

Consultation on the Northern Ireland Freedom of Conscience Amendment Bill

The Faith and Pride response

version 2 with corrections

written and collated by
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The response of Faith and Pride to the
Consultation on the Northern Ireland Freedom of Conscience Amendment Bill
is written and collated by Andrew McFarland Campbell
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Faith and Pride thanks everyone who took part in their consultation exercise
which allowed us to make our response more representative.

Introduction

Faith and Pride is a non-denominational gay Christian organisation in Northern Ireland. The proposed conscience clause deals with the “Clashing Rights” of gay people and religious people, and is therefore of direct interest to Faith and Pride.

In order that our response truly represented the opinions of gay Christians in Northern Ireland and not just the opinions of the people who run Faith and Pride, we ran a consultation on our website from 20 December 2014 to 31 January 2015. The questions that we asked in our consultation were identical to the questions asked in the DUP’s consultation, with the option to add any additional comments.

Summary of responses

A total of 35 responses was received. The results are summarised in the following tables.

Responses — Questions 1, 2, & 3

Question	Yes	No	Unsure	No response	Faith and Pride’s response
1	2	31	2	0	No
2	10	17	6	2	No
3	23	7	4	1	Unsure - see below

Responses — Question 4 & 5

Question	Positively	Negatively	Not at all/ not significantly	Unsure	No response	Faith and Pride’s response
4	2	33	0	0	0	Negatively
5	1	32	2	0	0	Negatively

Question 6 was largely outside Faith and Pride’s area of concern, although the responses are described below.

Question 7 indicated strong feelings opposed to the proposed legislation, for both religious and secular reasons.

For other reasons, outlined below, Faith and Pride believes that the proposed legislation does not solve the problems that it claims to solve, encourages unchristian behaviour, and fails in the most fundamental Christian duty of protecting the weak.

Overall, based on the responses we have had, and an analyses of the proposed legislation compared to the teaching of the New Testament, Faith and Pride is opposed to the proposed legislation.

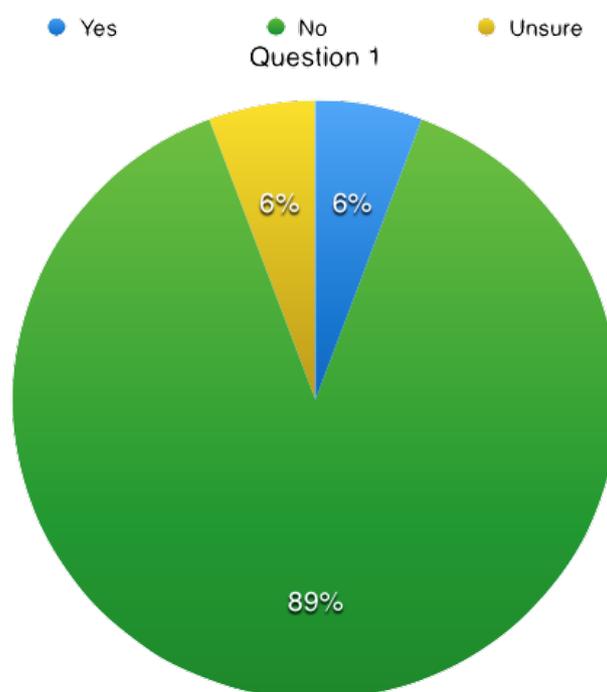
Responses in detail

This section has an analysis of the numerical responses for each question (where appropriate) and an explanation of how Faith and Pride's response was determined. It also has a summary of the text-based responses we received. As Faith and Pride is a Christian organisation, greater weight has been given to the religious responses, although secular comments have also been taken into consideration.

Question 1

89% of the respondents answered no. Based on this, Faith and Pride's response to Question 1 of the DUP's consultation is

No it would not be appropriate to amend the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 as proposed.



Several respondents expressed religious objections in their answers to Question 1.

