

# The Legal Consequences of Redefining Marriage: Global Examples.

---

*“The evidence is that legislating Same Sex Marriage has not had negative consequences. The unforeseen consequence has been that people from Ireland, the United States and elsewhere say they feel prouder about their country. They are no movements back. The culture wars that existed in countries that embrace Same Sex Marriage have not intensified. Instead, they have dissipated. Everyone has moved on.”*

- Paul Ritchie, Faith, Love & Australia: the Conservative Case for Same Sex Marriage. Redland Bay: Connor Court, 2016, 99.

The above quote represents a common refrain among proponents of same sex marriage, but it relies on a highly selective reading of the evidence. Legal conflict has become a reality in many countries that have legalised same sex marriage, as sexual and religious liberties have collided. The cases outlined in the following document are a sample only, but give an indication of the very real consequences being faced around the world by those individuals, businesses and organisations who wish to stay true to their conscience and convictions.

## Contents

UNITED STATES .....	3
Case: Jack Phillips, Masterpiece Cakeshop, Lakewood Colorado. ....	3
Case: Sweet Cakes by Melissa, Oregon. ....	4
Case: Catholic Adoption Agencies Terminate Services in Boston. ....	5
Case: Catholic Adoption Agencies Terminate Services in Washington D. C. ....	6
Case: Christian Adoption Agencies Terminate Services in Illinois.....	7
Case: Michigan, 2015 Adoption Law. ....	7
Case: Kim Davis, Kentucky Law Clerk.....	8
Case: North Carolina Judges, 2015: Gilbert Breedlove and Thomas Holland. ....	9
United Kingdom .....	11
Case: Lillian Ladele sacked by Islington Council.....	11
Case: British Equalities Chief Compares Christians Against Same-Sex Marriage to Muslims Imposing Sharia Law.....	12
Case: The Last Catholic Adoption Agency in the UK Closes after Charity Commission Ruling. ....	13
Case: Christian Magistrate Richard Page sacked for opposing same-sex adoption. ....	14
Case: Bed and Breakfast Owners lose appeal to the Supreme Court .....	15
Case: Christian Conference has Booking Cancelled on Basis of ‘Diversity Policy’ .....	16
CANADA.....	17
Case: Sports Commentator Damian Goddard Fired for Marriage Tweet.....	17
Case: Orville Nichols, Marriage Commissioner.....	17
Case: Catholic Bishop Fred Henry, Alberta. ....	18
NEW ZEALAND .....	19
Case: Family First, Charitable Organisation Status.....	19
IRELAND.....	20
Case: Ashers Bakery, Northern Ireland.....	20
Case: Daintree Paper, Dublin. ....	21
Further Reading .....	22

## UNITED STATES

### *Providing Goods and Services for Same-Sex Functions*

- Emma Green from *The Atlantic* notes: “Photographers, florists, and bakers all have two things in common: They all get mad business from weddings, and they all have colleagues who have refused to provide services at a same-sex marriage ceremony because of religious objections.”

Link: <http://www.theatlantic.com/politics/archive/2015/07/legal-rights-lgbt-discrimination-religious-freedom-claims/399278/>

### **Case: Jack Phillips, Masterpiece Cakeshop, Lakewood Colorado.**

**Summary:** A state appeals court in Colorado ruled that a baker could not cite religious beliefs in refusing to make wedding cakes for same-sex couples. A same-sex couple who had received a marriage license in Massachusetts asked Jack Phillips, the owner of the Masterpiece Cakeshop in a Denver suburb, to make a wedding cake for their reception back home on Colorado. Phillips declined, citing his faith: “I don’t feel like I should participate in their wedding, and when I do a cake, I feel like I am participating in the ceremony or the event or the celebration that cake is for.” The Colorado Civil Rights Commission compared Phillips to slave owners and the Nazis: “Freedom of religion and religion has always been used to justify all kinds of discrimination throughout history, whether it be slavery, whether it be the Holocaust...”

**Primary Source:** Erik Eckholm, ‘Colorado Court Rules Against Baker Who Refused to Serve Same-Sex Couples’, *The New York Times*, 13 August 2015.

Link: <http://www.nytimes.com/2015/08/14/us/colorado-court-rules-against-baker-who-refused-to-serve-same-sex-couples.html? r=0>

### **Other Sources**

- a) Huffington Post: [http://www.huffingtonpost.com/james-d-esseks/another-day-another-victo\\_b\\_7984736.html](http://www.huffingtonpost.com/james-d-esseks/another-day-another-victo_b_7984736.html)
- b) The Denver Post: <http://www.denverpost.com/2015/10/23/baker-who-wont-make-gay-wedding-cake-appeals-to-colorado-supreme-court/>
- c) The Washington Times: <http://www.washingtontimes.com/news/2015/aug/16/masterpiece-cakeshop-gets-crowdfunding-after-court/>

### **Quotes**

- A state appeals court in Colorado ruled that a baker could not cite religious beliefs in refusing to make wedding cakes for same-sex couples.
- From *The New York Times*: In July of 2012, a gay couple asked Masterpiece to create a wedding cake for a celebration of their marriage. Mr. Phillips told them that he could not design and bake a wedding cake for them because it would violate his Christian convictions, although he would be happy to sell them other baked goods.

- "...the court squarely said that this is discrimination based on sexual orientation and it's not to be tolerated, even if it's motivated by faith," said Louise Melling, deputy legal director of the American Civil Liberties Union, which represented the gay couple.
- From *The Washington Times*: Mr. Phillips has said revenue at his bakery dropped about 40 percent after he stopped making wedding cakes entirely while his case is litigated. He became the target of protests and angry phone calls. "The calls were so vile, Jack would not allow the employees to answer the phone for weeks. The second day, a caller threatened to kill Jack as well as anyone in the bakery."

