



***Two years ago, gay rights activist Gareth Lee was refused a cake with the slogan 'Support Gay Marriage'***

## **News Focus - Court ruling on 'gay cake' case and reactions**

The Christian bakers at the heart of the 'gay cake' case lost their appeal in a judgment delivered at the Belfast Royal Courts of Justice yesterday (Monday) morning. The ruling

concludes a two-year legal suit bought by customer Gareth Lee and supported by the Equality Commission of Northern Ireland.

The final judgement upheld the original verdict that Ashers Bakery Company had discriminated after they refused to make a cake with the slogan "support gay marriage". The court found "this was direct discrimination" because they would not have objected to a slogan that supported heterosexual marriage.

The issue was Ashers "would not provide a cake with a message supporting a right to marry for those of a particular sexual orientation", the court ruled.

"We accept that it was the use of the word 'gay' in the context of the message which prevented the order from being fulfilled," they said.

"This was a case of association with the gay and bisexual community and the protected personal characteristic was the sexual orientation of that community."

The judges added: "The fact that a baker provides a cake for a particular team or portrays



witches on a Halloween cake does not indicate any support for either."

It concludes a two-year legal suit bought by the customer Gareth Lee and supported by the Equality Commission of Northern Ireland (ECNI). Outside the court after the ruling Michael Wardlow from ECNI said the "freedom to express religious or political beliefs have to be balanced with laws to protect the most vulnerable".

He added when "people of faith enter commerce they should decide how they limit what they offer".

Daniel McArthur, general manager of Ashers, said he was "disappointed" with the verdict. "This ruling undermines democratic freedom. It undermines religious freedom. It undermines free speech.

"We had served Mr Lee before and would be happy to serve him again. The judges accepted that we did not know Mr Lee was gay and that was not the reason we declined the order. We have always said it was never about the customer, it was about the message. The court accepted that. But now we are being told we have to promote the message even though it's against our conscience.

"What we refused to do, was to be involved with promoting a political campaign to change marriage law.

"Because we're Christians we support the current law. And we felt that making this cake would have made us responsible for its message.

"We wouldn't decorate a cake with a pornographic picture or with swear words. We wouldn't decorate a cake with a spiteful message about gay people. Because to do so would be to endorse and promote what was said."



***Daniel McArthur, 26, the General Manager of Ashers, with his wife Amy, 26, together with their children Robyn, aged three, and one-year-old Elia.***

Ashers have been supported by The Christian Institute who called Ireland's equality laws an "oppressive weapon" in the aftermath of the decision. Deputy director Simon Calvert said: "Equality laws are there to protect people from

discrimination, not to force people to associate themselves with a cause they oppose.

"But those same laws have become a weapon in the hands of those who want to oppress anyone who dissents from the politically-correct norms of the moment. The law needs to change before more damage is done."

The case began after Ashers was initially found to have discriminated against Lee on the grounds of sexual orientation and religious or political beliefs. At the time District Judge Isobel Brownlie said: "The defendants are not a religious organisation. They conduct a business for profit. I believe the defendants did have the knowledge that the plaintiff was gay.

"As much as I acknowledge their religious beliefs this is a business to provide service to all. The law says they must do that."

McArthur appealed the decision. Northern Ireland's Attorney General John Larkin QC then made a dramatic intervention. He said if the initial County Court ruling against Ashers was right, the laws used against the bakery may contravene Northern Ireland's commitment to the European Court of Human Rights.

Larkin said the case was "about expression and whether it's lawful under Northern Ireland constitutional law for Ashers to be forced...to articulate or express or say a political message which is at variance with their political views and in particular their religious views."

The case was adjourned and returned for the final judgement on Monday morning.

After the verdict McArthur said he would take legal advice on whether to appeal again which would send the case to the Supreme Court. Calvert said he would work with the family to see what options remained open.

Calvert added: "The only reason Ashers Baking Company turned this order down is because to do otherwise, would be to involve themselves and their company in endorsing a highly political and controversial campaign to redefine marriage. This is something that as Bible-believing Christians, they simply could not do.

