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Belief or Prejudice: Christianity and Homosexuality

An Examination into whether claims by Christians about their beliefs regarding homosexuals & homosexuality are consistent religious beliefs or prejudice disguised as religious belief.

By Stephen R Hammett

ABSTRACT

This dissertation examines the beliefs of those Christians who believe that homosexuality, identified as either as a lifestyle, identity or practice, is morally wrong, *and* that consenting adult homosexuals should not enjoy similar rights to heterosexuals. Specifically it asks if those beliefs are consistently grounded in Christian ideology or not. Where there are discrepancies the dissertation explores ways to tackle this problem, including legal remedies.

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I am grateful to Pressdram Limited for kindly granting me permission to reproduce their cartoon from Private Eye: 25.7.2003, p13: 'Coliseum forthcoming Events', which appeared during the Church of England's debate about gay clergy in 2003.
[Removed from this copy for copyright reasons]

Regrettably attempts to obtain clarification from the Christian Institute about both their definition of homosexuality and their interpretation of §28 of the *Local Government Act 1988* proved fruitless. I have included my last email to them in Appendix A, for information.

Finally I wish to thank my mother, Margaret & sister, Linda, for their support during the course of my criminology studies.

DEDICATION

This dissertation would never have been written or completed without Brenda Finney who encouraged me to complete the first year of my Criminology Certificate at Birkbeck, despite my reluctance to do so because of lack of self confidence. Without her persistence I would never have progressed to this course. It is to her, therefore, that I dedicate this dissertation.

Declaration

I declare that this is my own work and that where I have referred to the work of others, I have fully cited them.

Stephen Russell Hammett

3 June 2004

Conflicts of interest

The author declares the following conflicts of interest.

I am a Life Member of the British Humanist Association. I also have a homosexual sexual orientation.

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The total number of words used here is 11,185.

Chapter 1

Introduction

INTRODUCTION

This dissertation examines the beliefs of those Christians who believe that homosexuality, identified as either as a lifestyle, identity or practice, is morally wrong, *and* that consenting adult homosexuals should not enjoy similar rights to heterosexuals. Specifically it asks if those beliefs are consistently grounded in Christian ideology or not. Where there are discrepancies the dissertation explores ways to tackle this problem, including legal remedies.

There is currently intense debate within the Christian community about homosexuality, representing different strands of belief and opinion about scriptural ontology and how it should be interpreted. It is not possible however to simply categorise opinions on this topic according to whether believers are “liberal”, “conservative” or “orthodox”. A narrow reading of media reports could, for example, leave one believing that evangelistic Christians are all “antigay”. In reality there are both gay and non-gay evangelicals who accommodate homosexuals.¹ Where “antigay” discourse does arise it is however most frequently to be found among a section of conservative Christians (Herman,D. 1997; Buss,D & Herman,D 2003), often with fundamentalist beliefs. It is this group, which I call antigay- or AG-christophrenics, that I am particularly interested in.

To begin with I will give the criminological relevance of this dissertation, which I will follow with clarification of the terminology used.

Criminological relevance

¹ For example: HOBSON,P. (2003) *A church of sadness and shame*, Guardian: 8 July 2003.
Available at: <<http://www.guardian.co.uk/gayrights/story/0,12592,993650,00.html>> [Accessed: 23.4.2004]

Since the *Race Relations Act 1976*, Britain has begun to adopt measures, either through legislation or through substantive law, that seeks to tackle crime towards people because of their actual or perceived race, gender, sexual orientation or religious beliefs, which I shall refer to as protected groups. These measures vary from prohibiting discrimination against those by reason of their membership of a protected group, to increasing penalties for offenders convicted of crimes towards protected groups. However some groups are better protected than others. In particular whilst inciting hatred, homicide or genocide towards racial and religious minorities is a criminal act, covered by various statutes (eg. the *Genocide Act 1969*) there is doubt by agents of the criminal justice system, such as the police and Crown Prosecution Service (hereafter CPS) as to the application of hate crime legislation to homosexuals. For example, homosexuals are excluded as a protected group for the purposes of genocide. Criminologically this dissertation should assist agents of the criminal justice system to differentiate between the acts of hate speech which may give rise to criminal liability and the articulation of religious beliefs, where the discursive assault upon homosexuals is shown, in reality, to be grounded more in dislike or in using supporting *non-religious* data than the *consistent* articulation of religious ideology. Neither non-religious data nor inconsistent religious ideology should be privileged.