### Case: Sweet Cakes by Melissa, Oregon.

**Summary:** In early 2013 two women asked the Oregon bakery Sweet Cakes by Melissa to prepare a wedding cake for their same-sex commitment ceremony. The bakery's owners, Melissa and Aaron Klein, had always served all customers without discrimination, but were now being asked to contribute to the celebration of a same-sex relationship, "which their consciences would not let them do." When the Kleins declined the request, the customers filed a complaint under the Oregon Equality Act 2007, which prohibits discrimination based on sexual orientation. During an investigation of the Kleins by Oregon's Bureau of Labour and Industries, one of the officials, Brad Avakian, commented: "the goal is rehabilitation. For those who do violate the law, we want them to learn from that experience and have a good, successful business in Oregon." The Kleins were ordered to pay \$135,000 in damages.

**Primary Source:** Bradford Richardson, *The Washington Times*, April 26 2016.

Link: <http://www.washingtontimes.com/news/2016/apr/26/sweet-cakes-melissa-files-appeal-oregon-gay-weddin/>

### Other Sources

- The Atlantic – 'What Can the Right Do After Gay Marriage?': <http://www.theatlantic.com/politics/archive/2015/07/conservatives-gay-marriage/397973/>
- The Huffington Post – 'Bakers Who Discriminated Against Same-Sex Couple Just Won't Admit Defeat': [http://www.huffingtonpost.com.au/entry/sweet-cakes-by-melissa-appeal\\_us\\_5723aecae4b0f309baf0d510](http://www.huffingtonpost.com.au/entry/sweet-cakes-by-melissa-appeal_us_5723aecae4b0f309baf0d510)
- Los Angeles Times – 'Former Oregon Bakery Owners Must pay \$135,000 for Denying Lesbians Wedding Cake': <http://www.latimes.com/nation/la-na-oregon-bakery-wedding-cake-20150703-story.html>
- New York Post – 'Christian Bakers Face \$135K Fine for Refusing to Make Cake for Gay Wedding': <http://nypost.com/2015/04/26/christian-bakers-face-135k-fine-for-refusing-to-make-cake-for-gay-wedding/>

### Quotes

- From *The Washington Times*: “A bakery that was ordered to pay a \$135,000 fine after refusing to bake a wedding cake for a same-sex ceremony filed a brief on Monday with the Oregon court of Appeals challenging the decision.”
- Former White House counsel for President George H. W. Bush noted: “The constitution guarantees the rights of free exercise of religion, free speech and due process for every American. We hope the Oregon Court of Appeals will defend the Kleins’ rights in accordance with state and federal law.”
- From *The Atlantic*: “conservatives feared the Supreme Court’s ruling would impinge upon their religious freedom – and believe they’ve found bittersweet vindication.”
- “If you get your news from *The New York Times* or liberal outlets you probably haven’t heard anything about the case this week. But if you’re a reader of conservative media, the story is huge...It seems like liberals and conservatives are living in different worlds.”
- “To many conservatives, however, the Sweet Cakes cases seems to vindicate their worst fears about the world after a gay-marriage decision. Not only is same-sex marriage now the law of the land, but they worry they can’t insulate their personal lives from the ruling in the ways they’d hoped.”
- The key in this case is that the court not only required the owners to pay \$135,000 in damages; “the order also requires Sweet Cakes to ‘cease and desist’ from discriminating against gay couples.”
- From *The Los Angeles Times*: “The Kleins had cited their Christian beliefs against same-sex marriage in refusing to make the wedding cake for Rachel and Laurel Bowman-Cryer...Oregon law bars businesses from discriminating or refusing service based on sexual orientation, just as they cannot turn customers away because of race, sex, disability, or religion.”
- “Aaron Klein said his family had suffered because of the case and the glare of media attention. The bakery’s car was vandalized and broken into twice, he said. Photographers and florists severed ties with the company, eventually forcing the Kleins to close their storefront shop in September 2013.”

## *Adoption Services*

### **Case: Catholic Adoption Agencies Terminate Services in Boston.**

**Summary:** After the state of Massachusetts began recognizing same-sex unions in 2003, Catholic charities in Boston had to decide between conforming to the state regulations or abandon key tenants of their faith. Rather than abandon Catholic teaching that marriage is between one man and one woman and the conviction that children deserve to be raised by a married mother and father, Catholic Charities of Boston was forced to end their foster care and adoption programs. In the two decades before it ended those services, the organization had helped approximately 720 children to find permanent adoptive homes.

**Primary Source:** From the Editors, ‘Catholic Charities pull out of adoptions’, *The Washington Times*, 14 March 2006.

Link: <http://www.washingtontimes.com/news/2006/mar/14/20060314-010603-3657r/>

### Other sources

- a) The Weekly Standard - 'Banned in Boston: The Coming Conflict Between Same-Sex Marriage and Religious Liberty': <http://www.weeklystandard.com/article/13329>
- b) The New York Times – 'Will Same-Sex Marriage Collide With Religious Liberty?': [http://www.nytimes.com/2006/06/10/us/10beliefs.html?\\_r=0](http://www.nytimes.com/2006/06/10/us/10beliefs.html?_r=0)

### Quotes

- As early as 2006, Catholic Charities of the Boston Archdiocese decided to stop offering adoption services to avoid placing children with homosexual parents.
- Catholic Charities of Boston noted: "We have encountered a dilemma we cannot resolve...The issue is adoption to same-sex couples."
- Came in light of over 100 years of Catholic adoption services being offered in Boston and Massachusetts. They had placed more children in adoptive homes than any other state-licensed agency.
- In 2003, the state began to recognize same-sex unions as marriages following a decision by the Massachusetts Supreme Court. That decision, coupled with an earlier state policy on sexual orientation, forced all state-licensed adoption providers to be willing to place children with same-sex couples.
- Rather than abandon Catholic teaching that marriage is between one man and one woman and the conviction that children deserve to be raised by a married mother and father, Catholic Charities of Boston was forced to end their foster care and adoption programs. In the two decades before it ended those services, the organization had helped approximately 720 children to find permanent adoptive homes.

