission to treat individual patients. Only when these Committees have both approved the application can the final stage – treatment – begin. The first such child could be born, at the earliest, by the end of 2017.

Dr David King, from the campaign group Human Genetics Alert, said, 'This [HFEA's] decision opens the door to the world of genetically-modified designer babies. Already, bioethicists have started to argue that allowing mitochondrial replacement means that there is no logical basis for resisting GM babies, which is exactly how slippery slopes work.'

In vitro gametogenesis (IVG)

Science fiction becomes reality (again). IVG is a new variant of fertility treatment which uses sperm and ova created from adult skin cells. The technology has so far only been demonstrated in mice. It would currently be illegal to attempt this with humans in the UK and the US. However, it may just be a matter of time before scientists are able to make ordinary human skin cells revert to induced pluripotent stem (iPS) cells, which could then be transformed into human sperm and ova. If perfected with human cells, such a procedure could supply scientists and embryologists with an almost inexhaustible supply of human gametes. Human IVG could be capable of producing hundreds of embryos with the subsequent selection of the best according to customer demand. It would open the spectre of 'embryo farming'.

The mind boggles at the biological, medical, social and cultural changes that IVG could spawn. Procreation, parentage, hereditary and much more would require redefinition. For some more ideas of the possible repercussions, read the paper by Cohen, Daley and Adashi entitled, *Disruptive reproductive technologies* and published in the journal *Science Translational Medicine* (10.1126/scitranslmed.aag2959).

‘Three-parent’ IVF– the continuing saga

It was bound to happen. Following the birth of the world’s first ‘three-parent’ IVF baby boy, Abraham Hassan, in Mexico on 6 April 2016, it was inevitable that some other mavericks would give it a go. Yes, doctors at a fertility clinic in Ukraine announced that such a baby girl had been born on 5 January 2017. There are significant differences between the two events. First, there was no hint that the latter was used to obviate the possibility of any mitochondrial diseases, which has always been the great selling-point of ‘three-parent’ IVF. The Jordanian woman in the Mexican scenario suffered from Leigh syndrome. In the Ukrainian scenario, the couple were simply infertile and had been unsuccessful with conventional IVF. Second, the techniques used were different. An ovum from the 34-year-old woman and one from a donor were fertilised with her partner’s sperm. The pronuclei from the couple’s embryo were then used to replace those in the donor’s embryo. That embryo was then implanted in the mother’s womb. Thus, the mother’s ‘bad’ mitochondria were replaced by the donor’s ‘good’ mitochondria – though in this example no ‘bad’ mitochondria ever existed. This technique is known as pronuclear transfer as opposed to spindle nuclear transfer used in Mexico.

This latest Ukrainian event is thought by some to open a new era in IVF. Valery Zukin, who led the team at the Nadiya clinic in Kiev, considers this treatment would help women whose embryos consistently stop growing before implantation, a condition known as embryo arrest, which affects about 1 in 150 IVF patients. He also believes the method could be used to ‘revive’ the ova of women in their 40s.

Yet ‘three-parent’ IVF still raise controversies over deliberately mixing unrelated genes plus issues of safety. This news from the Ukraine has worryingly demonstrated that ‘three-parent’ IVF has already shifted from a specific technology designed to avoid the birth of children with rare mitochondrial diseases to an unorthodox remedy for unexceptional infertility – ‘three-parent’ IVF has rapidly tumbled down that well-known slippery slope of bioethics. Who could blame the entrepreneurial IVF industry for such a move? After all, there are more potential patients with infertility problems than with mitochondrial diseases.

And there is another issue. It is a cause for concern that the Ukrainian-born baby was a girl – the genetic modifications produced in her could be passed onto her children. According to Lori Knowles at the University of Alberta School of Public Health, ‘Boy babies carrying donor mitochondria cannot pass their modified genetics onto any future children because once a sperm fuses with an ovum to form an embryo, the masculine mitochondria wither and die leaving the resulting embryo with only mitochondria from the mother’s ovum. Knowles further stated, ‘I do think it’s highly significant that this is a girl because we know for sure that she will be passing on her mitochondrial DNA through her maternal line. If in the future this baby girl has genetic children, they will inherit her genetic modifications.’ Zukin understood this. Indeed, he has acknowledged that it would have been better to transfer a male embryo, but he admitted that the IVF technique did not produce a ‘suitable male embryo’, so they used a female embryo instead.

And there is more. Zukin’s procedure has been criticised because it used a virus protein to fuse the mitochondrial DNA into the host ovum. This is regarded by some as an out-of- date method. As Zhang, the researcher behind the Mexican birth, explained, ‘We used an electronic system which is much cleaner.’ He further explained that a virus will permanently integrate into the future baby’s DNA, whereas electronic transfer leaves no lasting genetic mark.

This is all worrying. These one-off reproductive experiments employ untested and unpublished methods, with no control trials, with no generational assessments and occur in far-flung, unregulated locations with the fear of a growing medical tourism. But as Zukin has declared, ‘In Ukraine, the situation is very simple – it’s not forbidden. We have not any regulation concerning this.’ Knowles takes a different view. She has asserted that, ‘Anytime that there is a real push on the side of need and fertility [and] disease relief, we find that the skipping of steps becomes more and more politically and scientifically acceptable until something goes wrong.’

A story you will hardly believe

Assisted reproductive technologies continue to create the most unlikely narratives. Here is another. Hayden Cross is an unemployed British woman living in Gloucester. Three years ago at the age of 17, she began living as a man. Now she has stopped her male transition process because she wants to have a child.

