



**SEEKING FAIRNESS:** Owen and Eunice Johns were told by British courts their Christian faith precludes them from being foster parents because it conflicts with the state view of homosexuality.

# English Lessons

*A defense of personal liberty and the coming assault on the First Amendment, based on recent events in Britain.*

by Paul Diamond

**O**ver the past 20 years I have witnessed a steady assault on the rights of Christians in Britain to speak and act according to their conscience. During that time, different parts of the state—

our parliament, publicly funded organizations and the judiciary—have opposed and punished the expression of Christian belief and conscience. My experiences compel me to voice a warning to Christians and others in the United States who

may soon see some fundamental rights taken from them.

My own case histories are a testament to what has happened. Consider the treatment of my clients, Eunice and Owen Johns. The Johns are experienced foster parents with a long record of providing a loving and supportive family environment to vulnerable children. They were barred from fostering by the state authority because they cannot, out of conscience, tell a child they think homosexual practice is a good thing. There were two features that I found especially worrying about this case.

First is the obvious fact that now, in British law, the conscience of Christians is subjugated to all other rights. I say “Christians” here because I have seen ample evidence of how the rights of people of other faiths are still upheld and protected.

Second, and in some ways even more worrying, is the fact that state-funded organizations are now making moral judgments about the Christian faith, and bringing their opinions to court. In the Johns’ case, we saw this in the form of the Equalities and Human Rights Commission (EHRC), a state-funded organization that opposed them. The EHRC argued that it was the duty of the state to protect vulnerable children from becoming “infected” (the exact word used in court) with Judeo-Christian ethics on sexual morality. This tells you all you need to know about the EHRC’s opinion of Christian ethics.

## The New Order

In Britain the state is now embarked on a steady but relentless process of “establishing a religion,” which we might call Secular Humanism. It favors this religion over all others, especially the Christian faith, and thereby undermines all of the Judeo-Christian values that have under-

pinned our society for centuries.

Christians are being prosecuted for acting out of conscience, and perhaps the most notorious example of this will illustrate that point. This is the case of Nadia Eweida, a member of British Airways' check-in staff. As an expression of her Christian faith she wears a small cross on a chain around her neck. Her employers asked her to cover up this cross, even though people of other faiths could freely express their beliefs. (There was no attempt

came before the European Court of Human Rights, which in January 2013 ruled in Eweida's favor.

But it was a rare victory for Christians, and it wasn't won in a British court.

### Parallel Lines

Reflecting on these events, I can't help but notice something that might sound familiar to my American friends. We have a state that prefers and establishes a system of belief, turning Secular Humanism

dence of a "wall of separation between church and state"; but it is not hard to see how some cracks could appear in that wall.

What, for example, might a hostile U.S. court make of a commercial photographer who refused to accept an assignment to photograph a same-sex marriage? We already have a clue to that answer, given recent decisions against a wedding photographer in New Mexico (which has no state laws legalizing either same-sex marriage or civil unions) who declined to photograph a commitment ceremony. Or how would federal employers react to employees who do not actively endorse homosexual activity or seek a conscientious objection to facilitate a same-sex marriage? If the case were to come before a British court, the decision would be entirely predictable, and conscience would be no defense.

How will the U.S. deal with Catholic adoption agencies that do not wish to place a child with a same-sex couple? To guess at the answer you need only reflect on the fact that Catholic adoption agencies in the U.K. have felt that they have no choice but to close—as have Catholic adoption agencies in Massachusetts, the first state to create same-sex marriage on U.S. shores.

The battle lines for these principles are now being drawn. All those who care about the personal liberties enshrined in the spirit and the letter of the First Amendment will need to fight to preserve America's truly liberal rights. The alternative is that an intolerant, secular liberalism will come to dominate the actions, speech, and thoughts of American citizens.

How free then, we may ask, will people actually be in "the land of the free"? ■

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**RARE VICTORY:** British Airways employee Nadia Eweida celebrates winning her case after the European Court of Human Rights ruled that she had suffered discrimination at work because of her faith.

to ask Muslim employees doing a similar job to remove the hijab.) When she refused to remove or cover up her cross, or work in a role where she was not exposed to the public, Eweida was fired.

Thus began a seven-year process, with Eweida appealing to progressively more senior courts in the land. Each time she lost her case. In one ruling, the judgment against her was based not on the fact that she was displaying a religious symbol but that that symbol was Christian. The court held there was no discrimination since employees of other faiths—such as Muslims or Sikhs—also would have been fired for wearing crosses. The case eventually

into a kind of religion. That same state then prohibits Christians from speaking and acting according to their conscience, and also discriminates against them in the application of the law.

I have often wished that we in the United Kingdom had the same protection of personal liberty that is afforded to U.S. citizens through the First Amendment. But I am now wondering whether our experience in the U.K. could also happen in America. The First Amendment stands as a bulwark against the erosion of personal freedoms to speak, to assemble and to act out of conscience—but for how long? Alluding to the Amendment, Thomas Jefferson wrote in his correspon-