



A Victory for freedom

The Government was defeated on 31st January on the Racial and Religious Hatred Bill, the House of Commons deciding by a margin of one vote to accept the amendments made by the House of Lords. It has been widely hailed as a victory for free speech and a tribute to the thousands of concerned people, religious and secular, who campaigned and prayed for moderation and liberty.

Suffering only their second reversal in nine years in the Commons, a Government majority of 67 was overturned. More than 70 Labour MPs either rebelled or did not vote. Some 27 rebels openly defied the

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Government whip. It was a particularly embarrassing evening for the Government with at least one of the party whips failing to vote and the Prime Minister himself missing at the crucial moment. Whilst ministers were trying desperately to explain how the whips office miscalculated the outcome, Christian groups were pointing to divine intervention in endorsement of all their hard work in opposing what was widely seen as a bad piece of legislation.

The result of the vote will be a new law that still meets the Labour Party's election manifesto promise to introduce legislation to outlaw incitement to religious hatred. However, the government's version would

have had unintended negative impact. The Lords amendment ruled that out. It is a very wise, sensible compromise because it has moderated the original Bill but still allows the government to deliver its commitment.

Effectively the Bill finally passed by the Commons will mean that someone can be prosecuted for inciting religious hatred only where:

- They use threatening words or behaviour – rather than merely insulting or abusive words or behaviour.
- They actually intend to incite religious hatred, rather than it being likely that hatred would be stirred up or that they were reckless in their use of words
- Their words or behaviour cannot be classed as proselytizing, or discussion, criticism, dislike, ridicule, insult or abuse of religion, belief or religious practice.

Most people are profoundly relieved that freedom of speech, which is one of the most fundamental civil liberties that we enjoy in our nation, has been preserved. We should rejoice, yet not be complacent about what many fear is a progressive political agenda to undermine civil liberties generally. Events of recent weeks, where religious leaders and others have been investigated by the police, show this is no emotive overreaction but a chilling reality. It is now most unlikely that people will find themselves visited or stopped by the police or charged as they almost certainly would have been under the government's proposals.

However, the law will ensure that action can be taken against those who intend to stir up hatred – and that is as it should be.

The impact on Christians will be the same as for any religious believers. They

will be protected by this Bill and those who want to stir up hatred against them will be caught by it. But the Bill now has a higher threshold, i.e., it means people have to behave or speak in a threatening manner and not just cause offence through abuse or insult. It will crack down on people who intend to whip up hatred and not those who merely engage in debate, proselytize – or draw cartoons of religious figures!

The government did not dispute accusations that it wanted to stifle free speech. But what they proposed went much too far and would have resulted in

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widespread chilling of free speech. Society already has established, sensible, balanced ways of limiting absolute freedom of speech, through conventions of self restraint and codes of conduct for example, which generally work well. If the government had had its way no one could have felt safe criticising religion without fear of being charged or investigated.

It was always disputed as to whether a Bill like this was necessary, since existing public order legislation seemed sufficient. As for the future, the new legislation will, in practice, probably be rarely used. Its main purpose will be to act as a further restraint on extremists and those who want to incite others to hatred.

Respect

The government has embarked on a plan to promote respect in our society and has published the 'Respect action plan' which sets out the findings and recommendations of their year long drive. The government's respect agenda seeks not to recreate a mythical bygone era when we all treated each other exceptionally well but instead aims to change cultural attitudes. A society in which 'bling' symbolises the cult of economically displaced people who have no other blueprint to work with except the images that they copy from the media, is one obvious focus for the respect plan. With Descartes' aphorism 'I think therefore I am' distorted to 'I shop therefore I am', consumerism has become one of the key motivations driving our society. The Prime Minister's action plan highlights inherent contradictions – where progress has been made in reducing the numbers of people unemployed or the number of homeless people, there has not been a downward turn in anti social behaviour; in fact the very opposite is true. Greater

material wealth has not created a society that respects itself or others.