One respondent said that the proposed legislation

“ignores those of faith who are supportive of LGBT members and indeed wish to carry out same-sex marriage.”

and that

“Faith is already protected within the Equality Act and faith organisations and their related groups, unless they exist solely for commercial purposes are already exempt from the sexual orientation regulations.”

Another respondent commented,

“Christ commands that his followers must not treat any other human being in a way in which they would not like to be treated themselves. This attempt to legalise discrimination against LGBT people is unchristian and sinful.”

A third said that it is “evil to discriminate”.

A fourth respondent said

“The amendments define religious freedom in ways that license prejudice” and that for that reason “these amendments will cause more harm than good”.

A fifth respondent’s response is worth quoting in full:

“I believe this to be discriminatory and this should not be allowed in law. As for a sincerely held religious belief in this according to Christianity, i can point to several points in both the Old and New Testaments where i believe God and indeed his son Jesus condemns this behaviour: Galatians 3:28, Galatians 5:14, Matthew 5:44, Matthew 7:12 and many others, but God himself ‘Shows no partiality’ Romans 2:11 and neither should a good Christian.”

A sixth respondent thought this legislation opened the very real risk of increasing homophobia and isolation of other minority groups. The respondent said

“I think if people go into a profession where they will be serving the entire community then they must accept that they cannot pick and choose who they provide for. I think the dup should reflect on Jesus’ key message ‘Love one another as I have loved you.’”

Two respondents expressed powerful secular objections in their answers to Question 1:

“Targeting sexuality is wrong if discrimination is being made legal then it should be legal to discriminate against colour, religion and all other individual personal traits”

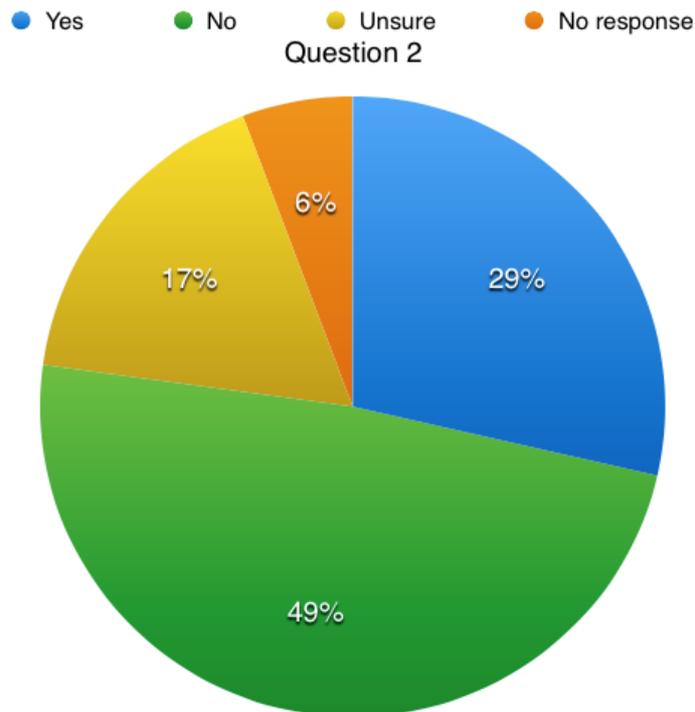
and

“Your choice to follow a particular religious doctrine should not impact on another person’s rights regardless of age, race, nationality and yes, even sexuality.”

Question 2

49% of the respondents answered no, and only 17% answered yes. Based on this, Faith and Pride's response to Question 2 of the DUP's consultation is:

No, it is not appropriate that the goods and services legislation should be applied in a way that it narrows diversity and choice for service users who wish to access a service in the context of a faith/particular faith ethos.



A number of respondents said that this question was loaded, and Faith and Pride agrees with this assessment.

One respondent said:

“To suggest otherwise is to send out the message that it is acceptable to promote inequality of opportunity, discrimination and hate crime. If we chose to only provide or come into contact with those who have the same religious/political/social views as ourselves it would narrow interaction with the outside business world severely.”