## Case: Catholic Adoption Agencies Terminate Services in Washington D. C.

**Summary:** In 2010 the local government of the District of Columbia refined marriage to include same-sex couples. That ordinance, coupled with the district's sexual orientation policy, would have required Catholic Charities' foster care and adoption services to place children with same-sex couples.

**Primary Source:** Julia Duin, 'Catholics end D. C Foster-Care Program', *The Washington Times*, February 18 2010.

Link: <http://www.washingtontimes.com/news/2010/feb/18/dc-gay-marriage-law-archdiocese-end-foster-care/>

### Quotes

- “The Archdiocese of Washington’s decision to drop its foster care program is the first casualty of the District of Columbia’s pending same-sex marriage law that will obligate all outside contractors dealing with the city to recognize gay couples.”
- “Its decision, posted late Tuesday on the archdiocese’s Web site, announced that the archdiocese had ended its 80-year-old program Feb. 1, the day the city’s contract expired with Catholic Charities, the church’s social services arm.”
- Despite requests by the Archdiocese of Washington to respect private organizations’ moral and religious beliefs, the D. C. government refused to grant an exemption.

## Case: Christian Adoption Agencies Terminate Services in Illinois.

**Summary:** For decades, the Evangelical Child Care and Family Agency had contracted with the State of Illinois to provide foster care services. In 2011, however, a new state civil-union law, coupled with an existing sexual orientation policy, forced private agencies to license unmarried, cohabitating couples – including same-sex couples – as foster care parents in order to keep their state contracts.

**Primary Source:** Manya A. Brachear, ‘State Probes Religious Foster Care Agencies Over Discrimination’, *Chicago Tribune*, 2 March 2011.

Link: [http://articles.chicagotribune.com/2011-03-02/news/ct-met-gay-foster-care-20110301\\_1\\_care-and-adoption-catholic-charities-parents](http://articles.chicagotribune.com/2011-03-02/news/ct-met-gay-foster-care-20110301_1_care-and-adoption-catholic-charities-parents)

### Quotes

- “State officials are investigating whether religious agencies that receive public funds to license foster care parents are breaking anti-discrimination laws if they turn away openly gay parents. If they are found in violation, Lutheran Child and Family Services, Catholic charities in give region and the Evangelical Child and Family Agency will have to license openly gay foster parents or lose millions of state dollars, potentially disrupting more than 3,000 foster children in their care.”
- The Evangelical Child and Family Agency was thus forced to transfer the cases of the foster children it served to different agencies and end the foster care program that had connected children with permanent families.

## Case: Michigan, 2015 Adoption Law.

**Summary:** Contrary to the Boston, D. C. and Illinois cases, Michigan Governor made a law that allowed religious organizations and individuals to choose who they could provide services to. This included same-sex couples. The backlash from the law was severe, but it remains in place.

**Primary Source:** Niraj Warikoo, ‘Mixed Reaction Greet Michigan’s New Gay Adoption Law’, *USA Today*, 12 June 2015.

Link: <http://www.usatoday.com/story/news/politics/2015/06/12/gay-unmarried-couple-adoption-michigan/71115236/>

## Other Sources

- a) Reuters Politics – ‘Michigan Governor Signs Bills Allowing Gay-Couple Adoption Refusal’: <http://www.reuters.com/article/us-usa-michigan-adoption-idUSKBN0OR2LS20150611>
- b) The New York Times – ‘Same-Sex Parents’ Rights May Be Unresolved After Justices’ Ruling: <http://www.nytimes.com/2015/06/15/your-money/same-sex-parents-rights-may-be-unresolved-after-justices-ruling.html>
- c) The Atlantic: ‘Should Adoption Agencies Be Allowed to Discriminate Against Gay Parents?’: <http://www.theatlantic.com/politics/archive/2015/09/the-problem-with-religious-freedom-laws/406423/>

## Quotes

- From *USA Today*: “Brad O’Conner hopes one day to adopt a child. But a new law that Michigan Gov. Rick Snyder signed Thursday could make it difficult because he's married to a man. O’Conner’s relationship with Nathan Furey, 22, violates the beliefs of many Christian-based adoption agencies, which account for about half of the agencies handling adoption in the state.
- “It puts an unfair burden on my husband and I,” said O’Conner, 27, of Pittsfield Township, Mich. “It’s a double standard that doesn't make a lot of sense. But Catholic leaders and evangelical Christians, who say the new law will help preserve religious liberty, are cheering Snyder’s move, which was effective immediately.”
- The law allows Christian adoption agencies to “say no to other prospective parents, such as unmarried couples, if saying yes goes against their religious beliefs.”

## *Administration of Marriage Licenses & Judicial Matters*

### **Case: Kim Davis, Kentucky Law Clerk**

**Summary:** In September 2015, Kentucky law clerk Kim Davis, went to jail for refusing to distribute marriage licenses to homosexual couples in the light of the Supreme Court’s decision to redefine marriage to include same-sex couples.

**Primary Source:** Ryan Felton, ‘Kentucky Clerk Kim Davis Watches as Same-Sex Couple Gets Marriage License’, *The Guardian*, 15 September 2015.