Joel Edwards has stated that 'Respect based on our common humanity is more important than our tribal identities'. The provocative cartoons of Muhammed published in the Danish press recently have led to considerable tumult around the world as people protest – peacefully and violently. Both sides of the debate need seriously to consider the idea of Respect – editors who recklessly attack or satirise Islam are guilty of disrespect, as are the violent extremists who threaten and rage. Society needs to be founded on a mutual understanding of respect so that its citizens might draw together – despite their particular religious and cultural claims. What is important is that we respect one another's freedom to have our own belief system, and understand that each person should have the freedom to reject others' values and beliefs.

The Democratic Prerogative?

David Cameron has asked his 'democracy taskforce', headed by former Chancellor Ken Clarke, to look into the way in which Government ministers use the Royal Prerogatives.

Not all voters, or politics students, know what the prerogative powers are, and perhaps many are unaware of how many decisions can be made by ministers without the need to consult parliament. The Royal Prerogatives are a series of powers in theory still held by the Queen, but now in practice passed to the 'Queen's ministers.' These powers were historically handy for monarchs, as they allowed them to keep a level of decision making ability despite the rise in power of Parliament and the onward march of democracy. It would be almost inconceivable for the present monarch to use such powers, and so they are exercised by 'her Government', 'on her behalf'

However, this extra power is as convenient for both the current Labour Government and past Conservative administrations as it was for kings of old! The power to make decisions without the time-consuming and troublesome intervention of an often hostile parliament can be very appealing to politicians.

The Prerogative powers cover such things as the appointment of QC's, making and ratifying international treaties, the dissolution of parliament and the calling of elections, as well as the issuing of passports. The latter was highlighted recently when the Home Secretary declined to issue passports to British detainees in Guantanamo Bay. The greatest controversy is caused, however, by the use of the Prerogative to grant honours, and in the declaration of war. There was a vote on Iraq, but there was not over Kosovo.

Mr Cameron wants his Democracy Task Force to look at these issues, but Gordon Brown has also suggested that if he becomes Prime Minister he would consider ending the Royal Prerogative.

Both Margaret Thatcher and Tony Blair have come under criticism regarding the sidelining of Parliament. The Royal Prerogative forms part of a much wider debate, which often ends up with suggestions about adopting a written constitution

in the UK.

Ken Clarke told the Today programme that safeguards were needed to prevent "personal, arbitrary, presidential rule". Peter Hain responded by pointing out that Labour have introduced the Human Rights Act, as well as devolution, and have worked on reform of the House of Lords. (Although one might be forgiven for thinking that House of Lords reform is anything but unfinished business!) Perhaps we are moving incrementally as a nation towards a 'more written' constitution. One of the most radical manifestations of this is the Government's proposal to remove the Law Lords from Parliament and create a 'Supreme Court' for the whole of the UK.

The constitutional theory behind these complex debates is the principle of the 'separation of powers', whereby Parliament, Government and the Law Courts are kept as separate as possible so that no one branch has too much power. The United Kingdom has been accused of allowing its unwritten constitution to blur these distinctions and, in recent history, of permitting power to be concentrated in the Government of the day, namely the Prime Minister and Cabinet. Tackling the issue of the Royal Prerogative would go some way towards addressing these criticisms, and would alleviate the fears of many political and constitutional observers.

The Royal Prerogative does seem illogical and undemocratic in certain ways, but its defenders have a point when they argue that Parliament would be overloaded with decisions if everything had to pass through it. This is a question of accountability and democracy. A lot of Prerogative powers might be more logically handled by civil servants or by neutral quangos, neither of which would be strictly 'democratic'.

It remains to be seen if the powers of Prerogative would ever be changed in practice. It would be a brave politician who gives away power, and we will have to see if a future Government led by Mr Cameron or Mr Brown would restrict the influence of prerogative powers in this way. What is more likely is that the usual convention of having a Parliamentary vote on the nation going to war might become compulsory in constitutional law. That at least, might be a good start.

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Independent views on adoption

One of the changes brought in by the Adoption and Children Act 2002 on 30 December 2005 was the dissolution of all adoption panels and the establishment of new ones. A significant change was that the panels were to be more independent of the adoption agency, with an independent chairperson and an increased proportion of independent members. This was a welcome change. Panels could not have been dominated by professionals or by employees of the agency if they were ever to have done an effective job of reviewing proposals for the approval of adopters, plans for children to be adopted, and the placement of children with adopters.

