



HELSINKI COMMISSION BRIEFING

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Are Christians Being Marginalized in Europe?

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Europe as a whole is becoming more aggressively secular. The Council of Europe (which is responsible for the European Court of Human Rights in Strasbourg) is to be distinguished from the European Union, and represents the Parliaments of 47 European countries including Turkey and Russia. It sees the separation of church and state as one of Europe's shared values (in defiance of the facts), and even says: 'Nor may states allow the dissemination of religious principles, which if put into practice, would violate human rights. If doubts exist in this respect, states must require religious leaders to take an unambiguous stand in favour of the precedence of human rights...over any religious principle.' This means that 'equality' and 'non-discrimination' trump appeals to religious freedom, and pits human rights against religion, rather than seeing freedom of religion as the most basic right (The freedom of the Church is Article 1 of Magna Carta, and is one of the four Articles still in force in England!).

This tends to reflect the atheism and the anti-clericalism of the later French Enlightenment, and France and Spain are very active in pursuing an agenda to eradicate religion from the public square. That has not been the British (or American) way. John Locke, (the philosopher who influenced the English glorious Revolution of 1688-9, and also American Independence through his admirers such as Thomas Jefferson) made equality and freedom important because of his Christian theology. God has given us free will, and we are all equal in God's sight. Indeed there is a continuing issue why these can be important, and why humans and human rights matter, if their Christian foundations are removed.

The Strasbourg Court is now more active in its rulings (and more unpopular in the United Kingdom). Further, the English courts now, through the Human Rights Act of 1998, and the Equality Act of 2010, place more importance on 'equality', and tend to enforce non-discrimination on grounds of race, sex, and sexual orientation, rather than because of religion.

'Ladele' – one of the four religious freedom cases currently before the European Court-illustrates this. A civil registrar refused to register civil partnerships and lost her job. She was told by the courts that beliefs about marriage were not a 'core' part of Christian belief, and anyway she had religious freedom because she was free to worship. Incidentally, even the latter is in jeopardy because of Sunday working – but people are told by the European Court that they have freedom of contract, so they have their religious freedom, as they are free to give up their job. A freedom to be unemployed is not much of a freedom.

The courts can easily side-line religion as subjective and irrational, and therefore only of private concern. Lord Justice Laws said in the Court of Appeal in London: 'In the eye of everyone, save the religious believer, religious faith is necessarily subjective, being incommunicable by any kind of proof or evidence...To protect a position held on religious grounds is irrational.' Thus the courts are often unsympathetic to religion and seem unwilling to make a reasonable accommodation for religion. Secularists can use the Courts to override public opinion, and democratically elected representatives (cf the forbidding by a Court of saying prayers before a Council meeting in Bideford, Devon, a practice held since the sixteenth century.)

A further straw in the wind is that religion is no longer seen as having intrinsically a charitable purpose. To obtain tax exemptions it has to demonstrate 'public benefit', a dangerous move as that could be interpreted according to the fashions of the moment to the detriment of religion.

There is no hierarchy of rights, so the right to religious freedom cannot be ignored or narrowed so as not to include most manifestations of belief. We need not just freedom from religion (as France wants) but also freedom for religion – which is an integral part of human nature. We ought to be able to express our most basic impulses and beliefs to flourish as humans.

The Established Church of England still provides public recognition for the place of religion in public life. England, though fast living off its spiritual capital, is still recognisable as a country with a Christian heritage, and its toleration and love of freedom is still rooted in that.. Christmas is still Christmas (not 'the holidays') and carols and hymns sound through the shopping streets and malls in December. Establishment is defended most fiercely by representatives of other faiths (such as the Chief Rabbi) who see the Church as an umbrella protecting their place in public life, able to contribute to the public sphere. Secularists want to exploit European law to change all this, but the activism of the European Court of Human Rights in other areas as well (such as the issue of voting rights for prisoners) is no doubt a part of current British disenchantment with 'Europe'.

There is though an alarming and growing ignorance of Christianity within Britain amongst a younger generation, and Christian understandings can no longer be assumed to be a normal part of the culture. This provides a dangerous and growing vacuum, and 'multi-culturalist' policies, which have come into disrepute, have not helped.