Terminology

I shall now deal with the terminology used in this document. In discussing any controversial topic, the language used to describe specific concepts is significant in that pre-conceived ideas about the subject may remain unchallenged or become reinforced. Ideologies themselves define things into categories which, as they become entrenched,

appear descriptively accurate, representative or normative, when in fact they may simply amplify or preserve existing prejudices. To minimise this effect I have substituted a series of concepts in an attempt to create discursively neutral ground. I have used the suffix – *phrenia* denoting (here) a ‘state of mind’, though one must be aware that it has not only clinical (psychological) but also cultural connotations. For reasons of necessary brevity these are not explored further here. Using this suffix I have created the following neologisms, with the holders of such beliefs denoted *-phrenics*, in brackets after the definition:-

state of mind	<i>affected person (described as being)</i>	definition
atheophrenia	<i>atheophrenic</i>	<i>non</i> -belief in deities, the supernatural or spiritual
christophrenia	<i>christophrenic</i>	belief in the Christian ideology
theophrenia	<i>theophrenic</i>	belief in deities, the supernatural or spiritual
heterophrenia	<i>heterophrenic</i>	a belief that one is sexually attracted or aroused by a person of the opposite gender to oneself
homophrenia	<i>homophrenic</i>	a belief that one is sexually attracted or aroused by a person of the same gender as oneself

One could argue that using the term *-phrenia* to describe each psychological state, implies psychiatric illness, (eg. schizophrenia). Whilst this remains true it nevertheless indicates that the disputed causes of each state-of-mind are being treated equally. The aetiology and

ontology of both religion and homosexuality are contested. However we do know biologically that beliefs about one's identity or orientation – religious, political or sexual – are derived or perceived because of neurological processes that facilitate cognition. It is for this reason that I have chosen to specifically use the suffix *-phrenia* to describe all these beliefs about oneself as being properties of the mind.

The term “fundamentalist” is used here to describe those Christians who subscribe to *inerrancy*.² Inerrancy is a belief position in which the texts making up the Bible are read literally rather than contextually, and believers claim that the entire Bible is true.³ The main weakness of inerrancy is that if any part of scripture can be shown to be false, the credibility of the whole Bible is undermined. As the texts constituting the Bible have changed over time, this is especially problematic for inerrants.

Another problem one encounters is how to describe those who appear to hold intolerant opinions about homosexuals. The term “homophobic” is problematic in that it implies that the person so labelled literally has a pathological fear of gays. It can also become as much a term of abuse as referring to gays as perverts. I have adopted the term used by Herman (1997) of *antigay*. Although not ideal as it is itself a loaded term, I believe that it is more satisfactory than the alternative: homophobia.

² See, for example: [Biblical Inerrancy and Infallibility: Description, Problems and Implications](http://www.religioustolerance.com/inerran2.htm)
Available at: <<http://www.religioustolerance.com/inerran2.htm>> [Accessed: 30.12.2003]

³ For example: (i) Christian Institute. Available at: <<http://www.christian.org.uk/basisoffaith.htm>> [Accessed: 29.1.2004]; (ii) The Rev. Fred Phelps' Westboro Baptist Church. Available at: <<http://www.godhatesfags.com/main/>> [Accessed: 31.1.2004]

The next area I want to address is the connection between belief and ideology. The term “belief” is defined in the Oxford English Dictionary (in this context) as:

‘Mental acceptance of a proposition, statement, or fact, as true, on the ground of authority or evidence.’⁴

Ideology (here) consists of beliefs which guide behaviour.⁵ Religious beliefs guide the behaviour of those professing to hold those beliefs, or behaviour may be attributed to religious belief. Beliefs, here form part of an ideology, comprising psychological responses, whether about the environment in which one lives or, for example, towards what Allport (1954) calls both *in-groups* and *out-groups*. Beliefs about out-groups *may* be more negative than towards members of one’s own in-groups, stereotyping the out-group behaviour, but this does *not* necessarily follow.