Another change brought in at the same time was that unmarried couples, be they heterosexual or same-sex, could be jointly approved as adopters. For these couples this was an important change; no longer would one of the couple be approved as the adopter and the other one have to take out a residence order, a sort of second-class status. It is uncertain whether this change will greatly increase the pool of adopters; time will tell.

From the Christian perspective it is the second of these two changes which seems to have the greater impact: the moral dilemma of the suitability of same-sex couples existed before, but now the government wished to indicate that people who disapproved of same-sex adoption were not suitable to serve on adoption panels. This was not stated explicitly in the new act, but seemed to be implied in the guidance for the appointment of new independent panel members.

There is a certain logic to this view: panels as corporate entities have to uphold the law, as do the agencies they serve, and it would be difficult if a majority of panel members could not support current legislation for reasons of conscience. Furthermore, it can be argued that since the law deems same-sex adopters to be eligible, the role of the panel is to determine suitability along the lines of capacity to care for children safely, and to nurture them in a loving home.

The Christian, or another person whose faith constrains him in this regard and who does not believe that same-sex couples form suitable role-models for children, is faced with the moral dilemma of deciding whether to go along with what the law allows at the first stage of the approval of adopters. To say yes is to tick the boxes of government policy and the spirit if not the letter of the new act. To say no is to take an absolutist position which the government finds intolerable, and which would not be defensible in law.

However, when children come to be placed with these same-sex adopters any panel member may argue that it is not in that child's best interests to be placed with a same-sex couple. Indeed, the same member could legitimately argue thus in 95

per cent of cases: that placement with same-sex couples would be a last resort scenario. Such a view would be defensible in law, as it is not absolutist, but may not be well respected by the other members of the panel, who might question its credibility given that the same member had voted for approval of the same-sex adopters at the first stage.

But what if the view of 'independence' were slightly different: that it was incumbent upon independent members to discharge their duties according to their conscience, even when this caused conflicts with the Adoption and Children Act and the policy of the adoption agency? In other words an independent member could vote no to the approval of same-sex adopters in the full knowledge that they would be approved as long as the panel as a whole found them suitable

on all other criteria. At least the member in question would be able to have a consistent moral position; exercising conscience, always considering the welfare of the child to be paramount, as in the Children Act 1989, and winning the respect of his fellow panel members for the consistency of his approach, even though they may fundamentally disagree with him. This was my experience in five years as an independent member of Wiltshire's adoption panel.

Is it really so important that we all be seen to agree on issues that divide us? It seems that a veneer of open-mindedness is more important than allowing the expression of deeply held beliefs. In the context of adoption it is the duty of all concerned to be focussed on the child: there is a real danger that the focus will shift from the needs of children onto the rights of same-sex adopters to be treated equally, and adoption is not about the rights of adopters. Robust debate centred on the needs of children will do more to ensure the best outcomes than the implementation of a policy which effectively bars an important segment of society from freely expressing their conscience.

What is happening on adoption panels can be seen in the context of continuing secularisation of public life. Society must decide if moral issues should continue to be debated freely and proponents of different views allowed to express them. It is not enough to say 'the debate has taken place': just because the balance of opinion may have shifted in favour of same-sex adoption we are still a

long way from being able to compare its outcomes for children with those of adoption by heterosexual couples. We owe it to children to keep the debate going.

Ed Greening
(Ed recently failed to be re-appointed as an independent member of Wiltshire County Council's adoption panel)

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Jeremy's Farewell Words

Scotland

This is my last PQ article, as I am moving on from the Evangelical Alliance Scotland. I have worked for the Alliance for over 6 years as its Parliamentary Officer and have enjoyed the challenges that come with the job. There are many things that I could reflect on at the start of the full final year for this Parliament, but I want to concentrate on two very different areas. The first is to do with how the Parliament works and the second is a more internal comment to the Christian community.