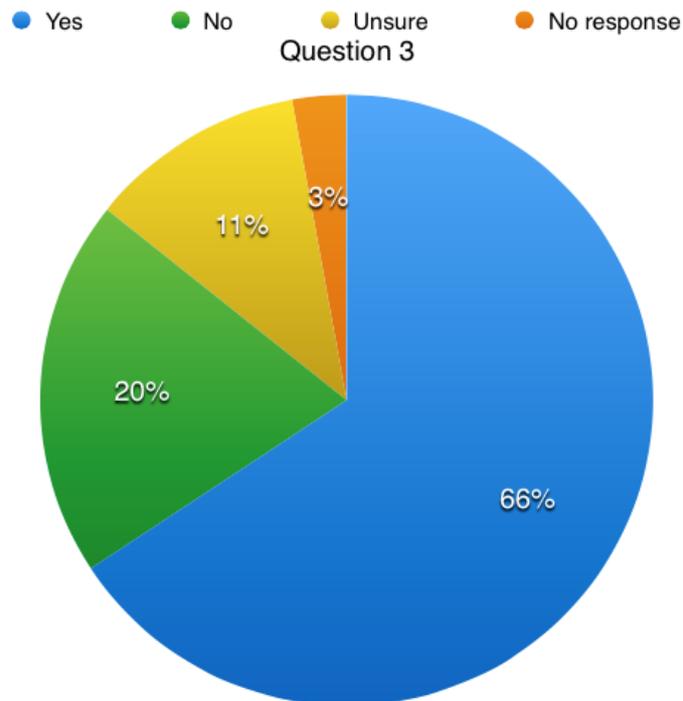
Another said

“The last thing we need is further ghettoisation of our society into faith ethos groups.”

Question 3

66% of the respondents answered yes and 20% answered no. However, the question was badly worded, and text responses indicated confusion about the meaning of the answer. Based on this Faith and Pride's response to Question 3 of the DUP's consultation is

Unsure.



Question 3 was extremely badly worded, as it actually contains two questions:

Do you think that gay rights are more important than religious rights? and

Is this the right balance or is there a better balance to be struck?

It is possible to believe that gay rights and religious rights are equally important, so the answer to the first question would be “no” but to believe that the current balance is correct and so answer “yes” to the second. One respondent commented “I think this question is deliberately worded to cause confusion.” Another said “This is a leading question. I do not think that gay rights are more important than religious rights. I do believe that no-one should be able to discriminate.”

Explicitly Christian comments on this question included:

“Faith cannot be damaged by honouring equal treatment for all, and it is an offence to faith to claim otherwise. If the faith in question is Christianity, the only one I know about in any detail, the answer is clear – the greatest of these is love.”

“Regardless, a churches position should not be to judge or withhold services from people based upon their lifestyle. Matthew 22:21 – “Render unto Caesar the things which are Caesar’s; and unto God the things that are God’s.””

Regarding the issue of adoption, several respondents questioned why religious agencies were involved in adoption, and some were actively critical of the Catholic Church's history of harming children. These feelings are summed up by one respondent who said:

“However, when it comes to adoption the most important outcome is not who provides the service but that the child is swiftly moved through the system and placed in a permanent situation as soon as they are released for adoption.”

Another said:

“Children need adopted! Rather a loving home with gay parents than no parents at all.”

