

The Religion (Relief from Trivialisation) Bill

A Protestant has the right to work as a maths teacher in a Muslim school. A Roman Catholic has the right to teach geography in a Jewish school. An atheist linguist is entitled to a job grinding French into Greek Orthodox pupils. So claimed the opposing Dr Evan Harris, LibDem MP for Oxford West and Abingdon, when on October 24 the House of Commons considered a 10-minute rule Bill introduced by Mr Edward Leigh (Conservative). These are not Dr Harris's own ideas. They are, he assured the House, enshrined in the latest European Union employment directive. All Dr Harris himself contributes is a warm embrace for modish concepts.

The European directive is not course saying that any and every Protestant has the right to teach maths in a Muslim school, and so forth. That would be absurd. What it is saying amounts to this. Suppose that two candidates are shortlisted for a post teaching French in a Muslim school. Let them be Jane Smith (a Protestant convert to Islam) and Mohammed Jones (a Welsh Muslim suddenly persuaded of the validity of Anglican orders). Suppose each is a competent French teacher, but Mohammed is just a smidgeon better than Jane. The selection panel think this slight superiority unimportant. Their school is committed to Islam, and they would prefer a current follower of the Prophet.

The directive (supported by Dr Harris) tells them they must not give way to this natural preference. What they must do is appoint the Muslim apostate Mohammed Jones. Mr Leigh feels it is not right to coerce Muslims and others in this way, and that is what motivated him in introducing his Bill. It does not in fact have the short title I have given it at the head of this article. It is truly called the Employment (Religious Beliefs) Bill. But my title fits better, as I shall show.

Mr Leigh began by saying that we British have a very fine tradition of tolerance in our society. Long before the American melting pot was consolidated or even dreamed of, we were creating our own melting pot among the English, the Scots and the Welsh. (Sadly, he added, our record with the Irish was not so successful.) So we came to the conclusion that we had to be tolerant towards all religious organisations, though there are limits. "Some westerners", said Mr Leigh, "may have difficulties with the Hindu caste system or with Muslim dietary laws." Even the opposing Dr Harris admitted there are limits. "We do not", he said, "allow the religious freedom to carry out *fatwas* against inhabitants of this country because, to put it mildly, that would damage the rights and interests of other people".

This points to a basic flaw in the concept of outlawing religious discrimination. Everyone admits that the dogmas of a religion may include items that are unacceptable in our society, so one is forced to pick and choose. Religious discrimination must be allowed, not outlawed, wherever unacceptable dogmas are in issue. But there is inevitably hot dispute over what is and is not acceptable, so the concept is unworkable and has no place in our legal system.

Another flaw was spelt out by Mr Leigh. Surely we have the sense, he said, to accept that other religions should run their religious schools, organisations and bodies in the way they want. No one doubts that Jewish organisations should be able to insist that people cannot be appointed rabbis unless they are Jewish. "But what about teachers who do not teach religious studies? What about people employed in Church social organisations? Surely, the raison d'être of many religious organisations, what drives them and gives them impetus, is the fact that they are believers."

Following, Dr Harris disclosed his real worry. “There is concern that too wide an exemption for religious bodies to discriminate on the basis of religious ethos or views would mean that anyone employed, regardless of his or her role, by a private religious organisation or a public organisation with a religious input is likely to be discriminated against - not employed or sacked - because of private sexual behaviour. . .”

To respect a religious belief is to respect the sincerity of those who hold it. If a religious employer thinks it important that all members of her or his staff should be practising members of the religion, what right has any outsider to interfere with this? If, as is to be expected, the religion in question holds strong views about morality, including of course sexual morality, then its adherents would naturally be expected to conform to them.

Liberty too demands this right of free employment. It is surprising that it is not accepted as one of those precious human rights we hear so much about nowadays.

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