

Interview with Paul Diamond

Paul Diamond is a Barrister (Chambers of Paul Diamond). He earned an LLM at Magdalene College, Cambridge, and a scholarship to the Hague Academy of International Law. He began working in the field of EU law, Constitutional Law and, subsequently, moved to the law of Religious Liberty. Paul Diamond was Standing Counsel to the *Keep Sunday Special Campaign* and is currently Standing Counsel to the Christian Legal Centre. Recently, he was instructed in the cases of a street preacher accused of 'hate speech' (Overd¹), a lady who did not want to work on Sunday (Mba²) and for a doctor who discussed Christianity with a patient (Dr Scott³). Here he is interviewed for the *Evangelical Review of Society and Politics* by Calvin Smith.

Paul, please explain the nature of your work legally representing Christian individuals and groups in high profile court cases.

My work is very interesting as I specialise in the Law of Religious Liberty. I began many years ago as the barrister to the *Keep Sunday Special Campaign*. It was a sleepy area of the law until the challenge to Judeo-Christian morality began in the late 1990s. I have worked with Lord Carey, the Bishops, the Vatican, MPs and Congressmen. I advise on all aspects of religious liberty from the international level (United Nations/Organisation for Security and Co-operation in Europe) to regional levels (EU/Council of Europe) to the National level (United Kingdom). I think G-d was preparing me for this with my extensive training.

I have travelled to Nigeria, South Africa, Jamaica and the United States for work. My work in these countries is normally in the form of lectures or advising. Many countries are under constant pressures to conform to

1 Michael Overd a Christian Street Preacher was accused before Taunton Magistrates Court of using threatening words or behaviour towards two homosexual men. See: BBC News, 9 February 2012: <http://www.bbc.co.uk/news/uk-england-somerset-16967037>. Also, BBC News 10 February 2012, where he was cleared of the charges: <http://www.bbc.co.uk/news/uk-england-somerset-16984133>.

2 The case of Celestina Mba. See, <http://www.dailymail.co.uk/news/article-2104047/Christian-carer-refused-work-Sundays-denied-rights-given-Muslim-allowed-visit-mosque.html>.

3 See: <http://www.telegraph.co.uk/news/religion/9335625/Christian-GP-fighting-for-his-job-had-prayed-to-God-for-a-challenge.html>

international human rights norms. The Human Rights agenda appear to have become a hardened political agenda which can have little to do with human rights and Christian values.

I have developed a skill for understanding legal, political and media issues. I have a strong instinct on how to argue cases and the need for a strategy in arguing the Judeo-Christian position.

Some North American readers may not be aware of some of the legal challenges Christians increasingly face in the United Kingdom. Just explain briefly the kind of discrimination faced by Christians, leading to you being asked to represent them in the courts.

In 1998, I had the honour of advising the late Baroness Young on her amendments to the Human Rights Act for the protection of religious organisations (now section 13). If I had been told back in 1998, that by 2006, I would be representing clients who wanted to wear a cross at British Airways (where Muslim, Sikh and Hindu adherents were permitted to wear religious apparel), I would not have believed it. Or in 2011, a Court would hold that Judeo-Christian sexual morality could be inimical to the welfare of a child so that a Christian couple were prevented from fostering, I would not have believed it.

The North Americans need to be aware of the current trends. The Americans have the benefit of the First Amendment, but like the United Kingdom the political forces in that country are capably of neutralising this provision. In 1998, I would have said that the United Kingdom had as much religious liberty as the United States; clearly this is not the case today. However, the attacks in the United Kingdom can and will be replayed in the United States.

I act in a number of cases that would have been thought of as unthinkable fifteen years ago. Christians need to be prepared to go to Court for the right to wear a cross in circumstances where all other religious faiths are respected by the employer, the right not to work on the Sabbath, for their consciences to be respected in relation to sensitive subjects, for the right to preach the Gospel or even to speak about their faith.

Why are Christians experiencing such legal difficulties? Can you provide readers a brief narrative setting out how the current state of affairs came about?

The current human rights agenda has great similarities with secular humanism/socialism; both international socialism and national socialism. In short, this ideology has been in Europe since the late 18th century; from the French revolution to Soviet Russia and National Socialist Germany. It has proved itself to be an attractive ideology, a stratagem of which is to weaken all restraining morality and values. Interestingly, anti- Semitism appears a common theme.

Only Judeo-Christian ideologies represent a viable alternative. That is why the focus is to undermine Judeo-Christian values because it is a former dominant and successful ideology. As a rival that is equally attractive, it must be undermined.

What has surprised me, in many of my cases, is the determination and vision of the secularists and the fear of the Christian communities. Ultimately, the Christian community has failed to believe what they say they believe, and their weakness is of profound concern. Our civilised values come from the wisdom of the ancient Jews and we need to be proud of our Jewish religious roots. At times, I see myself as a Christian battling forward, but very alone.

Just now you mentioned the need for North Americans to be aware of the trends over here. How do you think the culture wars might develop over there, and in your opinion will Christians eventually experience the same kinds of problems, or is the US system such that it will be different?