The NHS refused to freeze her ova. So she joined a Facebook group where she found a sperm donor. Now, in January 2017, she is four months pregnant although she has no idea who the father of her child is. As reported in *The Sun*, 'The man came to my house, he passed me the sperm in a pot and I did it via a syringe. I don't know who the bloke was. To be honest I can't remember anything about him. He wouldn't even tell me his name. He didn't want any contact. He said he was just doing it to help people. It was the first attempt and it worked.'

Cross is now being touted as 'the first British man to give birth'. After the birth, she plans to have her breasts and ovaries removed and to continue transitioning to become a male. She has promised, 'I'll be the greatest Dad.' Now dear reader say, 'I hardly believe it!'

Gene Editing

CRISPR at the cutting edge

CRISPR is a naturally-occurring bacterial defence mechanism that scientists have, within the last four years, harnessed to alter DNA sequences in animals, plants and microorganisms. It is uncomplicated, but it has become the latest hot topic in the world of the biological sciences. At a Progress Educational Trust conference held in December 2016, *CRISPR at the cutting edge* was the title of a paper given by Bruce Whitelaw of the University of Edinburgh's Roslin Institute. He stated that, 'For around 50 years, it has been possible to "read" the human genome. Now, we can "rewrite" the genome. Any sequence, in any genome. That is quite an unbelievable power to have.'

He explained that though genome editing has long since been technically possible by previously-available techniques those have now been vastly superseded by easier, faster and more precise CRISPR techniques. How these should be used is for society to decide, he argued. For example, CRISPR methodology could be used to introduce useful genetic variation into livestock, to produce animal offspring of just one gender, to introduce rat pancreatic cells into mouse embryos, to place human cells into animal embryos, or to search for potential medical treatments. Some of the ideas offered by science will be taken forward, while others will be rejected. In order to make sound judgments, the public needs to know the potential of this technology, especially in human embryo research.

Nobody in the UK has yet edited human embryos, but Kathy Niakan's team at the Francis Crick Institute in London has been granted the first UK licence to use CRISPR-Cas9 for such a trial – its time will come. And beyond gene editing for improving human health, the fear is that it 'could start us down a path towards non-therapeutic genetic enhancement'. As others have warned, 'Scientists in Britain are embarking on work that could decide the future of humanity, whether the world is ready or not.' CRISPR-cows are one thing, CRISPR-children are quite another.

The evangelical Christian director of the National Institutes of Health (NIH) in the USA, Francis Collins, has serious ethical concerns about research into gene modification in human embryos. He said in a July 2016 interview with *Buzzfeed News*, 'I do believe that humans are in a special way individuals and a species with a special relationship to God, and that requires a great deal of humility about whether we are possessed of enough love and intelligence and wisdom to start manipulating our own species.' That is a most remarkable and thought-provoking comment.

Stem-Cell Technologies

Stem-cell technologies – caution

Shinya Yamanaka is the Japanese researcher who won the 2012 Nobel Prize in Physiology or Medicine for discovering that mature cells can revert to stem cells, the so-called ‘induced pluripotent stem cells’, or iPS cells. *The New York Times* (16 January 2017) published an interview with him. He has become sceptical about the hype that stem-cell technologies would rapidly lead to ‘personalised medicine’. His answers to the following questions are as insightful as they are instructive.

Was the promise of stem cells overstated? He replied, ‘In some ways, yes, it is overstated. For example, target diseases for cell therapy are limited. There are about 10 – Parkinson’s, retinal and corneal diseases, heart and liver failure, diabetes and only a few more – spinal cord injury, joint disorders and some blood disorders. But maybe that’s all.’ How many compatible donor cell lines do you expect will be needed to cover the Japanese population? He replied, ‘Not that many. One particular line – just one – can work for 17 percent of the Japanese population. We estimate that altogether about 100 lines will suffice for the 100 million people in Japan. The number of human diseases is enormous. I don’t know how many. We can help just a small portion of patients by stem-cell therapy.’

Why so few? ‘We have more than 200 types of cells in our body. But the diseases I described are caused by loss of function of just one type of cell. Parkinson’s disease is caused by failure of very specialized brain cells that produce dopamine. Heart failure is caused by loss of function of cardiac heart cell. So, that’s the key. We can make that one type of cell from stem cells in a large amount, and by transplanting those cells, we should be able to rescue the patient. But many other diseases are caused by multiple types of cell failures, and we cannot treat them with stem-cell therapy.’

What are your biggest concerns about the future of stem cell treatments? ‘I think the science has moved too far ahead of talk of ethical issues. When we succeeded in making iPS cells, we thought, wow, we can now overcome ethical issues of using embryos to make stem-cell lines. But soon after, we realized we are making new ethical issues. We can make a human kidney or human pancreas in pigs if human iPS cells are injected into the embryo. But how much can we do those things? It is very controversial. These treatments may help thousands of people. So getting an ethical consensus is extremely important.’

What is needed before patients can receive stem cell treatments for the 10 or so diseases you identified? ‘Time and money. You know, my father had a small factory. He injured his leg in the factory when I was in junior high. He had a transfusion, and he got hepatitis C. He passed away in 1989. Twenty-five years later, just two years ago, scientists developed a very effective cure. We now have a tablet. Three months and the virus is gone – it’s amazing. But it took 25 years. iPS cells are only 10 years old. The research takes time. That’s what everybody needs to understand.’

Stem-cell technologies – bad

In March 2015, Davide Vannoni, an Italian entrepreneur was convicted on charges of conspiracy and fraud relating to his unproven stem-cell treatments, which have been declared dangerous by the Italian Health Authority (AIFA). Vannoni was sentenced to 22 months in prison, but this sentence was suspended by a plea bargain which banned Vannoni from offering further therapies in either Italy or abroad.