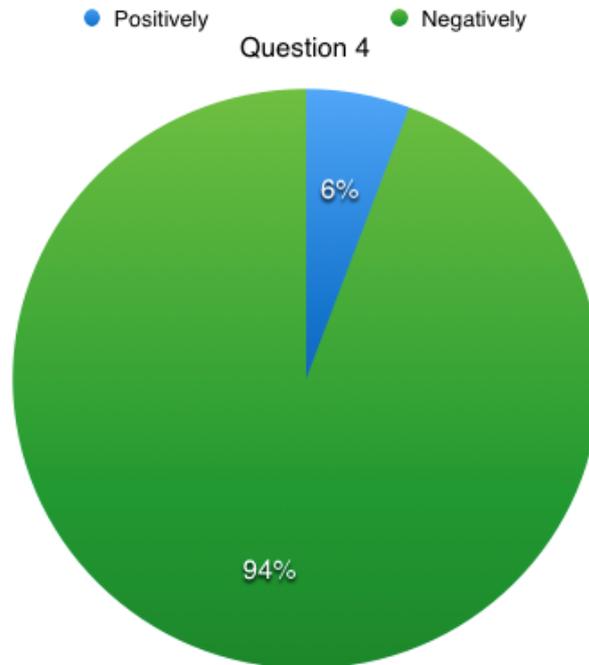
A third said:

“Children need loving families regardless of the prospective parents' sexuality. What's the alternative, the care system?”

Question 4

94% of respondents answered negatively. Based on this, Faith and Pride's response to Question 4 of the DUP's consultation is

The proposed legislation will impact negatively on human rights.



Combined with the answers for Question 2, the answers for Question 4 are the main reason why Faith and Pride opposes changing the legislation as proposed.

One respondent said:

“Its the thin end of a wedge , that fundamental christians would use to allow them to discriminate against gays atheists catholics muslims hindus jews other non-christians abortionists.”

Another said:

“A human has every right in their personal lives to act according to whatever standards they deem fit. If they choose to operate in a public market, they therefore must choose to offer their goods or service to all. Again Matthew 22:21.”

A third:

“Equality is a basic and fundamental principal of Human Rights Law and equally as important, it is the fundamental principle of Gods teaching.”

Several secular objections were expressed in the comments:

“People will refuse others goods/services out of spite rather than any real objection.”

“if passed, this bill would make a mockery of equality legislation. It would also open the floodgates to claims of discrimination. Religion is a very divisive issue in NI and this bill will only increase division.”

“When you sanction one group’s discrimination against another, equality dies and human rights are destroyed.”

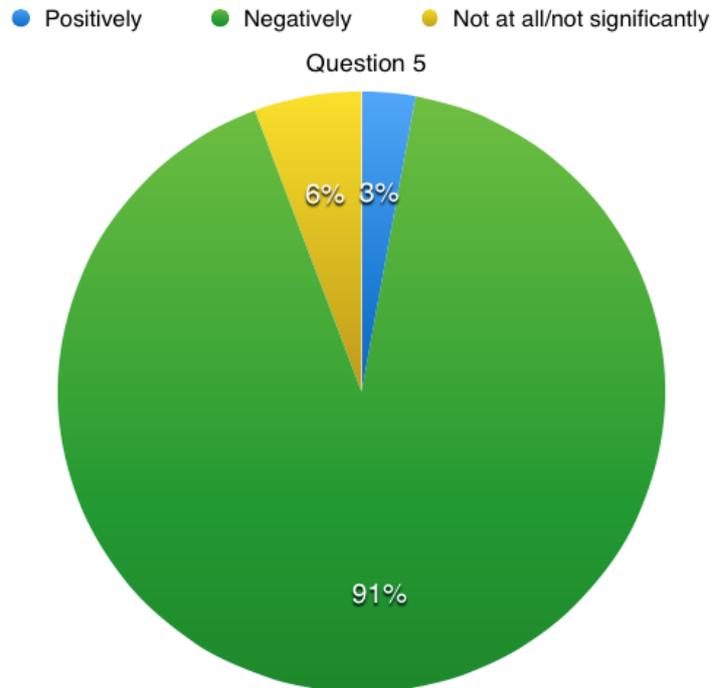
“It would result in a loss of rights for the gay individuals.”

It was clear from the responses that rather than enhancing equality and freedom of conscience, the proposed changes would actually result in discrimination against LGBT people.

Question 5

91% of respondents answered negatively. Based on this, Faith and Pride's response to Question 4 of the DUP's consultation is

The proposed legislation will impact negatively on equality of opportunity.