Different topoi of ideology seek to explain its characteristics, including more recently the Marxist topos of *false consciousness* bound by their essentialist interpretation of society, through Laclau’s *social imaginary* topos to Žižek’s *ideological fantasy* (Torfing, J. 1999). Ideology in its fundamentalist form can also lead to an ideal of hegemony, where there is no distinction between the political, social and the religious, nor a public-private boundary. Here, those who are either non-conformist or whose behaviour differs from the *ideological norm*, face marginalisation, persecution and even extermination: part of the spectrum

⁴ Oxford English Dictionary online. Available at: <<http://dictionary.oed.com/>> [Accessed: 1.6.2004]

⁵ JARVIS, C. (2004) Values, Beliefs and Ideology. Available at: <<http://www.brunel.ac.uk/~bustcfj/ethics/8>> [Accessed: 1.6.2004]

outlined in Goldhagen's *Eliminationism Thesis* (Goldhagen, DJ. 2002). Here I view ideology as a belief system grounded in a series of perceived truths, of which more in the next chapter.

Recently, and controversially, AG-christophrenics have sought to privilege theophrenic beliefs about morality, including specifically homophrenia, in employment law, a position being legally contested. When the European Union introduced its Employment Directives, AG-christophrenics sought the legal right to discriminate against homophrenic employees, on the grounds that imposition of the law infringed *their right* to practice their religion. In particular AG-christophrenics sought and obtained the right to refuse to employ a homophrenic if a significant number of that religion's followers objected that it conflicted with their religious convictions.⁶ Conversely the rights of employers with a non-religious ethos where a majority of their employees object on secular grounds to employing a Christian are not respected.

Forty years ago discrimination against homophrenics would not have been an issue because prior to the *Sexual Offences Act 1967* (hereafter SOA 1967) all homophrenic *acts* were a criminal offence. The SOA 1967 partially decriminalised homophrenic acts performed in private. Some homophrenic conduct, which was legal when performed by heterophrenics, remained criminal offences prior to the *Sexual Offences Act 2003*. However sex in public lavatories, predominantly performed by male homophrenics⁷ remains a crime⁸, MPs

⁶ The Employment Equality (Sexual Orientation) Regulations 2003, §3(b)(ii).

⁷ HC Deb (2002-03) 412, col.604ff

expressing concern of the effects of viewing this on children⁹, but not the heterophrenic equivalents such as having sex in their back garden or bedroom, where children might encounter this activity.

Homophobia remains a criminal offence in many parts of the World, and in countries such as Iran and Saudi Arabia, carries the death penalty, whilst in Egypt and India it is punishable by imprisonment.¹⁰

Prior to decriminalization in the UK, homophobia, as a crime, was studied by criminologists seeking to treat or cure homophobic *offenders* using methods ranging from aversion and electroconvulsive therapies (West 1960), various psychological treatments to hormone injections (Hodges 1992). The Nazis tried other methods in the Buchenwald and Neuengamme concentration camps (hereafter KZ) under Dr .Carl Jensen (alias “Dr. Værnet”) including castration followed by gland implants and forcing homophobic prisoners to visit the brothel in KZ Flossenbürg on a weekly basis, in the belief that this could “cure” them.¹¹

⁸ *Sexual Offences Act 2003*, §71

⁹ HL Deb (2002-03) 649, col.67

¹⁰ Love Hate and the Law, New Internationalist, October 2000.
Available at: <<http://www.newint.org/issue328/facts.htm>> [Accessed: 29.10.2003]

¹¹ *The Hunt for Nazi Concentration Camp Doctor Carl Værnet. Gay Holocaust.*
Available at: <http://users.cybercity.dk/~dko12530/hunt_for_danish_kz.htm> [Accessed: 19.4.2004]