Back in 2009, Vannoni founded the Stamina Foundation. Vannoni claimed that stem cells collected from human bone marrow could be transformed into neural cells by exposure to retinoic acid and, when injected into patients, they could be used to treat diseases as diverse as Parkinson’s, muscular dystrophy and spinal muscular atrophy. Vannoni has not been trained as either a scientist or a doctor, nor has he published any peer-reviewed scientific articles.

Then in November 2016, Vannoni was once more under investigation by public prosecutors in Turin because of suspicions that he was again offering his treatments, this time in Eastern Europe, specifically in

Georgia. Recent cases of similar treatments have led to cancers. Elena Cattaneo, a neuroscientist at Italy's University of Milan, who was among those who worked to stop Vannoni, and who is now an Italian senator, has said that if Vannoni has started again it is '... a disgrace. Governments and health institutes should do more to inform patients about these sorts of therapies.'

Stem-cell technologies – good

Some stem-cell treatments carry a risk of tumour growth and immune rejection. Scientists from the USA and China have developed a synthetic version of a cardiac stem cell. The lead researcher in this work, Ke Cheng, from North Carolina State University, fabricated a cell-mimicking microparticle (CMMP) from poly (lactic-co-glycolic acid) or PLGA, a biodegradable and biocompatible polymer. The researchers then harvested growth factor proteins from cultured human cardiac stem cells and added them to the PLGA. Finally, they coated the particles with cardiac stem-cell membranes. These stem cells do not carry the same adverse health risks because of their partially synthetic composition.

Moreover, there is mounting evidence that stem cells exert their beneficial effects mainly through secretion of regenerative factors and membrane-based cell-cell interactions with the injured cells. When tested in vitro, both the CMMP and cardiac stem cells promoted the growth of cardiac muscle cells. When the CMMP was tested in a mouse model with myocardial infarction, it bound to cardiac tissue and promoted growth after a heart attack – this action was comparable to that obtained with regular cardiac stem cells.

This work was published in *Nature Communications* (26 December 2016) under the title of *Therapeutic microparticles functionalized with biomimetic cardiac stem cell membranes and secretome*. Ke Cheng has said, 'We are hoping that this may be a first step towards a truly off-the-shelf cell product that would enable people to receive beneficial stem-cell therapies when they're needed, without costly delays.' Indeed, this type of approach may be the forerunner which brings the therapeutic benefits of stem-cell therapy without the potential risks. Human heart attack victims may yet be helped.

Euthanasia and Assisted Suicide

Noel Conway – the latest challenger

Who does not have deep pity for a terminally-ill man with motor neurone disease (MND)? But Noel Conway wants more than our compassion. He wants a doctor to be able to prescribe him a lethal dose. This 67-year-old, former college lecturer from Shropshire, who is not expected to live beyond the next 12 months, has become the latest challenger to the 1961 Suicide Act backed by the Dignity in Dying organisation. He is seeking a judicial review of the Act.

It was back in November 2014 that Mr Conway was first diagnosed with amyotrophic lateral sclerosis, a form of MND. He is now dependent on a ventilator overnight, requires a wheelchair and needs help to dress, eat and with personal care, though he is not in pain. He lives with his wife Carol and son Alex, and he used to be very physically active and enjoyed climbing, skiing, walking and cycling. He has already signed up with the Swiss assisted-suicide group Dignitas, but is concerned that when he is ready to die he might be too ill to travel. He has stated, 'I want to live and die in my own country. The current law here condemns people like me to unimaginable suffering – I'm heading on a slow, slippery slope to hell.' His case is expected to be heard at the High Court within a few months.

We have been here before. In June 2014, three such right-to-die campaigners, including Tony Nicklinson, argued before the Supreme Court that the current law was not compatible with the 1998 Human Rights Act, which confirms that individuals should have respect for a private and family life. They lost their bid. In other words, the 1961 Suicide Act remained intact and doctors were not allowed to assist in suicide. Nevertheless, Lord Neuberger, president of the Court, warned that if Parliament failed to consider the issue, there was a 'real prospect' of a successful future legal challenge. And so it came to pass that in

September 2015, the democratically-elected Parliament did consider this very issue. And MPs overwhelmingly rejected the Assisted Dying (no. 2) Bill 2015-16, by 330 votes to 118, a majority of 212. Nevertheless, there is still an unrelenting pressure to bring the assisted suicide issue back to the courts. Parliamentarians may have pronounced, but what about the judiciary?

Assisted Dying Bill [HL] 2016-17

Lord Hayward presented this Bill at its first reading on 9 June 2016. In summary, it is, 'A Bill to enable competent adults who are terminally ill to be provided at their request with specified assistance to end their own life; and for connected purposes.' The date for its second reading has yet to be announced.

Suicide – assisted and otherwise

On 19 December 2016, the House of Commons Health Committee published an interim report on *Suicide Prevention*. It stated that, 'The scale of the avoidable loss of life from suicide is unacceptable. 4,820 people are recorded as having died by suicide in England in 2015, but the true figure is likely to be higher. The 2014 suicide rate in England (10.3 deaths per 100,000) was the highest seen since 2004, and the 2015 rate was only marginally lower at 10.1. Suicide disproportionately affects men, accounting for around three quarters of all suicides, but rates are rising in women. It remains the biggest killer of men under 49 and the leading cause of death in people aged 15–24.'