Firstly, I want to suggest that the procedures of the Parliament need to be looked at quickly and then altered. Leading up to the Christmas recess two Bills finished their Parliamentary Procedure, the Licensing Bill and the Family Law Bill. Both Bills had been around for a long time. The first Family Law Consultation Paper was published in 1999! Many groups and individuals had spent time responding to consulting documents and meeting with Ministers and MSPs. The respective Committees had taken evidence and looked at the Bills in detail, but in both cases the most controversial parts were altered at Stage 3. The shambles surrounding the Licensing Bill will take a long time to forget.

Amendments at Stage 3 need only 24 hours' notice. Often at Stage 2 the Executive Minister will take a point from the Committee and come back with a change at Stage 3, but this means the Committee who are most informed have no opportunity to consider the change. The Stage 3 debates are often rushed and most of the MSPs are simply happy to follow the party whip. This can mean that bad law is passed.

There needs to be a better procedure whereby MSPs and interested groups have longer to reflect on any last minute changes. Either the Committee should be allowed a sweeping-up session where new amendments can be looked at, or a longer period of time should be given to Stage 3 debates and the notice required for amendments to be put down. Without these changes the Scottish Executive are left with too much power, and the role of the committees is undermined.

My second reflection is very different and more general. I have had the privilege to work with the other Christian Parliamentary Officers over the last six years. I am the first to jump ship! We do not always agree and we work in different ways, but I hope we have come to understand one another better and respect one another more. This model of working together I think needs to be reproduced.

I believe the churches in Scotland need to speak more into our society, and into the Parliament in particular. The job can't be left to a few individuals, but I believe we need to encourage grass-roots members to get involved. Our churches do have some of the practical answers to the social problems in our society. Churches throughout Scotland are working with the homeless, with those caught in addictions, and with those who are most marginalised. We need to shout louder, not for some moral crusade, but because unless we cry out those we seek to help will be forgotten. We will not always agree on every issue, but I would rather the politicians heard different Christian voices than no Christian voice at all.

Devolution Enthusiasts

With the Government of Wales Bill going through Parliament at the moment, let's take a look at the Devolution Enthusiasts' charts for last week...

At Number One we have the Welsh Conservatives, the most gung-ho party at the moment. Their AM David Melding has set up a pro-devolution group within the party called Cymdeithas y Kymberiaid, which "evokes an expansive vision of Welshness".

They had no Welsh MPs from 1997 to May last year and they suffer more than others in being perceived as English and not Welsh.

Rod Richards, their Welsh leader from 1997-99, notably emphasised Britishness and adopted a negative stance towards devolution. Much of the current party's drive is an attempt to redress these recent imbalances.

At number Two we have the Welsh Liberal Democrats, buoyed by encouraging results in Westminster and the Assembly in the past three years. Despite recent hiccups nationally, the party in Wales have oozed confidence and can boast of a strong Welsh pedigree (the late Lord Geraint Howells, Lord Richard Livesy, Lord Roger Roberts et al).

Their pro-devolution stance has not arisen from supporters in their constituencies – either found in Cardiff Central studentville or rural Mid Wales – but from their politicians, and so is a bit of a risk. It also remains to be seen if the "curse of Lembit" has the power to affect Lib Dem policy as Lembit Opik has been a passionately

outspoken supporter of devolution.

At Number Three we have Welsh Labour. Secretary of State for Wales Peter Hain has been one of the architects of devolution in Wales but the party as a whole seem "caught between the devil and the deep blue sea". First Minister Rhodri Morgan's vision of establishing "clear red water" between the Assembly and Westminster has not materialised as many would have hoped, while the Cardiff-Westminster rift in the Labour camp is still evident.

Hain has been accused of doublespeak – passionately promoting devolution when in Wales, while in London assuring Labour MPs of overall Westminster control of Wales. This accusation does not seem totally unfounded.

Plaid Cymru come last at Number Four. Disastrous election results in the Assembly in 2003 and in Westminster in 2005 have led to much soul-searching, and the party is currently reluctant to prioritise devolution in a way that could alienate it further from the electorate.