"To essentially say 'I'm sorry but whatever you think about the morality of any particular campaign you must get involved with it if asked' is baffling and frankly oppressive."

"What about the Muslim printer asked to produce cartoons of Mohammed? Or the Roman Catholic company asked to produce adverts with the slogan 'Support abortion'?"

"Any company whose owners believe that their creative output says something about them and their values has been put at risk by this interpretation of the law."

## **Equality Commission Chairman's response**

Michael Wardlow, from the Equality Commission, said the appeal court ruling against Asher's bakery was extremely significant and clarified the law.

"The judgement today was very clear. It said unequivocally, faith is important, but faith cannot set aside equality legislation that has been long fought," he said.

## **Evangelical Alliance response**

Peter Lynas, former barrister and EA Northern Ireland director commented:



"This is a sad day for the family and for freedom of conscience and religion. Ashers have lost the case, but even more importantly we have all lost some of our freedom. Forcing someone to promote a view that they fundamentally disagree with is the antithesis of a free and fair society.

"This was a very complex case about a very simple cake. Today's outcome is disappointing. Ashers discriminated against an idea, not a person. They would not have made a cake with that slogan for anyone - gay or straight. As they would have treated everyone the same, there can be no discrimination. That is why the majority of people in Northern Ireland support the bakers and will struggle to understand this ruling.

"While the Chief Justice noted it was important that a 'chill factor' was not created, we are concerned that that is exactly what will happen.

"This case shows how far the state can go in forcing someone to act against their fundamental beliefs. We will have to wait and see if there will be further appeals to the Supreme Court. We will also have to review whether the current law is fit for purpose given how it has been interpreted. It now appears not just to protect people, but also particular public messages.

"The McArthur family have been dragged through the courts for standing up for their beliefs. We hope this ruling will not discourage others from boldly and graciously standing firm in their faith.

"The court noted that the Commission did not offer any assistance to the McArthurs and that in future the Commission should give advice in such cases. We have long sought a relational approach from the Commission and it is clear that bridges will have to be built with the faith community."

Evangelical Christians overwhelmingly back the right of businesses to choose what they print, publish or put on a cake.

The Evangelical Alliance regularly surveys evangelical Christians on a range of subjects and in a recent survey taken in August and September 2016, respondents were asked whether: "A business should have the right to refuse to print, publish (or write in icing on a cake) a message with which it does not agree."

89 per cent of evangelical respondents agreed, with 56 per cent agreeing strongly. A further 6 opted for neither agree nor disagree while only 5 per cent disagreed.

## **Presbyterian Church response**

Speaking following the Court of Appeal's ruling on the appeal brought by Ashers Bakery Limited, the Convener of the Presbyterian Church in Ireland's Council for Public Affairs, Very Rev. Dr. Norman Hamilton, said:

“Today’s judgement will have far reaching implications for all business owners by confirming that they cannot in conscience refuse to be involved in the promotion of particular causes or messages that run contrary to their beliefs - religious or otherwise. I remain deeply concerned by the apparent limiting of freedom of conscience and free expression, which are hallmarks of any democratic society.

“Out of respect for the dignity and worth of every person, and in the interests of the common good, we want the law to protect everyone from discrimination whilst ensuring that freedom of conscience and expression are properly valued and respected.”

## **News links**

## **'Equality law needs to change', says Ashers owner**

Belfast Newsletter

<http://www.newsletter.co.uk/news/crime/gay-cake-ruling-equality-law-needs-to-change-says-ashers-owner-1-7643377>

## **Ashers bakery loses appeal against 'gay cake' ruling**

Irish News

<http://www.irishnews.com/news/northernirelandnews/2016/10/24/news/ruling-due-in-ashers-gay-cake-case-752255/>

## **'Gay cake' appeal: Christian bakers Ashers lose appeal**

BBC News

The Christian owners of a Northern Ireland bakery lose an appeal against a ruling that their refusal to make a 'gay cake' was discriminatory.

<http://www.bbc.co.uk/news/uk-northern-ireland-37748681>