In other words, recent governmental strategies to reduce the number of suicides in England have failed, and a new drive to tackle the problem must be backed by a clear implementation strategy. The MPs called for better training for GPs in identifying and dealing with suicide risk, better support services for the vulnerable, more timely and consistent data and a more rigorous application of media guidelines relating to the reporting of suicides.

Every suicide is a tragedy and the Committee's recommendations to the Government are commendable and welcome. But there is an absurd contradiction here. How can we press GPs and others to implement a suicide prevention programme while other groups in society are calling for legislation to allow assisted suicide?

USA and Elsewhere

President Donald J Trump

Well, who'd a thunk it? Donald J Trump, having won the election, but lost the popular vote, is now the 45th President of the United States. His inaugural speech on Friday 20 January 2017 was different, disturbing and determined. Although he did not specifically mention bioethical issues, such as abortion and same-sex 'marriage' in his address, he has made major promises on these issues during his campaign. Here are three:

First, he promised to appoint pro-life judges to the Supreme Court. The death of Justice Antonin Scalia in February 2016 created a vacancy. On several occasions Trump had promised, if he were elected, to put pro-life justices to the bench. There are currently eight Justices with one to be chosen. The current balance, with respect to abortion, is thought to be 4 v. 4. So the next appointee is crucial if the 1973 abortion decision *Roe v. Wade* is to be challenged, even overturned. During the final presidential debate on 19 October 2016, Trump was asked if he wanted the Court to annul *Roe v. Wade*. He replied, 'Well, if we put another two or perhaps three justice on, that's really what's going to be, that will happen. And that'll happen automatically, in my opinion, because I am putting pro-life justices on the Court. A few days later, on 27 October in a TV interview, he was challenged again, 'You weren't always pro-life, but you now are determinedly and decidedly pro-life?' Trump replied, 'Yes, I am pro-life.'

Second, he promised to repeal Obamacare. Many, including evangelical and Roman Catholic individuals and communities, have robustly opposed Obama's Affordable Health Care Act, which has forced employers to pay for contraception, including abortifacients and sterilisations, for their staff. Trump has stated, 'We're also going to repeal and replace disastrous Obamacare, which gives the government control over the lives

of everyday citizens. It is a disaster. It's a disaster, and everybody knows it. And it's going to die of its own weight anyway, but we're going to get rid of it and we're going to replace it with some great, great alternatives – much better healthcare at a much lower price.'

Third, he promised to defund Planned Parenthood. After the infamous 2015 videos that uncovered evidence of Planned Parenthood's involvement in the illegal sale of aborted baby body parts, asked, during a 14 September interview, if he would vote to defund the abortion giant, Trump replied, 'Yes, I've seen it, and I think you know my stance on it. I've said it before, but ... I've seen the videos. I think it's a disgrace, and the answer is I would vote to defund.' Again on 18 October, he stated that, 'Planned Parenthood should absolutely be defunded. I mean if you look at what's going on with that, it's terrible.'

We have all become too aware of the political gap between campaign promises and enacted policies. Now let's see if Trump is an honourable man who can truthfully deliver on his pledges. He seems to have started well. On the evening of his inauguration, he signed an order to begin rolling back Obamacare. On 23 January, his first full day in office, and a day after the 44th anniversary of the Roe v. Wade ruling, Trump signed another executive order reinstating the so-called 'Mexico City Policy'. This bans US government funding, which in 2016 amounted to \$400 million, for the foreign efforts of organisations that perform abortions overseas or lobby for legalising them in foreign nations, like Planned Parenthood and Marie Stopes International. And on 27 January, Trump sent his vice-president, Michael Pence, to address the annual March for Life rally in Washington. Pence told the crowd, that the Trump administration is determined to advance the fight against abortion. 'We will not grow weary,' he said. 'We will not rest, until we restore a culture of life in America for ourselves and our posterity.' So far, so good! It does seem that the USA has a new pro-life President.

Neil M Gorsuch

Then on Tuesday 31 January, President Trump increased his pro-life ratings by announcing that his Supreme Court nominee was the 49-year-old conservative from Colorado, Neil Gorsuch. Gorsuch's academic record is impeccable having excelled at Columbia University, gained a doctorate in legal philosophy from the University of Oxford and a law degree from Harvard University. His judicial performance, on the US Court of Appeals for the Tenth Circuit, is highly regarded. It has been said that, 'his opinions are exceptionally clear and routinely entertaining; he is an unusual pleasure to read, and it is always plain exactly what he thinks and why.' He has a good track record of defending Christians in religious liberty cases, including those in the Hobby Lobby and the Little Sisters of the Poor saga. He has written a 2009 book called *The Future of Assisted Suicide and Euthanasia* which included the line, 'To act intentionally against life is to suggest that its value rests only on its transient instrumental usefulness for other ends.' He is reputed to be anti-abortion, though he has yet to decide in any such specific case.

If approved by the Senate, and the Democrat minority there has promised to prolong proceedings, Gorsuch, as an Episcopalian, will become the only Protestant judge on the Supreme Court – five current members are Roman Catholic and three are Jewish. But more significantly, if Roe v. Wade comes before the Court, the balance would be decidedly pro-life. Moreover, because of his relatively young age, Gorsuch could serve on the Court for 30 years and more and thus significantly reshape the legal, political and social culture of the US.

Neil Gorsuch, lives with his wife, Marie Louise, commonly known as Louise, who was born in the UK, and his two daughters, Emma and Belinda, in Boulder, Colorado where they attend St. John's Episcopal Church, a liberal congregation led by the pro-LGBT rector, Rev. Susan W Springer. The couple met while he was studying at Oxford. They are outdoors people – they enjoy fishing and they also raise horses, chickens and goats. Trump had long promised that his nominee for the Supreme Court would be one that, '... evangelicals, Christians, will love.' We await hopefully to prove the President right.

