

UK: Faith lobby and secular laws

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Can religious bodies claim a privileged status and demand exemption from secular laws, especially those intended to prevent discrimination?

While across the Channel in France secularists are on the march and busy banning any hint of religiosity in public, in Britain the wind appears to be blowing in exactly the opposite direction with the religious establishment setting the agenda. Its latest triumph is winning an extraordinary exemption from a new equality law which would make it illegal for employers to discriminate on the basis of people's sexuality.

The exemption means that religious bodies would be able to refuse — with impunity — to hire gays even for jobs which have no bearing on religion thus closing a whole range of employment opportunities for them. It will also allow foster care homes run by religious charities to decline to place children with same-sex couples.

As commentators have pointed out the bill was never designed to impinge on the right of religious groups to apply faith criteria to religious jobs such as priests, imams or pundits but simply to clarify which jobs should be open to all irrespective of their beliefs, gender or sexuality.

The government was forced to retreat after a revolt by bishops in the House of Lords and a strong public protest from the Pope who denounced Britain's equality laws as a threat to religious freedom.

In a speech, announcing his visit to Britain in the autumn, he accused his prospective hosts of violating "natural law" and imposing "unjust limitations on the freedom of religious communities to act in accordance with their beliefs." He urged a group of visiting Catholic bishops from England and Wales to stand firm in defence of their religious beliefs that, he suggested, were under threat in Britain.

The Pope's intervention, which emboldened the Church of England and other faith groups to step up their opposition to the bill, surprised observers. One newspaper noted that it was "highly unusual" for a foreign head of state to intervene so directly in the legislative process of another country.

But there's a more fundamental issue at the heart of this debate: can religious bodies claim (and be granted as has happened in this case) a privileged status and demand exemption from secular laws, especially those intended to prevent discrimination on grounds of religious or other prejudices? Government's "surrender"

"The question the Pope seems to skate over is whether religious communities can legitimately choose for themselves their own constitutional arrangements. The Pope's view is a misunderstanding of that principle.... Laws that subject religion to the same responsibilities on discrimination as civil society are not a violation of religious liberty because they do not penalise religion," wrote *The Times'* commentator on religious affairs Ruth Gledhill.

Liberal opinion across the religious divide is incensed over what it sees as the government's

“surrender” to the faith lobby to win its support in the coming general elections. There is a substantial Catholic vote (almost five million) and which way it goes could influence the outcome.

Allegations of political opportunism apart, the exemption, it seems, could be in breach of the European Union’s employment directive. According to the National Secular Society, the original bill was designed to bring the U.K. law in line with the EU directive and by agreeing to the changes forced by faith groups the government has put itself on a “collision course” with the EU.

“This could lead to the Government facing prosecution by the European Court of Justice,” warned the Society’s Executive Director Keith Porteous Wood announcing the launch of an online public petition against the changes and the Pope’s planned visit.

Ironically, while church attendance across Britain is reported to be in free-fall (the Church of England feels specially neglected by its flock) religious groups and individuals have become increasingly vocal in recent years in opposing laws that they see as being inconsistent with their own beliefs.

Two years ago, Britain’s Catholic church nearly derailed a landmark legislation allowing scientists to create hybrid embryos in order to find cure for diseases like Alzheimer’s and multiple sclerosis. It portrayed the legislation as a “monstrous attack” on Catholic beliefs and urged Catholic MPs and ministers to “act according to their Catholic convictions” when voting on it.

Invoking their “religious conscience,” three senior cabinet ministers threatened to resign if they were forced to support it plunging the government into a crisis. And, in the end, they had their way as the government was compelled to allow a free vote on several key clauses.

Meanwhile, state-funded faith schools that are effectively licensed to discriminate against the children of taxpayers of other faiths are proliferating in the name of multiculturalism with Christians, Jews, Muslims, Hindus and Sikhs all drawing on public money to run denominational institutions.

As we go to press, there are reports that a judge is to be investigated by the Judicial Complaints Office for giving a lenient sentence to an accused because he was a “religious” man!

Suspending his jail sentence, the judge told him: “I am going to suspend this sentence for the period of two years based on the fact that you are a religious person.... and you know this is not acceptable behaviour.”

The judge in question is former Prime Minister Tony Blair’s wife Cherie, a practising Catholic who apparently had a huge influence on her husband’s decision to convert to Catholic faith.

Ironically, the accused committed the offence (he punched another man in the face) as he came out of a mosque after offering *namaaz*!

by Hasan Suroor

P.S.

* Source: The Hindu, 10 February 2010.