Plaid has its work cut out in appealing to voters from outside the traditional Welsh-speaking areas, and in presenting itself as an inclusive party that welcomes incomers from England and Welsh people who don't speak Welsh. As a result, much recent policy has focused on issues that Plaid hopes will ingratiate it with the whole of Wales – stressing multi-culturalism and social justice for example.

Wales

New talks in Northern Ireland

Northern Ireland

As talks resume in Hillsborough this month in a bid to restore devolution to Northern Ireland it can be hard to envision the end result. Could we see some hybrid Assembly making laws in conjunction with Northern Ireland Office Ministers, or even, as the SDLP have suggested, civil representatives taking charge of government departments and accountable to the Assembly?

Listen to radio phone-in shows and you will regularly hear contributors lamenting the fact that MLAs continue to be paid while the lights in Stormont remain switched off. In their defence MLAs will argue that although the Assembly is not sitting there is still much constituency work to be done. Secretary of State Peter Hain made it clear during an interview at the beginning of this year that payment of MLA allowances after this summer would be fully dependent on progress towards devolution.

Despite disillusionment with the implementation of the Belfast Agreement and recognition of the difficulties experienced by the Northern Ireland Assembly, there continues to be an appetite for devolution amongst both public and politicians. Amongst the public there is a perception that decisions are being made by the 'back door'. On those radio phone-in programmes you will frequently hear the claim, 'it wouldn't have been that way if the Assembly were up and running'.

In some ways this might be right. Had the Assembly been fully functioning migrant workers employed in

Northern Ireland might be getting a better deal than is currently the case. Migrant workers from the eight new European Union Accession countries (including Poland, Latvia and Slovakia) have no entitlement to state benefits until they have worked here for one full year. Should a migrant worker lose his or her job before that first year is up, they have no recourse to the state for help. In many instances employment is tied to accommodation, so being without a job can quickly translate to being without a home. Unable to access housing benefit or unemployment benefit, the migrant worker can be left in a difficult, helpless and seemingly hopeless situation.

This state of affairs was introduced to Northern Ireland through a parliamentary device called an 'Order in Council', and matches legislation in England and Wales. However under devolution Scotland was able to develop its own legislation, which entitles migrant workers to limited state benefits from the very start. It is hard to say for sure, but perhaps the Northern Ireland Assembly would have preferred the Scottish model?

Let us continue to pray for our political leaders as they enter this new phase of negotiations. How refreshing it would be if this time the negotiations were less about side deals keeping political parties on board for short term gain, and more about building a sustainable long term vision for our country and all its citizens – both old and new. What a foundation for a Northern Ireland Assembly that would be!

Extremism?

In 2002, the Eritrean government banned all denominations except three: the Orthodox, the Evangelical Lutherans and the Roman Catholic Church. Eritrea is well known for its human rights abuses. Indeed, the country is the third most severe in its religious persecution on the African continent after Somalia and Sudan. In May 2002, the repressive regime of President Isaias Afwerki forced the closure of all independent evangelical churches and allowed them nowhere to meet for worship. Eritrean security forces have consistently raided homes, and hundreds of Christians have been arrested under a recent set of restrictive acts passed by the government, with some children being detained merely for carrying a Bible or for attending a Christian meeting. The situation is now so extreme that according to Compass Direct, the number of Eritrean Christians confirmed to be jailed for their religious beliefs doubled between May and November 2005, and now totals 1,778.

The persecution is particularly severe in the armed forces. Evidence of this could be seen on February 1st of this year, as the military authorities imprisoned 75 Protestant Christians, including 37 women, at the Sawa Military Training Camp. Their offence? Reading Bibles and praying during their free time. The majority of those arrested were students completing their compulsory national military service at the remote centre near Eritrea's mountainous western border with Sudan. 'In Sawa, to possess your own Bible and keep your personal devotion

and loyalty to Christ is not allowed,' an Eritrean Christian told Compass Direct. 'This is considered an act of Christian extremism.' Muslim conscripts, however, are allowed to have their own copy of the Quran and perform their prayers five times a day.