China's one-child policy's protracted catastrophe

The success of any governmental policy can be judged by its effective legacy. Abandoning its one-child policy after more than three decades, China is now faced with the demographic aftermath. Since January 2015, couples have been allowed to have a second child. And in 2016, Chinese parents welcomed almost 18 million babies – an increase of 1.3 million on 2015. But this is still far short of the population boost hoped for. Moreover, it seems as though many couples are not keen on having more children – the concept of bearing children has changed.

The new relaxed policy is certainly too little too late to reverse China's inevitable transformation into an ageing society with a shrinking workforce. The Communist Party said that it hoped for an additional 3 million babies a year over the next five years. But in 2016, the world's most populous country recorded 9.8 million deaths yet grew by only 8.1 million people to 1.383 billion. However, the Chinese workforce, measured as those aged between 16 and 59, fell by 3.49 million, while the number of people aged 60 or over increased by 10.86 million to 230.9 million, or 16.7 per cent of China's total population. Decades of a devastating policy of controlled procreation plus forced abortion and gendercide has created a legacy of protracted catastrophe.

Miscellaneous

Norma McCorvey (1947 - 2017)

Abortion legalisation in the USA was decided in 1973 by the Supreme Court in the landmark case of *Roe v. Wade*. The outcome was the creation of a new liberty, namely, the constitutional right of a woman to obtain an abortion. Norma Leah McCorvey was the plaintiff, named as Jane Roe. The following includes an edited excerpt from my 2014 book, *Bioethical Issues*, because everyone should understand the significance of *Roe v. Wade*.

The key events begin here. In the summer of 1969, Norma McCorvey, a twenty-one-year-old mother of two, became pregnant again, but this time she wanted an abortion. Texas law prohibited abortion, except to save a woman's life, so McCorvey sought one illegally, but without success. In the meantime, she had met two lawyers, Linda Coffee and Sarah Weddington, who were looking for somebody – anybody - to further their own pro-abortion legal ambitions. McCorvey agreed to become the plaintiff, under the alias of Jane Roe, in a test case alleging that the Texas anti-abortion law of 1859 was unconstitutional. On 3 March 1970, a complaint was filed naming Dallas County District Attorney Henry B. Wade as the defendant. On 10 October 1972, after a journey through the lower courts, the *Roe v. Wade* case finally arrived at the Supreme Court. The plaintiffs emphasised the constitutional right to personal privacy, while the state of Texas claimed a compelling interest to protect both prenatal life and the mother's health. Some three months later, Justice Harry Blackmun delivered the 7-to-2 majority decision of the Supreme Court in favour of *Roe*. The Court decided that the right of personal privacy, including restrictions upon state intrusion, as contained in the Ninth and Fourteenth Amendments of the Constitution, was broad enough to encompass a woman's decision to terminate her pregnancy. Moreover, the word 'person', as used in the Constitution and the Fourteenth Amendment, did not include the unborn. The Court also found that it could not decide on the question of when human life begins. However, it did hold that neither the lack of a right to protection for a foetus by the state, nor a woman's right to privacy, was absolute. It is noteworthy that McCorvey never appeared in Court and that the judgement came too late for McCorvey – she gave birth to her third child, a daughter, in 1970.

To state that Norma McCorvey was a mixed-up woman is an understatement. Her childhood and teen years were dreadfully unstable – her father, Olin, a TV repairman and a Jehovah's Witness minister, left the family when she was 13 years old and her parents subsequently divorced. She and her older brother were raised by their mother Mary, a violent alcoholic. McCorvey attended a Catholic boarding school and was soon in trouble – at 10 years old, she robbed the cash machine at a garage and ran away with a girlfriend.

She was quickly declared a ward of the state. She continued to have minor brushes with the law and alleged that she had been repeatedly raped by a cousin and sexually assaulted by a nun. She found work in a restaurant and there met Elwood 'Woody' McCorvey – they were married while she was 16 and separated soon after. By 1965 she gave birth to her first child, Melissa. She developed a serious drinking and drugs problem, was often homeless, declared herself to be a lesbian and was tricked by her mother into giving Melissa up for adoption. McCorvey became pregnant again and that baby was also placed for adoption. And then in the summer of 1969, she was pregnant again and the story of the above paragraph begins.

There was an unexpected postscript to the Roe v. Wade verdict. Fearing for her safety, she initially hid her 'Roe' identity. She then went to work in a Dallas abortion clinic. During that time, some evangelical Christians and others picketed her workplace; some screamed at her, while others befriended her. One day, Emily, the seven-year-old daughter of such a pro-life friend, asked her, 'Why do you let them kill the babies at the clinic?' The child's artless question pierced McCorvey's heart and prompted the great change. In 1995, she professed to have found God as a born-again Christian, was baptised, left her job at the Texan abortion clinic and turned pro-life. Norma McCorvey believed she had been 'set up' by the pro-choice movement and especially by their two women lawyers. She came to regret her part in legalising US abortion. She subsequently stated, 'I think abortion is wrong ... I just have to take a pro-life position. I'm 100% pro-life. I don't believe in abortion even in an extreme situation. If the woman is impregnated by a rapist, it's still a child. You're not to act as your own God.'