Link: <https://www.theguardian.com/us-news/2015/sep/14/kentucky-clerk-kim-davis-to-allow-marriage-licenses>

## Other Sources

- a) The New York Times – ‘We Don’t Need Kim Davis in Jail’: <http://www.nytimes.com/2015/09/07/opinion/we-dont-need-kim-davis-to-be-in-jail.html>



- b) The New York Times – ‘Clerk in Kentucky Chooses Jail Over Deal on Same-Sex Marriage’: <http://www.nytimes.com/2015/09/04/us/kim-davis-same-sex-marriage.html>
- c) Los Angeles Times - ‘Kentucky Bows to Clerk Kim Davis and Changes Marriage License Rules’: <http://www.latimes.com/nation/nationnow/la-na-nn-kentucky-kim-davis-20151223-story.html>
- d) Time Magazine – ‘How Kentucky Clerk Kim Davis is Still Objecting to Same-Sex Marriage’: <http://time.com/4044279/kentucky-clerk-defiant-marriage/>
- e) Time Magazine – ‘Kentucky Clerk Kim Davis Doesn’t Seem to Get How the Constitution Works’: <http://time.com/4022167/kentucky-clerk-kim-davis-doesnt-seem-to-get-how-the-constitution-works/>
- f) The Washington Times – ‘Kim Davis, Kentucky Clerk, Still Refuses to Issue Gay Marriage License, Despite Ruling’: <http://www.washingtontimes.com/news/2015/aug/28/kim-davis-kentucky-clerk-still-refuses-issue-gay-m/>
- g) The Economist – ‘The Impressive Recalcitrance of Kim Davis’: <http://www.economist.com/blogs/democracyinamerica/2015/09/gay-marriage-and-religion>

### Key points and Quotes

- From *Time Magazine*: “Kim Davis...was remanded to jail by a federal judge on Thursday for her continued refusal to issue marriage licenses to same sex couples. She says to do so would violate her religious beliefs and – as her lawyer put it – ‘substantially burden’ her First Amendment freedom of religion.”
- From *The New York Times*: “Kim Davis, the clerk in Rowan County, Ky., went to jail last week, and there was no good reason for her to be there. Americans can expect more conflicts over religious conscience and same-sex marriage if we don’t find a way to coexist peacefully. Ms. Davis has become a symbol of what happens when we don’t.”
- “Some on the left say that you must do every aspect of your job, despite your beliefs, or resign. But this has never been the practice in the United States. We have a rich history of accommodating conscientious objectors in a variety of settings, including government employees. Do we really want to say that an otherwise competent employee must quit or go to jail if there is another alternative?”

### Case: North Carolina Judges, 2015: Gilbert Breedlove and Thomas Holland.

**Summary:** In the state of North Carolina in 2015, two judges, Gilbert Breedlove and Thomas Holland were forced to resign when they were instructed to participate in same-sex marriage ceremonies or face discipline. They have filed a lawsuit claiming they were forced to choose between violating their religious beliefs or being criminally prosecuted. Just three years earlier, in 2012, President Obama became the first sitting President of the United States to endorse same-sex marriage – saying in an ABC News interview that same-sex couples should “be allowed to get married.” That same week, North Carolina became the 29<sup>th</sup> state to enshrine in its constitution a ban on such marriages. President Obama affirmed the value of being “respectful

of religious liberty”, when recognizing same-sex marriage, saying “it’s important to recognize that folks who feel very strongly that marriage should be defined narrowly as between a man and a woman, many of them are not coming at it from a mean-spirited perspective. They’re coming at it because they care about families...” Three years later, such statements were not heard when the media and politicians discussed the case concerning these two judges.

**Primary Source:** ‘Former North Carolina Magistrates Sue Over Same-Sex Marriages’, *The ABC*, 9 April 2015.

Link: <http://abc11.com/news/former-north-carolina-magistrates-sue-over-same-sex-marriages/644674/>

### Quotes

- “Same-sex unions became legal in North Carolina October 10 following a supreme Court announcement that it would not hear the case of a 4<sup>th</sup> Circuit U.S Court of Appeals ruling in July that struck down Virginia’s gay marriage ban. In a lawsuit filed this week, Breedlove and Holland argue that participation in same-sex marriages is in direct contravention of their religious beliefs, and therefore is unconstitutional.”

## United Kingdom

### Case: Lillian Ladele sacked by Islington Council

**Summary:** Marriage registrar Lillian Ladele worked for Islington Borough Council in London. When civil partnerships were legalised in 2004, Miss Ladele refused to conduct them, saying it was against her religious beliefs. In December 2007, the local authority changed the rules governing their registrar's working conditions. Miss Ladele went from effectively working on a freelance basis, which allowed her to swap civil partnership ceremonies with colleagues, to a system which granted her far less flexibility. Miss Ladele argued she was being forced by the north London council to choose between her religious beliefs and her job. She claimed she was shunned and accused of being homophobic for refusing to carry out the ceremonies. In July 2008, an employment tribunal ruled in Miss Ladele's favour, agreeing that she had been harassed. At the time, Miss Ladele hailed the decision as a “victory for religious liberty”. But in December that year the Employment Appeal Tribunal reversed the ruling, and it was upheld for a second time by the Court of Appeal in 2009. The Supreme Court refused to allow Miss Ladele to appeal again, prompting her decision to consider taking her case to the European Court of Human Rights. But the European judges rejected her action in January 2013.

**Primary Source:** Mark Hill, ‘Lillian Ladele is the Real Loser in Christian Discrimination Rulings’, *The Guardian*, 17 January 2013.