Domestic primary legislation has begun to recognise that hatred directed at either a group or a person's membership of a group, involving versions of what Becker calls *outsiders* (Becker, 1982), Brown calls *others* (Brown, R. 1995) and Goffman refers to as *the stigmatised* (Goffman 1968), can lead to criminal behaviour towards those 'others'.¹² The *Offences Against the Person Act 1861*, *Public Order Act 1986* and *Protection from Harassment Act 1987*, tackle general aspects of hate crime. The *Race Relations Act 1976* and the more recent *Anti-terrorism, Crime and Security Act 2001* focus on the problem of hatred on racial or religious grounds. However, these statutes still permit religious groups to incite hatred against homosexuals if this incitement forms part of a religious ideology, such as the Bible, even where such behaviour is inconsistent.

Legal tools, such as the legislation above, offer a theoretical armoury to officials of the criminal justice system (hereafter CJS) such as the police and judiciary, and auxiliary agents, such as lay jurors, to effect action. A willingness to use them is quite another matter. Their use has been made successfully to prosecute a lay preacher, Hammond, for displaying a placard expressing his religious opinions, which were mildly offensive, yet not prosecuting those who physically attacked him (Times: 25.4.2002).¹³ The police also attempted to use them by referring a speech by the Bishop of Chester to the CPS in 2003, where he asserted that homosexuals should seek psychiatric help (Chester Chronicle: 7.11.2003).¹⁴ The CPS rejected prosecution on the grounds that existing public order

¹² Available at: <<http://guweb2.gonzaga.edu/againsthate/institute.html>> [Accessed: 29.1.2004]

¹³ DeBRUXELLES, S. (2002) *Preacher fined for anti-gay sermon*, Times: 25 April 2002. Available at: <<http://www.timesonline.co.uk/article/0,,2-278222,00.html>> [Accessed: 29.1.2004]

¹⁴ HOLMES, D. (2003) Bishop tells gays to seek a cure, *Chester Chronicle*: 7 November 2003. Available at: <<http://iccheshireonline.icnetwork.co.uk/0100news/chesterchronicle/>>

legislation provides *no* legal remedy (Independent: 11.11.2003; Manchester Online News: 17.11.2003).¹⁵ There is also the argument that he was simply articulating an opinion, the curtailment of which constitutes a denial of both free speech and religious liberty.¹⁶

Despite this ambivalence toward prosecution Thames Valley Police suggest that verbal abuse should be reported.¹⁷ Finally there is the question as to whether a clinician seeking to offer psychiatric treatment, under these circumstances, would be subject to disciplinary measures from her professional body.^{18,19} The law needs clarifying.

I shall begin by examining the concept of truth and the problems arising from diverse ideological perspectives to adequately define truth. Diverse groups make claims that their beliefs represent the “truth”. I shall show that there is no universal definition. This lack of clear demarcation makes tackling hate crime problematic unless one approaches it legally from a strict liability perspective: since objectively defining intent in this species of hate crime is difficult where the underlying truth *topos* differs between persons or groups of persons. The Common law offence of blasphemous libel is one of strict liability and was

page.cfm?objectid=13599946&method=full&siteid=50020> [Accessed: 29.1.2004]

¹⁵ Available at: <http://www.manchesteronline.co.uk/news/stories/Detail_LinkStory=73269.html> [Accessed: 29.1.2004]

¹⁶ *Free speech in danger as police hound Bishop*, Christian Institute: News Release: 10.11.2003. Available at: <http://www.christian.org.uk/pressreleases/2003/november_10_2003.html> [Accessed: 2.2.2004]

¹⁷ Available at: <http://www.thamesvalley.police.uk/about/c_race15.htm> {Accessed: 29.1.2004}

¹⁸ COOKE,G & SHEARD,A (2003) *A cure for homophobia*, Guardian: 11.11.2003, p25.