A few weeks after her conversion to Christ, she explained her abortion epiphany like this: 'I was sitting in O.R.'s [Operation Rescue's, a pro-life group] offices when I noticed a fetal development poster. The progression was so obvious, the eyes were so sweet. It hurt my heart, just looking at them. I ran outside and finally, it dawned on me. 'Norma', I said to myself, 'They're right.' I had worked with pregnant women for years. I had been through three pregnancies and deliveries myself. I should have known. Yet something in that poster made me lose my breath. I kept seeing the picture of that tiny, 10-week-old embryo, and I said to myself, that's a baby! It's as if blinders just fell off my eyes and I suddenly understood the truth – that's a baby! I felt crushed under the truth of this realization. I had to face up to the awful reality. Abortion wasn't about 'products of conception'. It wasn't about 'missed periods'. It was about children being killed in their mother's wombs. All those years I was wrong. Signing that affidavit [as Jane Roe] I was wrong. Working in an abortion clinic, I was wrong. No more of this first trimester, second trimester, third trimester stuff. Abortion – at any point – was wrong. It was so clear. Painfully clear.'

She wrote two books. The first, *I Am Roe*, was a 1994 autobiography about her sexual orientation. Her second, published in 1998, was *Won By Love* in which she explained her change on abortion thinking. Later she renounced her lesbianism and was received into the Roman Catholic church. She also formed her own advocacy group, Roe No More Ministry, and continued to speak out against abortion. In 1973, she petitioned, unsuccessfully, the Supreme Court to overturn its 1973 decision. She supported pro-life candidates and demonstrated against pro-abortion speakers, including Barack Obama, and was arrested for such actions.

For much of her life, Norma McCorvey was indeed a seriously mixed-up woman. Her formative years were disastrous and she continued to make huge mistakes. But who can gainsay her later pro-life stance? Yes, she was a participant in the most infamous legal case in US history, which has since paved the way to an estimated 58 million abortions. But, yes, she confessed her errors and sought to make amends. She died from heart failure at a care home in Texas on 18 February, aged 69. Sadly, she did not live long enough to see a longed-for legal challenge, even the overthrow, of the colossus that still bears her name, Roe v. Wade.

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.

Ashers Baking Company

The Court of Appeal in Belfast gave judgment on 24 October 2016, upholding the decision of the county court that the bakery unlawfully discriminated against Gareth Lee on grounds of sexual orientation and political opinion by declining in May 2014 to ice a cake for a political event bearing the slogan ‘support gay marriage’.

Further hearings took place in the Court of Appeal in Belfast on 22 November, 16 December, and 21 December 2016 to determine whether Ashers have a route of appeal to the United Kingdom Supreme Court. The Court of Appeal concluded that a route of appeal exists but refused to grant permission to appeal, saying that the matter of whether there should be an appeal should be left to the Supreme Court to decide. So on 13 January 2017, an application for permission to appeal was lodged with the Supreme Court. A decision about whether leave will be granted is awaited.

On 16 December, the Court of Appeal decided that it would award costs against Ashers following its unsuccessful appeal, but that the costs should be limited to the (modest) small claims court scale to reflect the value of the cake in issue (£36.40) and the £500 damages awarded to Mr Lee.

This case continues to raise important concerns about compelled speech and freedom of thought, conscience and religion. The Christian Institute has funded Ashers’ case and supported the McArthur family throughout. (*The Christian Institute*)

Named Person scheme

On 28 July 2016 five judges of the United Kingdom Supreme Court handed down their unanimous decision in *The Christian Institute and others v The Lord Advocate*. Accordingly, the information-sharing provisions which were central to the Scottish Government’s ‘named person scheme’ were struck down by the Supreme Court on the basis of their incompatibility with the right to a private and family life.

An announcement is expected in due course from the Scottish Government regarding whether (and if so how) they will amend the named person legislation to make it human rights compliant. However, it is clear that any new legislation cannot deliver a named person scheme along the lines originally envisaged by the Government.

The Supreme Court made an order on 10 November 2016 requiring the Scottish Government to pay The Christian Institute’s legal costs for their appeal to the Supreme Court and for their challenge in the courts below. This means the Government is liable to pay the Institute’s legal costs for three separate court stages i.e. both the Outer and Inner Houses of the Court of Session in Edinburgh and for the successful appeal to the Supreme Court in London. The Government’s submission that they should only be liable for the Institute’s costs in relation to particular grounds of the legal challenge was rejected. (*The Christian Institute*)

Religious Freedom at Work and in Education

Victoria Wastenev

Victoria Wastenev, a former senior NHS occupational therapist, was disciplined for giving a Christian book

to a Muslim colleague and for praying for her. She was suspended by the NHS Trust for almost nine 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.

An Employment Tribunal ruled that the Trust was justified in disciplining Victoria for sharing her faith with her colleague, despite seeing evidence that Victoria's colleague appreciated and reciprocated her friendship.

Victoria appealed the Employment Tribunal's decision to the Employment Appeal Tribunal. They too decided against her, holding that the treatment of which she complained was because of, and related to, her inappropriate actions, rather than any legitimate manifestation of her belief.

Victoria has been granted an oral hearing at the Court of Appeal in May. (*The 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, Barry 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. The prisoners were at the service of their own volition, and were free to leave at any point.

Four days after the service, a complaint was made. Barry 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 and he was issued with a final warning. Barry complained to the Employment Tribunal that he had been constructively dismissed and that he had been discriminated against because of his Christian faith.

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 towards homosexual prisoners, even though no evidence for this was presented to the Employment Tribunal.

The Employment Tribunal held that Barry had not been discriminated against by the prison by sharing his Christian faith. This decision has very disturbing implications for the freedom to maintain gospel witness in prisons.

