News Letter article 2016

The Ashers judgement, which may well be appealed, is the latest in the ongoing societal battle between older, often religious-based views and modern attitudes. Most, particularly gay, reformers in Northern Ireland have had to use the vehicle of litigation, given change otherwise is unlikely or impossible. This is especially so when, under the petition of concern at Stormont, the most traditional party has a political veto.

Under direct rule, if Westminster could not be utilised, the venue, as in my Strasbourg case, was the European Court of Human Rights. That court’s recent judgements have been no friend to the human rights of Christians where they conflict with modernity, and especially with equality laws. (The Court did change its mind rather rapidly in the Italian crucifixes-in-schools case when the Orthodox countries rolled in heavily against it.)

The UK was a hegemonic Christian country in my lifetime. It is no longer, and the point has been reached where Christianity is not just under threat from declining numbers of adherents but also with the arrival of such numbers of non-Christians, significantly Muslims, as to almost equal populations in many areas.

More importantly, a group in decline is subject to a high degree of intolerance from those it once, often harshly, controlled. For this reason you can mock the old religion with impunity but not the coming religions or creeds. They are protected by the very structures used to dismantle the old power.

Change is difficult in any society and is best effected delicately and with tolerance to the former dominant group. Otherwise there can be needless conflict, or reversal. The Brexit vote tells us that a majority can rebel and say: this far and no further.

Brexit could be likened to the Protestant Reformation in Tudor England when the old religion was apparently obliterated in decades. That however was partly due to the fact that Protestants were the radical reformers that society needed.

When civil partnership was being legislated, its advocates said there was no question of gay marriage. Within a decade that changed. However marriage is more than just a demand by a small minority. It is, especially for young people, the test of modernity, justice and fairness, far removed from the quantifiable hurt experienced by the group that cannot marry. If you fail the test you are consigned to history.

I do not see the same young people building up a sense of outrage because churches are not obliged to marry same sex couples so I do not think compulsion, even through equality laws, at all likely.

It is plain that the equality law was breached by Ashers. If you offer a service or a product, everyone should be able to avail of it. However equality now trumps freedom of expression, even in the human rights world. Such conflicting rights under the ECHR need discussed and rebalanced or else the concept will fall into disrepute.

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