¹⁹ Private correspondence with the General Medical Council: reply from Jacquie MacKenzie: 23.12.2003.

successfully used in *Lemon*²⁰, though its legality is doubtful following the *Human Rights Act 1998*, a position reiterated recently by the Select Committee on Religious Offences in England and Wales.²¹

Following this discussion I explore the concept of free speech and its association with rights topoi of relevance. Legislation defining which practices and beliefs constitute “rights” and those which do not are linked to the topoi of truth. For example, a society where religion is believed to be a system of false consciousness may be less concerned with enforcing or permitting the holding or exhibition of those rights.

I shall then examine prejudice and how this might provide an alternative explanation for antigay beliefs and behaviour. I will then look at ways that these prejudices could be addressed.

Finally, I will examine religious ideology and consider whether the discursive assault upon homosexuals or *homophrenics*, by antigay Christians, or *AG-christophrenics*, constitutes hate or is a genuine expression of Christian ideological belief.

²⁰ *Gay News and Lemon v. United Kingdom* (1983) 5 E.H.R.R. 123

²¹ Select Committee on Religious Offences in England and Wales (2003) First Report, see Appendix 3. Available at: <<http://www.parliament.the-stationery-office.co.uk/pa/ld200203/ldselect/ldrel/of/95/9515.htm>> [Accessed: 1.6.2004]

Chapter 2

The Concept of Truth

Introduction to the Chapter

In the first substantive chapter of this dissertation I have chosen to begin with a critical analysis of the concept of truth. This is a notoriously complex topic, debated amongst others, by philosophers, theists, legal theorists and criminologists. Here I will show that there is no single definition of truth. Instead there are competing topoi. The analysis commences with Tarski's authoritative examination of the concept of truth (hereafter CoT). Next I shall briefly consider specifically two allegedly antigay statements attributed to Paul in the New Testament, contrasting the English translation with the specific New Testament Greek words thought to refer to and condemn homophrenics or homophrenia generally. Next I will address Kant's *Universal law*, which has been used to criticise homophrenia, Finnis' natural law approach, Dworkin's *One Right Answer Thesis* (ORAT) and finally Rawls' related *Veil of Ignorance Thesis*.

To begin with, it is necessary to posit the question: is the CoT relevant in deciding whether antigay discourse is encompassed in the notion of hate? An example is the specific weapon of group defamation. Here those hostile to a given disliked group (which I shall call X) may use selective facts, part-facts or myths about some members of X, in order to construct a distorting veil, through which other groups may view X, unfavourably. Group defamation can be used to incite negative reactions or hatred towards X as a whole or any individual member of X. Group defamation can also be deployed, for example, to promote legislation affecting the rights or treatment of X, such as the so-called "Section 28" of the

Local Government Act 1988 (hereafter Local Government Act is written as LGA, for example LGA 1988).²²

The LGA 1986 prevented *local authorities* from presenting homophobia in state-funded schools in anything but a *negative* way, though a departmental circular²³ claimed otherwise. In practice, ignorance or professed ignorance about the legislation led many school governors/staff to avoid the matter altogether, even where bullying of gay pupils was prevalent. The poor phrasing of the clause meanwhile implied that it was acceptable for school-governing bodies/staff to link homophobia and disease, by restricting any discussion in schools about homophobia, to the prevention of the spread, or treatment of, disease.²⁴ This is reminiscent of some AG-chirophobic discourse.²⁵

I will now explore the concept of truth through Alfred Tarski, one of the foremost thinkers on this topic, whose classic work, written in 1944, retains its authority today.

Tarski and the Concept of Truth

²² Clause 2A of the Local Government Act 1986 incorporated in §28 of the Local Government Act 1988., repealed in §122 of the Local Government Act 2003.

²³ Department of the Environment Circular 12/88: 20 May 1988, para.20

²⁴ *Local Government Act 1988* §28(2).

²⁵ See for example: Free the people! From homosexuality. Available at:

<<http://www.freethepeople.net/homosexual.htm>>

[Accessed: 1.2.2004]; *Homosexual Indoctrinators Infiltrate Government Schools*.