Barry applied for permission to appeal the Employment Tribunal's decision to the Employment Appeal Tribunal, and this permission has recently been granted. The hearing at the Employment Appeal Tribunal commences in April. (*The Christian Legal Centre*)

Richard Page

Richard commenced work as a magistrate in Kent where he served for 15 years. During this time, he became a well-respected member of the Family Panel.

In July 2014, while presiding over an adoption case involving a same-sex couple, Richard expressed the view that a child is best raised by a mother and a father during a closed-door consultation with colleagues. Having heard all the evidence, he 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.

His colleagues complained about him and, 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. They told Richard

that his Christian beliefs about family life were discriminatory against same-sex couples. He was publicly reprimanded and barred from sitting as a Magistrate until he had undergone equality training.

In March 2016, Mr Page appeared for a few seconds on BBC Breakfast News and said that *'my responsibility as a Magistrate as I saw it, was to do what I considered best for the child, and my feeling was therefore that it would be better if it was a man and woman who were the adoptive parents'*. Richard was removed from the Magistracy by the Lord Chancellor and Lord Chief Justice for the comments he made during the BBC interview which were held to have brought the magistracy into disrepute which constituted serious misconduct.

Mr Page has lodged a claim at the Employment Tribunal, claiming discrimination on grounds of his Christian faith.

A preliminary hearing concerning judicial immunity was scheduled at the Employment Tribunal for October 2016, though this was subsequently adjourned. The adjournment was made to allow the Supreme Court to consider judicial immunity in a separate case before them later this year. The hearing has not been scheduled, though will likely take place in winter 2017.

In a separate matter, but one which is related to Richard's decision in the adoption case, the NHS Trust where Richard used to be a non-executive director, suspended him pending investigation into his comments. They later decided that it was not in the interests of the health service for him to continue serving as a non-executive director. This is a further example of the way in which Christians are being forced out of public life for holding Bible-based beliefs.

At a preliminary hearing at the Employment Tribunal in January 2017, the judge described Richard Page's case as *'crying out to be heard'*. A full hearing has thus been scheduled for August. (*The Christian Legal Centre*)

Felix Ngole

Felix Ngole was studying at the University of Sheffield on an MA Social Work course. In a Facebook discussion about Kim Davis' case, the marriage registrar who refused to register same sex weddings, Felix posted bible verses and comments to demonstrate the Bible's teaching on sexual ethics and marriage. An anonymous complaint was made about Felix's comments and Felix was investigated by the University.

Felix was removed from the course because his comments may have caused offence and his subsequent appeal was dismissed. The University's decision prevents him from pursuing his desired profession as a social worker and highlights their very concerning position that only certain views about sexual ethics are acceptable.

Felix challenged the University's decision by submitting a complaint to the Office of the Independent Adjudicator, but this has recently been rejected. He will now continue to seek redress through the courts, with the support of the Christian Legal Centre. (*The Christian Legal Centre*)

Sarah Kuteh

Sarah began working for the NHS Trust in 2007, and initially served as a Senior Staff nurse for 5 years in the intensive care department, before being promoted to Sister. In January 2016 she was assigned a position in the pre-operation assessment department.

Her role included taking patients through a pre-op assessment questionnaire, covering various topics including the patient's contact details, their health, allergies to medication, and their GP's details. The questionnaire also asked about the patient's religion, as this may have informed their future treatment.

Many patients expressed their beliefs in the questionnaire, and, on occasion, Sarah would enter into

discussions with them about their faith. Where the patient said that they were not interested in religion, she would ask, where appropriate, how they had arrived at their decision. Depending on the patient's demeanour and their willingness to talk about religion, she would also sometimes share briefly about how her faith had changed her life.

Following a short investigation, during which Sarah was unable to quiz the witnesses who had made complaints, the hospital dismissed Sarah in August 2016 for gross misconduct, a penalty which Sarah believes is completely disproportionate and punitive.

Supported by the Christian Legal Centre, Sarah has filed a claim for unfair dismissal in the Employment Tribunal. The hearing is expected to take place in Spring. (*The Christian Legal Centre*)

Right to Life (Assisted Suicide)

Nikki and Merv Kenward

Nikki and Merv Kenward, who campaign against euthanasia and assisted suicide, have been seeking to challenge the decision of the Director of Public Prosecutions to change the policy on the prosecution of healthcare professionals who assist patients in committing suicide. In October 2014, the DPP amended the policy, making the prosecution of healthcare professionals in assisted suicide cases less likely.

In response, the Kenwards sought to challenge the decision, arguing that the DPP acted outside of her powers by liberalising the policy and that this would endanger many vulnerable people. However, in December 2015 the High Court ruled that the DPP had acted lawfully and thus the Kenwards' application was refused.

The Kenwards appealed to the Court of Appeal for permission to appeal the High Court's decision. This application was initially refused, though the Kenwards were granted permission for an oral hearing which took place at the Court of Appeal in January 2017.

Lord Justices Longmore and Kitchin heard the Kenwards' appeal application, but unfortunately refused permission for the appeal to go ahead. The Kenwards, with the continued support of the Christian Legal Centre, are now examining all available legal means in order to continue their fight on behalf of the millions of vulnerable UK citizens who could be victimised by liberalised assisted-suicide laws. (*The Christian Legal Centre*)

Right to Life (Abortion)

Aisling Hubert

Aisling Hubert began private prosecutions against two doctors who were caught offering sex-selective abortion for baby girls. The CPS had already investigated the case, but decided against prosecution because, whilst there was sufficient evidence, it would 'not be in the public interest'.

