

The consequences of limitations on freedom of religion or belief in the United Kingdom during the Covid 19 Pandemic

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Preliminary remarks: Public health in the UK is the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland, with the Westminster Parliament responsible only for public health in England. This has meant that the four parts of the UK have moved in different ways and at different speeds in handling the Covid 19 crisis. In this statement I will focus on the situation in England, but in essence the responses to the situation of FORB are the same in all parts of the UK.

Early in the Covid 19 crisis, in March, all places of worship in the UK were shut down by law, thus putting an immediate temporary restriction on the public communal manifestation of belief.

1. The vast majority of UK religious groups accepted the temporary limitations on FORB imposed by law in the closing of places of worship.

The UK is the worst affected country in Europe in terms of numbers of Covid- 19 cases and related deaths – over 60,000 - according to the size of the population. Because the situation was so serious, the government brought in emergency legislation that included the shutting down of places of worship and it was quickly agreed by parliament. Among churches and other faith groups it was overwhelmingly accepted as a legitimate use of the qualifying clause from the ECHR Article 9 on Religious Freedom with its reference to restrictions for the protection of public health.

There has been an attempt by leaders of a few large independent conservative churches, together with a retired Anglican Bishop, to take legal action against the government on the basis that it should have given *advice* to the churches rather than proscribed them by *law*. Their arguments are somewhat bizarre, based on the earliest English basis for civic freedoms, the Magna Carta of the 13th century, the English Church-State settlement under Henry VIII in the 16th century, and even evoking Article 9 of the ECHR. Despite the churches now being allowed to open in a limited way, this group is pursuing its case through the courts. It certainly does not have the support of the overwhelming majority of churches in the UK.

2. It helped greatly that all religions were treated equally so the legislation applied to them all.

Synagogues, Mosques, Churches, Temples and Gudwaras were all equally affected by the legislation, so there could be no question of one religious group being favoured over another. After the closure of places of worship, the government began to bring together a rather ad-hoc group of faith leaders to discuss how places of worship could be re-opened. More recently they have also brought together a group of 50 senior faith leaders in England to meet online every two weeks with a government minister.

There were some perceived issues of religious freedom concerning when the restrictions on churches should be relaxed as part of the phased easing of the total lockdown. The Roman Catholic Church was concerned when announcements were made about the re-opening of shops restaurants and pubs and not about churches. The Roman Catholic Archbishop of Southwark wrote to the Prime Minister on 27 May asking for churches to be open for private prayer, something very important to Catholics, and described their continuing closure as ‘an infringement of both religious freedom and equity’ .

In fact, the limited re-opening of churches did take place at the same time as shops and restaurants. Opening for private prayer or for limited gathering was not seen as a priority by Free Churches that have largely continued to worship and gather online. Last Sunday when churches were permitted to open it is estimated that only about 20% of them from all denominations would choose to do so. Most mosques decided not to re-open for communal prayer for at the moment either.

3. Responses to the crisis by the churches have in part reflected their differing ecclesiologies.

For Roman Catholic and Anglo-Catholic Churches where worship is centred on the Mass conducted in a church building, clearly there was strong sense of loss, though Roman Catholics also have a concept of ‘spiritual communion at home’. For the large evangelical wing of the Church of England, many were critical of their Church’s official ban on celebrating the Eucharist online. On the whole, Free Churches have no problem with celebrating the Lord’s Supper online

Another issue is that, as a limited return to church buildings has been permitted, baptism of babies is allowed, observing certain safeguards. But Baptists and others are still not permitted to hold baptism services involving full immersion of adult believers. Effusion (pouring water over the head) is permitted, which in fact reflects a very early Baptist practice!

In summary, the clear message coming out of church leaders, and leaders of all faiths in the UK, is that they support the government in having an overwhelming concern for the health and well-being of the whole country. They want to play their part in helping a battered nation to recover in the best and safest possible way. And during this period important human rights issues of racial justice and dealing with the legacy of the slave trade have arisen on which the churches need to speak into.

So the UK churches have accepted certain temporary restrictions on their religious freedom to achieve these greater purposes.