Link: <https://www.theguardian.com/commentisfree/belief/2013/jan/17/lillian-ladele-loser-christian-discrimination-rulings>

#### Other Sources

- a) The Telegraph – ‘Christians Should Leave Their Beliefs at Home or Get Another Job’: <http://www.telegraph.co.uk/news/religion/9520026/Christians-should-leave-their-beliefs-at-home-or-get-another-job.html>
- b) The Daily Mail – ‘Christian Registrar Who Refused to Marry Gay Couples Reveals Bullying Ordeal at Hands of Politically Correct Colleagues’: <http://www.dailymail.co.uk/femail/article-1034566/Christian-registrar-refused-marry-gay-couples-reveals-bullying-ordeal-hands-politically-correct-colleagues.html>
- c) London Express – ‘Christians’ Cases Rejected By Court’: <http://www.express.co.uk/news/uk/403201/Christians-cases-rejected-by-court>

#### Quotes

- From *The London Express*: The Religious Court noted – “The UK has the world's most comprehensive equality laws which already include strong protection for religious believers and they would have been fatally compromised, particularly for LGBT, had

the Grand Chamber overturned any of these judgments. We hope that this will now draw a line under the attempts by a small coterie of Christian activists to obtain special privileges for themselves which would invariably come at the expense of other people's rights. The principle of equality for all, including for religious believers, is now established and they should stop wasting the time of the courts with these vexatious cases.”

- From *The Telegraph*: “Despite previous pledges by David Cameron, the Prime Minister, that he would change the law to protect religious expression at work, government lawyers insisted that there was a “difference between the professional and private sphere”
- James Eadie QC, acting for the government, told the European Court: “There is a difference between the professional sphere where your religious freedoms necessarily abut onto and confront other interests and the private sphere. The employees concerned could indeed pursue all the generally recognized manifestations of their religion outside the work sphere.”

## Case: British Equalities Chief Compares Christians Against Same-Sex Marriage to Muslims Imposing Sharia Law.

**Summary:** The British Equalities Chief argued that religious beliefs should be left at church on Sundays, and give way to public law when discussing same-sex marriage. He argued that Roman Catholic adoption agencies and other faith based groups must choose between their religion and obeying the law.

**Primary Source:** John Bingham, Tim Ross, ‘Christians aren’t above the law’, says Equalities Chief Trevor Phillips’, *The Telegraph*, 17 February 2012.

Link: <http://www.telegraph.co.uk/news/religion/9087775/Christians-arent-above-the-law-says-equalities-chief-Trevor-Phillips.html>

### Other Sources

- a) <http://www.dailymail.co.uk/news/article-2102385/Equalities-chief-Trevor-Phillips-accuses-Christians-trying-impose-form-sharia-law.html>

### Quotes

- “Christians who want to be exempt from equality legislation are like Muslims trying to impose sharia on Britain, Trevor Phillips, the human rights watchdog, has declared.”
- “Last year, following a high court case, the Charity Commission ruled against an exemption for Catholic Care, an adoption agency in Leeds.”
- “Speaking at a debate in London on diverse societies, Mr Phillips backed the new laws, which led to the closure of all Catholic adoption agencies in England.” According to Phillips, “you can’t say because we’ve decided we’re different then we need a different set of laws.”

- “To me, there’s nothing different in principle with a Catholic adoption agency, or indeed Methodist adoption agency, saying the rules in our community are different and therefore the law shouldn’t apply to us. Why not then say sharia can be applied to different parts of the country? It doesn’t work.”

## Case: The Last Catholic Adoption Agency in the UK Closes after Charity Commission Ruling.

**Summary:** The charity watchdog ruled that it could not avoid considering same-sex couples as potential parents. The Leeds-based Catholic Care wanted exemption from the 2007 Sexual Orientation Regulations, which require organizations to consider gay and lesbian couples as prospective parents. Then Prime Minister Tony Blair referred to the adoption row by saying that there was no place in British society for discrimination, while Tory leader David Cameron called for a compromise solution because Catholic agencies did “a fantastic job in placing hard-to-place children.”

**Primary Source:** Martin Beckford, ‘Last Catholic Adoption Agency Closure After Charity Commission Ruling’, *The Telegraph*, 19 August 2010.

Link: <http://www.telegraph.co.uk/news/religion/7952526/Last-Catholic-adoption-agency-faces-closure-after-Charity-Commission-ruling.html>

### Other Sources

- a) The Guardian – ‘Catholic Adoption Agency Loses Gay Adoption Fight’: <https://www.theguardian.com/society/2011/apr/26/catholic-adoption-agency-gay-lesbian>
- b) The Daily Mail – ‘Catholic Adoption Agency Loses Five Year Legal Battle Over its Refusal to Accept Gay Couples’: <http://www.dailymail.co.uk/news/article-2226829/Catholic-Care-Adoption-agency-loses-5-year-legal-battle-refusal-accept-gay-couples.html>
- c) The Huffington Post – ‘Gay Adoption to Proceed: UK Catholic Agency Loses Fight Over Same-Sex Parents’: <http://www.huffingtonpost.com/2010/08/22/catholic-adoption-agency- n 689711.html>

### Quotes

- From *The Daily Mail*: “Catholic Care said it would lose its funding through Church collections and other voluntary donations if it allowed same-sex couples to adopt children.”
- “The Charity Commission insisted charity’s stance is ‘divisive, capricious and arbitrary’ while ‘demeaning’ to the dignity of homosexuals. A judge was told that the charity’s stance was in clear violation of Article 14 of the European Convention on Human Rights.”
- From *The Huffington Post*: “After a lengthy legal wrangle, the Charity Commission decreed that Charity Care’s stance amounted to discrimination based on sexual orientation because ‘it departs from the principle of treating people equally’...charity

officials had said earlier that if it lost the case, it would shut down its adoption services rather than risk weakening or even losing its Catholic affiliation.”

- From *The Guardian*: “Gay rights group Stonewall welcomed the tribunal’s decision, saying there should be no question of publically funding services being allowed to ‘pick and choose their service users on the basis of individual prejudice.’”
- “While some agencies have closed, others have severed their links with the church in order to stay open.”

