Negotiating Equality in the Equality Act 2010 (United Kingdom): Church-State Relations in a Post-Christian Society *J. of Church and State (Autumn 2013) 55 (4): 690-712*

Few recent legislative enactments in the United Kingdom have wrought so much controversy as the Equality Act 2010.1 The far-ranging legislation, aiming to enhance civil rights and social inclusion, provides a unique opportunity to analyze how equality is perceived by UK governments and the implications this has for Christian constituencies, given that the right to religious freedom may, in some instances, be at variance with the right to object on moral and theological grounds to the liberties and citizenship of individuals designated to have “protected characteristics.” The Act, therefore, provides the subject of a searching examination of the issues between church and state in balancing these competing freedoms.

Although this article offers such an examination, it also considers how Christian groupings, which are by no means homogeneous in their views and sometimes have differing interpretations of religious liberties, have responded to controversies generated by the legislation. It is evident that many of the core issues relate to matters of sexual rights and the potential conflict between these rights and religious rights to oppose them; this is evidenced by inclusion of religious conscience clauses in UK legislation. The article outlines viewpoints of Christian members of the UK Parliament, Christian churches, and lobbying groups. It considers their response during the passage of the Act through Parliament and since its enactment. Finally, the article raises issues of church-state relationships connecting with rights in a Western secular environment and considers the implications of contradictory rights and the possible emergence of a hierarchy of rights.