

## Extracts pack 2 Gay marriage

*Think about: What are the students doing in each extract? How do the extracts differ? Does one seem to a better quality discussion than the other? If so, why?*

*NB Most classes used this as the stimulus resource for discussion but one class also moved on to consider a news story about a straight Christian couple who owned a B&B and refused to let rooms to gay guests. A court case ensued and the court confirmed that it was illegal to discriminate on the grounds of sexual orientation in the provision of services to the public.*

### Resource 4

#### Case study 5: Churches and same sex marriage.

**Key question:** Can religions continue beliefs and practices which discriminate against gay people?

##### Introduction

The Equality Act 2010 states that sexuality is one of the protected characteristics, and should therefore not be grounds for discrimination. The Marriage (Same Sex Couples) Act 2013 gives same sex couples equal rights to be married in law. However, the Church of England and other religions are exempt from the law because their religious teachings often specify that marriage should be between a man and a woman. Religious organisations can choose to offer and recognise same sex marriages if they want, but if they do not, then it is not illegal.

##### Case study

It is legal for the Church of England to refuse to perform same sex marriages, however one case emerged as a particular problem. A gay Church of England vicar, Jeremy Pemberton, married his same sex partner just before he was to start a new job as an NHS chaplain. His Bishop then refused him permission to work in his diocese, which meant he could not take up his new job. The Bishop argued that vicars must model the Church's teachings, and that the Church does not support same sex marriage, even though it is legal. Mr Pemberton took a case against the Bishop to an employment tribunal arguing that he has been illegally discriminated against.

He lost the case and the judge said "it was not for the Court to determine issues of doctrine [the agreed teachings of the Church], still less to take issue with the beliefs of the religion."

##### Research

The government created a 'quadruple lock' to ensure that same sex marriage did not threaten the rights of religions to control their own beliefs and rules about marriage. This means a religious same sex marriage would only be possible where the governing body of the religion and the individual minister agreed, and if the place of worship had been registered for same sex marriage. No one can force a religion to change their rules. The Equality Act 2010 was changed to ensure this was not illegal.

ACAS, which provides advice for workplace disputes, has published a summary of the legal position which makes it clear that all other employers (other than religious institutions) have a duty not to discriminate against anyone because they are married or in a civil partnership, whether that is a mixed or same sex relationship.

##### Questions to think about:

1. Is it acceptable for a religion to continue to hold discriminatory beliefs about same sex relationships?
2. Can a government ever interfere with a religion's beliefs?
3. How does this case study help you think about the limits on religious freedom?

##### Sources of information:

There is a government information sheet here: <http://bit.ly/1Gs5KLk>

The BBC story about Jeremy Pemberton's case is here: <http://bbc.in/1Tnx6pi>

ACAS guidance on employers' duties and employees' rights is here: <http://bit.ly/29duK9U>

### *Example 3: Small group 3 discussion in Stour Grammar*

[Turn 1] Speaker 1: "Ok let's just look at the questions about same sex marriage."

[Turn 2] Speaker 2: "[Reading] Is it acceptable for religions to hold discriminatory beliefs about same sex marriage? No. That's my answer, because of human rights to marry, or sexuality, things like that. Everyone has the right to love who they want, love yourselves... umm. [Reading] Can a government ever interfere with a religion's beliefs? I guess if the beliefs are going to put people in danger..."

[Turn 3] Speaker 1: "Like, the religion will get annoyed, but if it's against marriage... you know what I mean... the Church will get annoyed if you said you can't have the right to freedom of religion, but obviously it's against another fundamental human right to like love who you want."

[Turn 4] Speaker 2: "Obviously like this is really drastic, but if as part of their religion they had to go against the law in some way, literally if you had to kill people, for example [Turn 5, Speaker 1 – "Obviously not but like..."], just like as an example, because then, surely the government would have the right to..."

[Turn 6] Speaker 1: "If they're like discriminating against something, then I think the government would be right to veto... imagine if religion was like let's kill all people of one race, then that's really drastic and the government would have a right to intervene."

[Turn 7] Speaker 2: "As for same sex marriage, if they want to make people who want to have same sex marriages suffer, then government would have the right to step in."