## Case: Christian Magistrate Richard Page sacked for opposing same-sex adoption.

**Summary:** In March 2016, A Kent magistrate who publically opposed adoption by same-sex couples on religious grounds was sacked for serious misconduct. The decision to remove Richard Page, the 69-year-old judge who had been on the bench for 15 years, followed an interview he gave on the BBC and was authorized by both the justice secretary, Michael Gove, and the lord chief justice, Lord Thomas of Cwmgiedd.

**Primary Source:** Owen Bowcott, ‘Magistrate Sacked Over Religious Opposition to Same-Sex Couples Adopting’, *The Guardian*, 11 March 2016.

Link: <https://www.theguardian.com/law/2016/mar/10/magistrate-sacked-over-religious-opposition-to-same-sex-couples-adopting>

### Other Sources

- a) The BBC – ‘Sacked Christian Magistrate Richard Page Suspended from Kent NHS Trust’: <http://www.bbc.com/news/uk-england-kent-35910396>
- b) The BBC – ‘JP Sacked Over Same-Sex Adoption Views’: <http://www.bbc.com/news/uk-england-kent-35796557>
- c) The Daily Mail – ‘JP Sacked in Gay Adoption Row Sues Michael Gove for Failing to Stand Up for the Rights of Christians’: <http://www.dailymail.co.uk/news/article-3489676/JP-sacked-gay-adoption-row-sues-Michael-Gove-failing-stand-rights-Christians.html>
- d) The Huffington Post – ‘Christian Magistrate Richard Page Sacked After Opposing Gay Adoption During BBC Debate’: [http://www.huffingtonpost.co.uk/2016/03/11/christian-magistrate-sacked-for-opposing-gay-adoption\\_n\\_9436096.html](http://www.huffingtonpost.co.uk/2016/03/11/christian-magistrate-sacked-for-opposing-gay-adoption_n_9436096.html)

### Quotes

- From *The Huffington Post*: “A Christian magistrate who has been sacked after opposing adoption by gay parents during a BBC interview has labelled the decision intolerant and is challenging it. Richard Page, who has sat on the Central Kent bench for 15 years and only had a month to run as Justice of the Peace, was struck off for his ‘biased and prejudiced’ views expressed during an interview on 12 May 2015.”
- From *The Daily Mail*: “Mr Page, who is backed by pressure group Christian Concern and human rights lawyer Paul Diamond, is to take his case to an employment tribunal,

where he will argue that he is facing religious discrimination... His legal advisors are also examining the possibility of launching a judicial review against Mr Gove's decision."

- Mr Page noted to the newspaper: "I am horrified with the way things are going. Christianity is being marginalized. Christians are finding it very difficult to discuss their views because they fear they will be ostracized. Magistrates should be allowed to represent a range of views in society. You can't not bring your political and social background, your education, to the way that you think."

## Case: Bed and Breakfast Owners lose appeal to the Supreme Court

**Summary:** In 2013, after years of legal challenges, bed and breakfast owners Peter and Hazelmary Bull lost their appeal in the Supreme Court after they were sued and fined 3,600 pounds for upholding their policy of not allowing unmarried couples to stay at their accommodation by declining to accommodate a same-sex couple in 2008.

**Primary Source:** Owen Bowcott, 'Christian guesthouse owners lose appeal over right to bar gay couples', *The Guardian*, 27 November 2013.

Link: <https://www.theguardian.com/world/2013/nov/27/christian-guesthouse-owners-appeal-gay-couples>

### Other Sources

- a) <http://www.bbc.com/news/uk-england-25119158>
- b) <http://www.dailymail.co.uk/news/article-2514353/B-B-owners-right-bar-gay-couple-crushed-need-fight-discrimination.html>

### Quotes

- From *The Guardian*: The Christian owners of a hotel in Cornwall who banned a gay couple from staying have lost their final battle in the British courts to win legal support for their selective guest policy.
- The Supreme Court unanimously dismissed an appeal by Peter and Hazelmary Bull that their right to express their religious beliefs had been breached. .... The Supreme Court judges said that although the Bulls' rights under the European convention on human rights to manifest their religion were at issue it was justifiable and proportionate to limit them in order to protect the rights of others.
- The Bulls operate a policy at their hotel, stated on their online booking form, that double bedrooms are available only to "heterosexual married couples".
- After the ruling, Hazelmary Bull said: "Our B&B is not just our business, it's our home. All we have ever tried to do is live according to our own values, under our own roof." ... "These beliefs are not based on hostility to anyone – we certainly bear no ill will to Steven and Martyn. Our policy is based on our sincere beliefs about marriage."
- From *the Daily Mail*: The Bulls have since been forced to close the B&B in September because their falling income no longer covered the mortgage on the business they had nurtured over three decades. They suffered a drop in bookings following the



controversy, which led to negative reviews online, their website being hacked, property vandalized and receiving death threats.

## Case: Christian Conference has Booking Cancelled on Basis of ‘Diversity Policy’

**Summary:** In 2012, the group Christian Concern had its conference entitled ‘One Man, One Woman – Making the case for marriage for the good of society’ cancelled the night before the event was to take place. The Queen Elizabeth II Conference Centre cited concerns over its ‘diversity policy’. Christian Concern took the QEII Centre to court and the groups reached a settlement in January 2015.

**Primary Source:** John Bingham, ‘Christian group’s free speech denied over gay marriage conference ban, Government signals’, *The Telegraph*, 21 January 2015.

Link: <http://www.telegraph.co.uk/news/religion/11359827/Christian-groups-free-speech-denied-over-gay-marriage-conference-ban-Government-signals.html>

### Quotes

- From *The Telegraph*: “...the day before the conference was due to take place the chief executive of the centre pulled the plug on the event saying that the group’s views were “inappropriate” for a Government-owned venue.”



