Establishment and the gay bishop

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Geoffrey John, the clergyman at the heart of the gay bishops row, is threatening to take the Church of England to court if it continually refuses to make him a bishop.

It isn't clear what law he would sue under. Certainly not the Equality Act, which specifically exempts the appointment of clergy from protection, defining it as a "genuine occupational requirement". In effect, the law permits churches to have complete discretion over who they appoint to preach their message. It is a narrow exemption, but one that would quite clearly rule out Geoffrey John. If he had been a choirmaster or an organist or an administrator, he would have had grounds for challenge. But it is difficult to see how he would have a case under equality law. Perhaps he has some other avenue of challenge in mind, or perhaps he just wants to create a kerfuffle to humiliate and inconvenience those who have humiliated him.

The exemption to the Equality Act is in line with the NSS's Secular Charter, which states: "The state does not intervene in the setting of religious doctrine or the running of religious organisations."

This is secularism. The state keeps out of the Church's business (so long as it remains within the law) and the Church stays out of the state's business.

Except, of course, England has an archaic entanglement between the Anglican Church and state that complicates this whole issue. So, although the established Church wants the state to stay out of its business, it does not return the compliment. Indeed, it has political representatives sitting in our parliament as of right. The Queen, as head of state (and not just of England), automatically also becomes the Church's Supreme Governor.

So, there is no constitutional secularism in Britain and the silliness of the establishment is pointed out by this challenge by the Rev John, who wants to use a secular court to sort out Church business.

It seems the Church wants it both ways. It wants to be exempt from the law on religious grounds, but it also wants to pretend that it is the "nation's church" serving everyone without fear or favour. Unfortunately, under the CofE's excluding and exclusive definition, gay people and women appear to be less than equal citizens of that nation.

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Terry Sanderson

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