[Turn 8] Speaker 1: "And like kick people out of their religion..."

[Turn 9] Speaker 2: "But then I don't feel like they can really do much, like if the religion says we just don't believe in same sex marriage then, if that's all they're doing, it's not the government's right to."

[Turn 10] Speaker 1: "But I think..."

[Turn 11] Speaker 2: "But then deeply I think... I don't know..."

[Turn 12] Speaker 1: "I think they have the right to interfere if the religion is saying discriminatory things, or like takes action, if they start preaching..."

[Turn 13] Speaker 1: "[Reading question] I don't really understand that..."

#### *Example 4: Small group 4 discussion in Stour Grammar*

[Turn 1] Speaker 1: "I think this is where it gets hard because there's a lot of conflict within Christianity about this because in a lot Christianity it's very accepting. If you look at Robert his mum is [senior figure in the church] and he's one of the most openly gay people, and he's religious..."

[Turn 2] Speaker 2: "My family, I was baptised and did the first year of communion, I chose not to do my confirmation, but my family is religious, but they're accepting of everyone, including me. I feel more scared to come out to my family who are not religious than the ones that are."

[Turn 3] Speaker 1: "So religious organisations can choose not to recognise same sex marriage..."

[Turn 4] Speaker 2: "They can pretend it doesn't exist but it will still be there "

[Turn 5] Speaker 1: "[Reads case study details] I can kind of see what they mean, because if that specific Church, like not the Church as a whole, feels like it's bad to be gay, although personally I don't agree that's suitable in any case...[indistinct exchange] it's really hard because truthfully I feel the Bishop is a bit ignorant, but if they're sharing these beliefs then he doesn't, surely if the vicar is openly gay he'd want to go [indistinct exchange] somewhere where he was accepted."

[Turn 6] Speaker 2: "He tried to go to the NHS which is less of a religious standpoint, so he did try to get away from the Church specifically [Turn 7, Speaker 1 – "Aaah"] which is them thinking, you'd rather these people didn't have a religious person to look up to than them be gay."

[Turn 8] Speaker 1: "In the scheme of things, whether they agree with homosexuality or not, I think you have to look at your priorities... [indistinct] there's all this like controversy, I'm not stereotyping vicars at all, but there's a lot of people in the media publicising abuse going on which I don't think is a whole, but surely it does occur and stuff, and you need to look at priorities. I know we all have our faults, and I'm not saying this is a fault, but in the eyes of this church..."

### *Example 5: Arun Grammar whole class plenary*

Speaker 1: "People are entitled to voice their opinion but sometimes this falls over the line abusing other people's religious beliefs. One example of this is when a Christian couple denied a place at a B&B due to customers having a sexual drive to the same sex. This resulted in court appearance. There's a line there if for example you own a B&B, it is your home and so you should be able to have an opinion to control the sort of people you let into your home whereas if you own a hotel it is different because it's not somewhere where you live so it's different."

Teacher: "So your personal and professional are two different places? [Speaker 1: "yeah"] So personal shouldn't be allowed, professional should be? OK so who's got an argument that could respond to one of the arguments that Speaker 1 said? Go on Speaker 2."

Speaker 2: "I have an argument that argues against the B&B. I get that your B&B is your home, but you have now created another public space, it is now open to the public. Now you're denying homosexuals but you're allowing heterosexuals. I think since it's your space, but you have given it to the public so you have forfeited your space and I think you really should allow for the entirety of the public."

Teacher: "OK, that's sparked ideas for everybody. [Speaker 3]?"

Speaker 3: "I'm against [Speaker 2] because even though they might be giving it to the public, can't they have their own different rules and regulations on what they think. I'm sure there are quite a few places that allow homosexuals but there's that one place that doesn't allow it you can't be like saying 'oh you are a bad place now' because you're not allowing it. It's their rules and regulations. I'm sure not all B&Bs disallow this kind of thing and I'm sure they can go to a different one but you can't be taking someone to court just because they didn't let you stay in the B&B and they might say it is a Christian B&B and their religion means that they don't want to be, I don't know how to say it, poisoning their place with homosexuality or whatever."