## CANADA

In Canada many cases have not been publicised due to gag orders applied on defendants by tribunals.

### Case: Sports Commentator Damian Goddard Fired for Marriage Tweet.

**Summary:** In 2011, Damian Goddard was fired for tweeting that marriage is defined as between one man and one woman. After nearly twenty years spanning both radio and television sports broadcasting, and at the time one of the leading anchors on Sportsnet, Goddard was immediately dismissed without further consideration.

**Primary Source:** The Editors, 'Broadcaster Is Fired for His Stance on Marriage, *The New York Times*, 12 May 2011.

Link: <http://www.nytimes.com/2011/05/13/sports/hockey/broadcaster-is-fired-for-his-stance-on-marriage.html>

#### Other Sources

- a) The Toronto Sun – 'Goddard Firing is Scary Business':  
<http://www.torontosun.com/2011/05/12/goddard-firing-is-scary--business>
- b) The Star - 'Fired Sportsnet Host Damian Goddard Stands by Tweets':  
[https://www.thestar.com/sports/2011/05/12/fired\\_sportsnet\\_host\\_damian\\_goddard\\_stands\\_by\\_tweets.html](https://www.thestar.com/sports/2011/05/12/fired_sportsnet_host_damian_goddard_stands_by_tweets.html)

#### Quotes

- From *The Toronto Sun*: "Let me start off by saying I support gay marriage wholeheartedly. Everyone should have the same rights." However, "I found the backlash directed at former Rogers Sportsnet anchor Damian Goddard and hockey agent Todd Reynolds for their opposition to same sex marriage this week disturbing. Frightening even."
- - "...both have been unmercifully attacked and ridiculed, on Twitter particularly. Sportsnet fired Goddard, even though the network insisted he wasn't fired specifically because of his opposition to same-sex marriage. Of course, no one believes that."
- - From *The Star*: The Sports Broadcaster's Communications Director, Dave Rashford said in a short statement – "Mr. Goddard was a freelance contractor and in recent weeks it had become clear that he is not the right fit for our organization."

### Case: Orville Nichols, Marriage Commissioner.

**Summary:** 2005, the year Canada redefined marriage federally, Orville Nichols, a marriage commissioner in Saskatchewan, refused to perform a same-sex wedding. The court found Nichols did not have the right to refuse and fined him \$2,500. In 2009 Nichols lost his appeal,

with Justice McMurty ruling that ‘accommodation of Mr. Nichols’ religious beliefs was not required’.

**Primary Source:** The Editors, ‘Commissioner Who Refused to Marry Same-Sex Couple Loses Appeal’, *CBC News: Saskatchewan*, 23 July 2009.

Link: <http://www.cbc.ca/news/canada/saskatchewan/commissioner-who-refused-to-marry-same-sex-couple-loses-appeal-1.847045>

### Quotes

- From *CBC*: “A Saskatchewan marriage commissioner who refused to marry a same-sex couple has lost his appeal of a human rights ruling. Orville Nicholas was approached by a gay man who wanted to get marriage in 2005.”
- “The Court of Queen’s Bench decision was praised Thursday by the Saskatchewan Human Rights Commission.” They noted: “To allow a public official to insert their personal beliefs into decisions about who should and should not receive a public service would undermine the protection of the Saskatchewan Human Rights Code.”

### Case: Catholic Bishop Fred Henry, Alberta.

**Summary:** A Roman Catholic Bishop in Alberta, Fred Henry was charged with a human rights violation for writing a letter to local churches outlining the Catholic position on marriage, as between one man and one woman.

**Primary Source:** Anne McIlroy, ‘Canadian Government to Defy Church on Gay Marriage’, *The Guardian*, 11 August 2003.

Link: <https://www.theguardian.com/world/2003/aug/11/worlddispatch.gayrights>

### Other Sources

- a) The Globe and Mail ‘Bishop Faces Human Rights Investigation’:  
<http://www.theglobeandmail.com/news/national/bishop-faces-human-rights-investigation/article1116082/>

### Quotes

- From *The Globe and Mail*: “Calgary’s Roman Catholic Bishop, Fred Henry, faces an investigation by the Alberta Human Rights Commission for having advocated in a letter to his flock that the state ‘use its coercive power’ to proscribe homosexuality in society’s interests.”
- “If the Human Rights Commission is successful, it will prevent me from expressing my views and the position of the Roman Catholic Church”, said the Bishop.

## NEW ZEALAND

### Case: Family First, Charitable Organisation Status.

**Summary:** Pro-Family Lobby group Family First was granted charitable status by the then Charities Commission in May 2007 but was served notice of deregistration by the Charities Board, which replaced the commission, in September 2012 during the run-up to the legalization of same-sex marriage in April 2013. In fact, the Charities Board confirmed its decision to deregister Family First just two days before the gay marriage law was passed. The juxtaposition of events made it very clear that the family group's public campaign to preserve traditional marriage was the deciding factor in the Board's decision. **The High Court ruled in 2015 that its political activities do not necessarily disqualify it as a charity, and it retains its charitable status,** however, Family First's charitable status is **again under review in 2016.**

**Primary Source:** Heather McCracken, 'Family First NZ Faces Deregistration', *New Zealand Herald*, 6 May 2013.

Link: [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10881782](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10881782)

#### Other Sources

- a) New Zealand Herald – 'Family First Finds Unlikely Ally in Charitable Status Fight': [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10881954](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10881954)
- b) The Dominion Post – 'Charity Label is Misleading': <http://www.stuff.co.nz/the-press/opinion/columnists/8696218/Charity-label-is-misleading>

#### Quotes

- From *The New Zealand Herald*: "Family First NZ says it will be deregistered as a charity because of its views on gay marriage. National director of Family First Bob McCoskrie said the group has received notification the Charities Commission intends to deregister the organization. He said the decision was highly politicized and showed groups that think differently to the politically correct view will be targeted."