I think the same secular ideological trends, as well as the same demographic trends, exist both in the United States and the United Kingdom. However, I think the Christians in the US are made of 'stronger stuff' and will not accept passively any reduction in their freedoms. There is a passivity and fear in the United Kingdom on behalf of Christians. The US system is such that the consent of the American people is needed for good governance, and the current US administration is losing this support. The current election will

be interesting as President Obama has directly challenged religious groups (Obamacare/same sex marriage).

Some Christians in the UK believe the current situation is a direct result of thirteen years of legislation by a Labour government. To what extent do you believe this is the case?

It is the case in a superficial sense. In 1979 the Labour Government of James Callaghan fell from office and within 18 months the Labour Party was plunged into a suicidal conflict that took 18 years to recover from and the New Labour that emerged was very different from the party of Callaghan and Healy.

The same is true of Labour's victory in 1997; within 18 months this country was plunged into confusion and a battle for values. The forces were present in 1979 and 1997; just waiting patiently for the opportunity to manifest. At the end of the day, we have to accept that many of our fellow citizens follow an ideology that is inimical to Judeo-Christian values and this is where we have a need to make a stand. Prime Minister Blair was clearly both a charming and ruthless individual, but every judgment call that he made appears poor. The Christian community must recover its strength and vision and lose its apathy.

Given its numerical weakness what are some of the ways, as you say, the Christian community might recover strength and become less apathetic? What are some of the ways individuals reading this interview might help to challenge laws and court decisions which seem to prejudicial towards Christianity?

I am going to be a bit controversial. Christians feel powerless, but they are powerful, both in the Spirit and in their wealth. They need to become involved and join organisations like Christian Concern. Giving money to assist others is a good start. My concern is that Christians give too much to the Church both in terms of resources and time. They have nothing left to give to wider social issues. Their available resources are given solely to their Church and they have no time or energy for any other activity. In short, such Christians

are close to being 'neutralised'. Christians need to be confident that G-d wants them participating in wider society.

In your opinion, does a new government offer the possibility of a re-think of some of the current legislation, or is it likely many of our current laws which discriminate against Christians are here to stay?

There is clearly an opportunity of re-think. In my view, the previous Labour Government was preparing to formally introduce Sharia law (in some form) into the United Kingdom. The Archbishop of Canterbury held the introduction of Sharia law to be 'inevitable' (at least the nice bits) and the Lord Chief Justice lamented the misunderstanding that some persons had about the use of Sharia law. This is now not going to happen under the present Government. Interestingly the Sharia Courts have refused to co-operate with the present Government when they sought information of their functioning. Sharia law is contrary to the rule of law and the application of reason to human need.

The laws on equality that are interpreted and applied in an anti-Christian manner are likely to stay, unless political pressure from the Christian community increases.

One of the current issues is Judgocracy: the abandonment of many of the principles of the rule of law in favour of controversial political decisions made on the personal predilections of Judges. This is very unhealthy and undemocratic, but regrettably has been encouraged by Parliament. This needs to be reversed.

Some UK Christians feel there seems to be one interpretation of the law for Christians and another for other faiths. Others argue this is scaremongering. What are your views on how the laws of the land view different faiths? Why is it we hear of so many cases involving Christians, but rarely hear cases brought against Muslims over, say, homosexuality, fostering, and so on?

In my view, Christianity is singled out for a special animus from the Courts and the authorities. Islam is respected and treated with honour; the Courts have come close to ‘disparaging’ Christians and have linked Judeo-Christian sexual morality with discrimination. The Equality and Human Rights Commission compared this Christian morality to an infection. It would be impermissible to say this about Islamic beliefs or even discuss the ‘violent’ practice of certain Muslims.

The Courts have showed considerable hostility to Christian values, using extreme language and deploying base tactics to reject a claim. For example, the Courts have required detailed evidence on the practice of Christians wearing crosses around their neck, because the Court has adopted the position that the Claimant before them is the sole individual in the country who wishes to wear a cross (and what if that is the case anyway).

Apart from a few brave Church leaders (Lord Carey and Bishop Nazir Ali come to mind), the Christian community has accepted this disparaging treatment.

To what extent are all these laws we’ve discussed in this interview bad laws, or else laws interpreted badly?

The laws are both bad and interpreted badly. The laws are bad in that they are no longer detailed application of settled rules and principles, but are framed in general terms in relation to International treaties, or by the use of words like ‘reasonable’ or ‘proportionate’ (which can mean anything). They are interpreted badly by the Courts and the liberal elite.

For example, the Equality Act purportedly protects against discrimination on grounds of religion and on grounds of sexual orientation. But when these two rights came into conflict as they were bound to, the Court found overwhelmingly in favour of same-sex rights.

Where do you see things heading in the coming years for Christians in the UK and the public expression of faith more generally? And how might Christian leaders and educators help prepare believers to respond to the current situation and what might transpire in the future?

The future is changeable and the time is now; Christians must not fail in their duty and calling. The situation is very fragile at the moment and could be potential dangerous in the future. The two current issues will be the 'hardening' of the decisions of the Courts into statute law. Court decisions have a degree of fluidity, but if they become Statute law the situation will be serious for Christians. This will happen over the next 10 years. Further, the rise of Sharia law in the United Kingdom is now very pressing and more extensive that most Christians realize. In this window, courageous Churches and Christians must act and go beyond their Church participation.

Many thanks for your valuable time and unique insight.