Many respondents felt that the proposed legislation will allow or encourage discrimination against LGBT people, both by declining service or accommodation to LGBT people, and by declining employment to LGBT people. Concern was also expressed that once it is acceptable to discriminate against LGBT people, it would become legal and acceptable to discriminate against people for other reasons, such as refusing to employ a Protestant in a Catholic business. In effect, the proposed legislation would begin the undermining of the whole raft of equality legislation that Northern Ireland depends on. As a respondent said:

“There can be no equality with this amendment.”

Another said:

“That cannot be accepted in a supposedly civilised nation.”

If this legislation is passed, a third respondent said:

“Before we realise what is happening we have become an intolerant and cruel society, where Gods basic teaching of love and respect have disappeared.”

Question 6

It was broadly felt that the proposed legislation was a waste of both time and money, and if passed the proposal would lead to potentially expensive and time-consuming legal challenges.

One respondent expressed concern that the overall economy would be harmed, because self-educated people would be inclined to leave Northern Ireland. Another remarked that

“the only cost of discrimination is human, it beats a path to greater sins.”

Question 7

Respondents had broadly one or two responses to this question.

Many respondents took the opportunity to say that this was the start of a slippery slope, where discrimination on other grounds would become acceptable. Others pointed out that legislation like this would bring shame on Northern Ireland.

One respondent argued that the proposed amendment was not about religious freedom, but about prejudice against LGBT people:

“The fact that this claims to be about freedom of conscience for people of faith, yet is solely attached to sexual orientation regulations and not other issues that people may have religious conscience to shows it up as clearly anti-LGBT and not pro-faith. Specially as those faith groups that are supportive of LGBT rights and same-sex marriage have so far not had their freedom of faith recognised in Northern Ireland.”

The overall feeling regarding this proposal can be summed up by one comment:

“Love thy neighbour means love those you hate.”

Other comments

Our consultation asked for other comments. Those received included:

“This is a typical effort by the DUP to maintain control over the people of NI. Even those who abhor their small minded and exclusionary politics. This would essentially entirely negate the intention of the Equality act. They are essentially saying ‘we want to stop the laws of the UK discriminating against our right to discriminate against others’. I don’t recognise their moral right to do this. This doesn’t protect their right to a conscience but only introduces their right to discriminate.”

“the fact that this is even being proposed shows a very deep rooted issue that lies in the politics of Northern Ireland. The DUP are meant to representing of all voters in Northern Ireland, the existence of this amendment simply shows that they are incapable of doing this. Religion has no place in law if encourages discrimination.”

“discrimination is evil, segregation is evil, sectarianism is evil.”

Other concerns

Endorsement, promotion, and celebration?

Page 5 of the consultation refers to a hypothetical Catholic adoption agency, a hypothetical Muslim plumber, and a hypothetical Evangelical photographer.

In the first example, it is suggested that the adoption agency would be “endorsing” a same-sex union by placing a child with a same-sex couple. It is not clear how this would be an “endorsement”. If an adoption agency places a child with a couple, it should only do it if the couple is the best placement for the child. This is not an “endorsement” of the relationship of the couple. If anything it is the endorsement of the environment that the couple can provide. The example implies that the agency would rather place the child with an opposite-sex couple even if the same-sex couple was a better placement. This shows that the agency is acting contrary to the best interests of the child.

In the second example, it is suggested that a Muslim printer who prints a book promoting same-sex relationships is “complicit in celebrating” same-sex relationships. It is extremely hard to understand this logic. The printer is merely printing. Nothing else. It is completely unreasonable to assume that because someone has printed something that they support it. If this were the case, then every printer would have to read and evaluate everything that they printed, and reject anything that they did not support. As well as making the role of the printer much more complex, this would also mean that individuals with minority views would find it much more difficult to find a printer. In this example in particular it is hard to see how these issues could be constrained to cover just sexual orientation. If a Muslim printer prints a document that promotes the Baha’i faith, is he complicit in celebrating the beliefs of the Baha’i?

