

Why I supported the Sexual Orientation Regulations

by Andy Reed MP

Background

The Equality Bill became the Equality Act when it was passed through both Houses of Parliament and then given royal assent in February 2006. The act brought together all existing equality legislation and also extended those provisions to the three new strands of equality: age, religion and belief, and sexual orientation. The act set out the framework for religion and belief and made provision for regulations on sexual orientation to be published at a later stage. It is this secondary legislation on sexual orientation that has been the subject of much debate over the past six months.

The government's consultation showed that there is clear evidence that lesbian, gay and bisexual people still face unacceptable discrimination and so it was felt necessary to provide protection from sexual orientation discrimination in line with the approach taken in other anti-discrimination legislation. It is this government's commitment, and mine, that no individual in our society should be unfairly discriminated against on the basis of any of the 'equality strands' (race, gender, religion and belief, age, disability and sexual orientation).

What constitutes unfair discrimination?

Of course there are situations in which it is perfectly legitimate to discriminate and many forms of discrimination are still acceptable in our society. For example, discriminating on the basis of merit (i.e. of one's ability to do the job) is perfectly acceptable when selecting someone to work in your organisation. However, it would be inappropriate and wrong to base that selection on the candidates' race or sexual orientation.

Likewise, there may be some situations where it *is* legitimate to discriminate on the basis of age (in the provision of goods such as alcohol and tobacco) or religious belief (in the provision of services such as religious sacraments), for example.

Most people in our society now recognise that sexual orientation is not a legitimate basis for discrimination in the provision of goods and services in the same way as age, disability, religion and belief, gender and race are illegitimate grounds for discrimination in **most** cases.

What happens when rights conflict?

The problems arise when these six strands of legislation appear to conflict. These sorts of situations – where one person sees their rights being infringed by the rights of someone else – are problematic, though rarer than some Christian lobby groups frequently imply.

In such cases a balance between the apparent competing rights must be found.

Under Article 9 (1) of the ECHR the right to freedom of thought, conscience and religion is absolute and cannot be restricted, while the right to manifest one's religion or belief in practice is qualified and capable of limitation under Article 9 (2) including

for the protection of the rights of others. This distinction is important in law and is absolutely vital in a society of people who do not all believe the same thing.

Whilst it is right that the Christian faith is an all-encompassing one in which one's faith in God cannot be separated from one's actions, it is also the case that our actions should not cause harm to others in our society (whether or not they are fellow believers). This idea – that one person's freedom [rights] should be limited by that of another – is a fundamental Christian principle and is the basis of our liberal democratic society.

The model of which we are so proud is founded in the fundamentally Christian principles of traditional liberalism, such as that advocated by John Locke in the 17th century. It is right that in a society where all are different our freedom has limits and those limits should ensure that all people are treated equally, regardless of their skin colour, religion or sexual orientation. My belief in equal treatment for all human beings is fundamental to my Christian faith.

Need for consistency

Furthermore, there must be consistency in how we apply the law to different groups of people. As Christians we cannot deny services to certain individuals who we believe to be 'living in sin' and not to others. The bible tells us that all have sinned and fallen short of God's standard for living. Thus we should not judge one group of people as worse sinners than others – this, in my view, is inconsistent with the bible's teaching.

If, for example, one argues that a B&B owner should not have to rent a double room to a gay couple, they must also argue that they, equally, should not have to rent that same room to an unmarried heterosexual couple. This may indeed be argued but to most people it seems quite ridiculous that a hotelier should start requesting to see marriage certificates before renting a double room. In fact, it has been illegal to discriminate against someone on the basis of their marital status since 1975.

Or perhaps Christians should refuse to provide goods and services to those who put riches before God? Would this mean requesting to see someone's bank account before allowing them to buy goods from our stores or use the services we provide for commercial purposes?

As legislators we must be consistent in how we apply to law to different individuals and, for me, this means allowing everyone the same access to goods and services regardless of their sexual orientation.

What should be our response?

I do not believe that the correct biblical response is to deny people access to goods and services (of whatever kind) because of their sexuality. Instead we should be following the example of Jesus Christ who dined with tax collectors and prostitutes.

As Christians we are called to get alongside those who are on the margins of society and to show them God's love and Christ's saving grace. On at least two separate occasions in the New Testament we read of Jesus' encounters with adulterous women. His response is not to condemn them or to deny them access but to get alongside them where they are at. He even asks to drink from the bucket of the woman at the well,

although she had been shunned by her entire community. Then to each of these women he offers his salvation.

The world in which we live is a fallen world and every person in it is in need of Christ's saving grace. As Christians we have a responsibility to direct others to that salvation.

Grace is vital in our dealings with those who do not share our convictions. This grace has too often been missing in the campaigns of many Christians and Christian lobby groups. Is it any wonder then that Christians are portrayed as hypocrites or bigots?

Conclusions

I recognise that many Christians will disagree with the position that I have set out in this article, but I hope at least they will understand that I have come to this position from my own Christian convictions and through my understanding of the Christian gospel.

In recognition of the fact that difference always has and always will exist in our society, we are duty-bound to seek out ways in which we may live together. I believe that as Christians we should lead the way in reaching out to those who are most vulnerable in our society. There may be certain situations in which we are never able to reach the perfect balance between what appear to be competing rights, but we must try. This will require us to be tolerant and understanding toward one another, reaching out in love – a love that stems from, and is grounded in, a living relationship with God.

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