However, Aisling's attempt to bring the doctors to justice was again halted by the CPS when they intervened and stopped the private prosecutions. As a result, costs orders were made against Aisling, in favour of the doctors. She then faced a further costs order after unsuccessfully challenging the CPS's decision to stop the private prosecutions. The costs orders against her totalled more than £40,000. Aisling attended court on 17 January 2017 to challenge the costs orders made in favour of the doctors. After the judge ruled that the costs could not be amended, a settlement was reached regarding the amount Aisling had to pay. She now has until mid August to pay the agreed amount (which cannot be disclosed because of the doctors' wish for confidentiality).

While we are very disappointed with the result, the case has achieved much in terms of exposing unlawful

abortion procedures and the failures of the CPS to afford justice to the most vulnerable in our society. With the help of the Christian Legal Centre, Aisling will continue to fight for justice for the unborn. (*The Christian Legal Centre*)

Family

Bodnariu family

In November 2015, Marius and Ruth Bodnariu had their five young children snatched from their care and scattered across three different households, three hours away from their family home. Upon a minor complaint being made by the school headmaster that one of the daughters mentioned she had been spanked, Norwegian child and family services began an investigation that was mired in prejudice from its very beginning.

Based solely on the testimony of children elicited through unchecked questioning, which the principle investigator recognised was likely to be untruthful, they were snatched from their parents. After being removed, the children were systematically interrogated for hours without recourse to legal counsel or any other safeguarding supervision to ensure their testimony was not achieved through manipulative questioning. The coercive nature of the investigations led to Naomi exclaiming during her testimony: 'I don't know what else to make up.'

Despite all medical and psychological assessments showing that the children were not subjected to violence or abuse, it took nearly a year for the family to be reunited. Desperate to provide solace to their traumatised children during this period, Marius and Ruth were forced to sign agreements stating that they would not speak their native language whilst communicating with their children. Any conversations would be terminated upon this agreement being breached.

The unnecessarily delayed reunification, coupled with coercive investigations, did serious harm to the interests of the Bodnariu's five children. Iona suffered extensive emotional, psychological and physical harm from being separated from his parents for a prolonged period, and baby Ezekiel was subjected to multiple x-rays, despite there never being any evidence of abuse. Following the trauma, Marius and Ruth moved to Romania, having left their comfortable and prestigious jobs and their family home, to dedicate time to the healing of their family.

Christian Legal Centre is providing close support to the Bodnariu family, and recently filed a claim to the European Court of Human Rights about the way that the family was treated. (*The Christian Legal Centre*)

Persecution

American pastor

The client is an American pastor who has led a small congregation in Izmir, Turkey for 20 years. Following the failed coup, and in the wake of mass arrests under the Erdogan government, he and his wife were arbitrarily arrested. While his wife was released a few days later, the client has been charged with conspiring with those involved in the coup and faces terrorism charges. He has not been presented with any evidence and has spent much of his time in solitary confinement.

If diplomatic efforts from the US Government fail, Christian Legal Centre will help the couple to file a case at the European Court of Human Rights. (*The Christian Legal Centre*)

Transgenderism

'Bethany'

A Christian family fear, that unless they allow their 14-year-old daughter 'Bethany' to change her name to 'Gary', (names changed) she might be taken into foster care. The family are locked in a battle with social

services concerning their daughter, who, within a few months of returning to school after being home educated, started to dress as a boy and decided that she wanted to be called Gary.

The parents were originally told that their refusal to allow the name change is tantamount to 'neglect'. Although social services have now moved away from that position, they are still very much involved in monitoring the situation.

The Christian Legal Centre continues to work with the family and seek the best professional support for Bethany. *(The Christian Legal Centre)*

Guidance for schools

The Christian Legal Centre has recently provided an exhaustive legal memorandum covering policy related to sexual orientation and transgenderism, as well as the pertinent law for independent Christian schools on curriculum, pastoral care, safeguarding, employment policy, uniforms, chapel and numerous other topics.

The advice has been provided and later adapted to become a generic piece for other schools to use. *(The Christian Legal Centre)*

Education

Minister in London

The Christian Legal Centre is currently supporting a minister concerned about a mandatory event at his daughter's school which would take up 1 ½ days of school time. The *Humanutopia* group came to present on various subjects with which the Christian father was uncomfortable.

Christian Legal Centre has written a letter on the client's behalf, as well as a generic letter for other parents, so that they can exercise their legal parental rights for their children to opt out of the day and some of the events.

Following receipt of the letter, the minister's daughter has been allowed to miss the programme. *(The Christian Legal Centre)*

Christian Schools targeted by Ofsted

Christian Legal Centre are currently supporting 10 Christian schools following the 'Accelerated Christian Education' curriculum, after Ofsted inspections were carried out in October 2016 at each school with one day's prior notice. Numerous factors indicate the presence of a political agenda discriminatory to the confessional nature of the schools and their Christian ethos and curriculum.

Three years ago, almost all ten of the schools inspected received a 'good' or 'outstanding' rating. These very same schools have now been deemed by Ofsted as 'inadequate' or 'requires improvement'. Hostility was shown towards the biblically-based curriculum of the schools and an overall lack of religious literacy with Christian specific elements of the schools.

During one inspection, a senior staff member at the school overheard a phone call between an Ofsted inspector and Ofsted, during which the inspector said 'I can nail this one on progress in reading and writing alone'. Pupils were also asked questions by inspectors behind closed doors without a member of staff present, with the questioning described by pupils as 'entrapment'.

The schools were also criticised for not actively promoting respect for people within the protected characteristics enumerated in the Equality Act 2010 as a means of undermining their strong Christian ethos.

Numerous avenues are currently being pursued to tackle this injustice. *(The Christian Legal Centre)*

Contributors to this issue of *The Bulletin*

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