The third example suggests that an Evangelical photographer would be “endorsing, promoting, and celebrating” same-sex unions by photographing a civil partnership ceremony. This is the least plausible scenario. The job of a photographer is to document events, and simply documenting an event does not imply endorsement, promotion, or celebration. If simply by being there, the photographer is endorsing, promoting, and celebrating the relationship then the Evangelical grocer, also mentioned on page 5, would be able to refuse to sell apples to a gay man if the grocer believed that the apples may be shared with the man’s partner. In both cases the business is simply providing a service to a same-sex couple. This cannot be reasonably extended to mean that the business is offering any sort of moral approval for any aspect of the couple’s lives.

How the conscience clause would impact traditional Christian behaviour

The stimulus for this proposed legislation was the refusal of a “Christian” bakery to decorate a cake that it felt carried an un-Christian message. The consultation document itself refers to a hypothetical Catholic adoption agency and a hypothetical Evangelical photographer. Would this legislation have any effect in these cases?

While a Christian should operate within human laws, it is far more important that Christian behaviour is governed by the laws of God, as found in the Bible. It should come as no surprise that the New Testament already contains a “conscience clause”.

Paul the Apostle gave this advice to the Christians in Corinth.

“I wrote to you in my letter not to associate with sexually immoral people—not at all meaning the people of this world who are immoral ... But now I am writing to you that you must not associate with anyone who claims to be a brother or sister but is sexually immoral... Do not even eat with such people.”

(1 Corinthians 5:9-11)

In Paul’s view, your conscience regarding ‘sexually immoral’ people did not stop you interacting with them as normal. It was only when a fellow Christian was sexually immoral that you were supposed to invoke Paul’s conscience clause:

“What business is it of mine to judge those outside the church? Are you not to judge those inside?” (verse 12)

Consider an Evangelical photographer. He is free to believe that same-sex relationships are always immoral. Refusing to photograph a civil partnership ceremony for a non-Evangelical couple on grounds of ‘conscience’ is an act of judgement, and an act of judgement for someone outside the photographer’s church. Paul the Apostle says this is wrong.

No Christian would ever exercise the conscience clause this proposal seeks to give, as doing so would go against the clear teaching of Christian Scripture. This proposal is of no benefit to the hypothetical Catholic adoption agency, the hypothetical Evangelical photographer, or even the very real “Christian” bakery.

Concern for the less well-off in society

Christians ought to show concern for the less well-off and vulnerable in society. This proposal provides protections for a relatively prosperous sector of society while at best ignoring, and possibly even harming, the less prosperous.

Consider an Evangelical photographer who believes that it would be a violation of their faith identity to take photographs of a civil partnership ceremony. If that photographer is rich enough to own his own business, this proposal will allow him to refuse to take photographs of a civil partnership ceremony. However if the photographer is not rich enough to own his own business and is employed by a photography company, then his employer determines whether or not he should photograph a civil partnership ceremony. If this proposal provides freedom of conscience, then it only provides it to the rich. This discrimination against the poor is abhorrent to Christianity.

It is conceivable that, if this proposal is passed, the employment opportunities for people with a strong faith identity will be harmed. For example, if a photography firm is owned by an Evangelical who refuses to photograph civil partnership ceremonies, then certain sectors of the population will not approach the firm to do business. If another photography firm merely employed an Evangelical, then there is a real risk that the firm will be perceived as being Evangelical and as a result its business will be harmed. This makes Evangelical employees less desirable, making it harder for Evangelical people to find employment. Once again, the proposal protects the prosperous and in this scenario actively harms the less well off.

It is completely impractical to suggest that the conscience clause be extended to all employees. It would make it impossible for firms to recruit staff to do a particular job, because at any point in their employment an employee could invoke the conscience clause to decline to do essential tasks. For example, an Evangelical human resources manager may refuse to do the necessary administration to add an employee's civil partner to a company's health insurance plan because it was believed that that was an endorsement of same-sex relationships.