## IRELAND

### Case: Ashers Bakery, Northern Ireland.

**Summary:** A Christian-run bakery refused to make a cake bearing a pro-gay marriage slogan. They were subsequently found guilty of discrimination after a landmark legal action at Belfast County Court. The court ruled that the owners broke with Irish sexual orientation policy and would be subject to damages.

**Primary source:** Adam Taylor, 'Northern Ireland has a gay cake controversy, too', Washington Post, May 20, 2015.

Link: <https://www.washingtonpost.com/news/worldviews/wp/2015/05/20/northern-ireland-has-a-gay-cake-controversy-too/>

#### Other sources

- a) Belfast Telegraph – 'Forcing Ashers Bakery to Make Pro-Gay Marriage Cake Could Amount to Cruelty, Appeal Hears': <http://www.belfasttelegraph.co.uk/news/northern-ireland/ashers-bakery-lose-gay-cake-case-we-will-not-be-closing-down-we-have-not-done-anything-wrong-says-boss-31233797.html>
- b) New York Times – 'Northern Ireland Bakery Discriminated Against Gay Customer, Court Finds': [http://www.nytimes.com/2015/05/20/world/europe/northern-ireland-bakerydiscriminated-against-gay-customer-court-finds.html?\\_r=0](http://www.nytimes.com/2015/05/20/world/europe/northern-ireland-bakerydiscriminated-against-gay-customer-court-finds.html?_r=0)
- c) The Economist – 'Hearts, Minds and Cakes': <http://www.economist.com/blogs/erasmus/2015/05/ireland-religion-and-gay-rights>
- d) BBC – 'Gay Cake Row: Judgement Reserved in Appeal By Ashers Bakery': <http://www.bbc.com/news/uk-northern-ireland-36276436>

#### Key points and quotes

- From *The New York Times*: "By now, Americans are well aware of the political disputes that can be caused by food. Wedding cakes, in particular, have become a battleground for legal disputes between those who support gay marriage and those who oppose it. Even the humble pizza, far from a staple wedding item, has been dragged into gay marriage controversy in the United States."
- "The situation in Northern Ireland traces back to a decision by Christian-owned Ashers Baking Company, based in County Antrim, to cancel a request to supply a cake for gay activist Gareth Lee. This led Ireland's Equality Commission to step in, and on Tuesday, a civil court in Belfast ruled that the bakery had discriminated against Lee with its refusal to make the cake."
- According to the *Belfast Telegraph*, Judge Brownlie noted: "The defendants have unlawfully discriminated against the plaintiff on grounds of sexual discrimination... This is direct discrimination for which there is no justification."

- The McArthur family, who own and run Ashers, turned down the request because it conflicted with their Christian belief that marriage is between a man and a woman. The case was heard over four days at the Court of Appeal in Belfast by judges including the Lord Chief Justice, Sir Declan Morgan.
- The bakery was taken to court by the Equality Commission for Northern Ireland. In May 2015, Judge Brownlie ruled that Ashers Baking Company broke sexual orientation and political discrimination laws.
- According to the New York Times, “Judge Brownlie acknowledged that the owners of the bakery...had ‘genuine deeply held religious beliefs’, but she said that legislation was in place ‘to protect people from having their sexual orientation used for having their business turned down.’”
- Judge Brownlie noted: “The defendants are not a religious organization. They are conducting a business for profit and, notwithstanding their genuine religious beliefs, there are no exceptions available under the 2006 regulations which apply in this case.”
- From the BBC: “The judge said she accepted that Ashers has ‘genuine and deeply held’ religious beliefs, but said the business was not above the law.”

### Case: Daintree Paper, Dublin.

**Summary:** The owner of Daintree Paper, a small stationary shop in Dublin, was driven out of business following a campaign by LGBT activists because he wouldn’t display a wedding cake topper consisting of two grooms in his shop. Owner Paul Barnes consequently found himself in the middle of a gay rights row, which he explained on his Facebook page: “I would like to say that in doing this, it was in no way intended to cause offence to anyone and I unreservedly apologise for any offence caused. I am not homophobic, I have employed gay people in my business and I have never refused to print invitations for civil ceremonies.”

**Primary Source:** The Editors, ‘Daintree Paper Boss Responds to Criticism Over Gay-Topper Row’, *The Journal*, 3 October 2013.

Link: <http://www.thejournal.ie/daintree-paper-gay-marriage-row-1113187-Oct2013/>

### Other Sources

- a) CBS – ‘Paper Company Uses Anti-Gay Leaflets for Wedding Confetti To Support Same-Sex Marriage in Ireland’: <http://sanfrancisco.cbslocal.com/2015/04/07/paper-company-makes-gay-wedding-confetti-out-of-antigay-leaflets-ireland/>
- b) Huffington Post – ‘Shred of Decency Transforms Homophobic Leaflets and Turns Them into Confetti To Support Gay Marriage’: [http://www.huffingtonpost.co.uk/2015/04/08/shred-of-decency-homophobic-leaflets\\_n\\_7017744.html](http://www.huffingtonpost.co.uk/2015/04/08/shred-of-decency-homophobic-leaflets_n_7017744.html)

## Further Reading

Friedman, J., Farr, T., and T. S. Shah (eds.), *Religious Freedom and Gay Rights: Emerging Conflicts in North America and Europe*, Oxford, Oxford University Press, 2016.

Hertzke, A. D (ed.), *The Future of Religious Freedom: Global Challenges*, Oxford, Oxford University Press, 2016.

Bradley, G. V. (ed.), *Challenges to Religious Liberty in the Twenty-First Century*, Cambridge, Cambridge University Press, 2012.