The government seems unrepentant on the issue, even when coming under criticism from international powers. On November 4th of last year, they indiscriminately rounded up thousands of people and detained them in an army camp outside the Asmara capital. Five guards were killed as one of the prison walls collapsed. This prompted random gun fire from other guards, resulting in between 20 and 50 being killed and many more seriously injured. The European Parliament then passed a resolution condemning the human rights abuses that had become known, and Eritrea was told to arrange an investigation into the incident. Concern was expressed regarding the remaining prisoners from the incident. However, the Eritrean government's Chief of Staff merely dismissed the resolution as 'extremely inappropriate'. Yemane Gebremeskel went on to declare that only two people had died in the incident and that the resolution would 'only reduce the influence of the European Parliament.' Christian Solidarity Worldwide has since issued a statement. It calls on the international community 'to continue to put pressure on the Eritrean government to treat religious minorities and all its citizens in accordance with international human rights standards.'

Religious Liberty

Prayer, Action and Breaking News...

Prayer points: Sir Patrick Cormack MP



Sir Patrick Cormack has been the Conservative MP for South Staffordshire since 1983. From 1970-74 he represented Cannock before representing Staffordshire South West from 1974-1983. That constituency contained almost all of Sir Patrick's current seat. Sir Patrick's current majority is 8847, which was won on 52.05% of the vote. Sir Patrick is a former Conservative Party spokesman on Constitutional Affairs, as well as a former Shadow Deputy Leader of the House of Commons. In July 2000, Sir Patrick resigned in order to stand for election as Speaker of the House of Commons. Sir Patrick is currently a member of the House of Commons Commission and an elected member of the General Synod of the Church of England. He asks PQ readers to pray:

- ▶ For a more peaceful world in 2006, with an end to violence in Iraq and Afghanistan
- ▶ For a greater understanding among those of different faiths in our own country
- ▶ For a greater recognition of our own fallibility
- ▶ That Parliament may discharge its duties more effectively, and that as it does so its work may be more widely, and more fairly, reported
- ▶ That the Queen may be able to celebrate her 80th birthday in good health and that there may be a greater recognition among her people of her selfless service

Winchester Lectures

Rev. Joel Edwards sets out his Respect Agenda as part of the Evangelical Alliance's Respect campaign. The Winchester Lectures are part of a series named Space in the City.

In his lecture 'Respect is what you say about me' – the third of four lectures held at the United Church, Jewry Street, Rev Joel Edwards, General Director of the Evangelical Alliance responds to the current global outcry from Muslims over the printing of Danish cartoons illustrating the Prophet Mohammed. He also looks at the public and media reaction to the recent demonstrations and banners calling for those who disrespect Islam to be punished.

"The question for Islam is this: 'How do you live as a minority in a culture where the language of religious heckling has become normal?' And if one is unable to respect this reality how do you propose to change it? And indeed how willing are Muslims to go beyond the offence to hear the central question of Islam's relationship with violence? And to what extent do words of violence actually vindicate the questions raised in the first place? How will Islam – a religion of peace – emerge from this controversy having shown as much respect as it has demanded?"

"This radical Respect is not the sole property of a Christian community. It is the basis on which unity in diversity is best sustained because people who respect each other so deeply quite literally will be afraid to hurt each other. And when they do, Respect will continue to temper human relationships working for justice with the belief that both the terrorist and the bus driver are made in God's image. From this perspective we will be better disposed to find the words which do not hurt."

To download copies of the lectures please enter the URL addresses below:-

- | | |
|---|---|
| 18 January - <i>Respect is who you are, not what you have</i> | http://www.eauk.org/media/winchester-lecture.cfm |
| 25 January - <i>Respect is the bedrock of community cohesion</i> | http://www.eauk.org/media/winchester-lecture-2.cfm |
| 08 February - <i>Respect is what you say I am</i> | http://www.eauk.org/media/winchester-lecture-3.cfm |
| 15 February - <i>Respect is a state of mind and the responsibility of the state</i> | http://www.eauk.org/media/winchester-lecture-4.cfm |

your chance to get involved....

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