Available at: <<http://www.newsmax.com/archives/articles/2002/5/7/155544.shtml>> [Accessed: 1.2.2004];

If you died. who would they give your children to?

Available at: <http://www.christian.org.uk/html-publications/adoption_poster.htm> [Accessed: 1.2.2004];

STAMMERS, T. (2001) *Sex, Lies and Cigarettes*. Christian Medical Fellowship.

Available at: <<http://www.cmf.org.uk/index.htm?helix/spr02/gay.htm>> [Accessed: 1.2.2004]

Tarski recognises that no definition of truth is satisfactory since all attempts at defining truth encounter problems (Tarski 1999). He feels that the most satisfactory definition is Aristotle's famous aphorism:

‘To say of what is that it is not, or of what is not that it is, *is false*, while to say of what is that it is, or of what is not that it is not, *is true*.’²⁶

This is commonly referred to as a *correspondence theory*. In Tarski's explorations of the CoT he identifies various conditions which would need to be satisfied prior to attempting a definition. His first observation is that one needs a language with a formal structure. In addition any definition would be tied to a *specific* language, since not only can meanings of words differ from one language to another but their meaning can also be affected by, for example, the grammar of a language, such as inferred gender or whether a language recognises different tenses. Disputes over word meanings as well as context in the Bible remind us of this problem, since it can be difficult to interpret Greek New Testament *topoi* without knowing the context in which they were written. In the context of homophobia, *topoi* such as ‘μαλακοί’ (*malakoi*) and ‘αρσενοκοιται’ (*arsenokoitai*) are examples, of which more to be discussed further below.²⁷

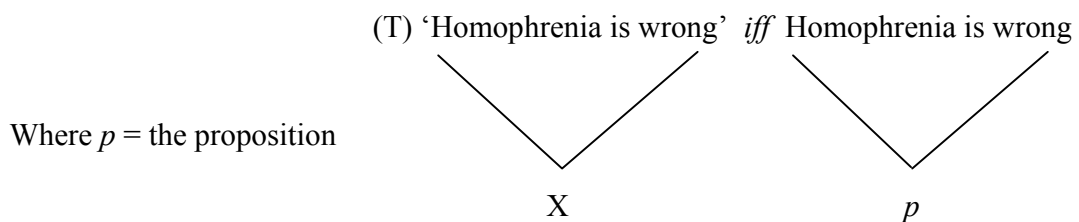
²⁶ Metaphysics: Γ,7,27, cited in TARSKI (1999).

²⁷ *Malakoi* (1 Cor 6.9) and *Arsenokoitai* (1 Cor 6.9, 1 Tim 1.10) are thought to refer to male homophobic behaviour by conservative christophrenics but interpreted more broadly by liberal christophrenics. See: TOWNSLEY, J. (2001) ; Texts from: Bible (1995) ; Parallel Greek New Testament Index, Available from: <<http://www.greeknewtestament.com/>> [Accessed: 20.1.2004]

In basing a proposition the predicate “true” may refer to things (eg. snow), sentences, linguistic expressions or *psychological* phenomena such as judgements or *beliefs*. Philosophically it is simplest to apply the notion “true” to sentences or objects. For example one could say:

‘Homophrenia is wrong’ is true if, and only if, Homophrenia is wrong.

This can be expressed in shorthand as:

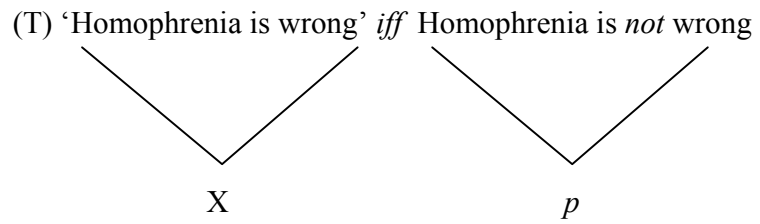


or formulaically as: X is true iff p or $(T) X$ iff p } for a given language

which Tarski describes as a ‘semantic concept of truth’.

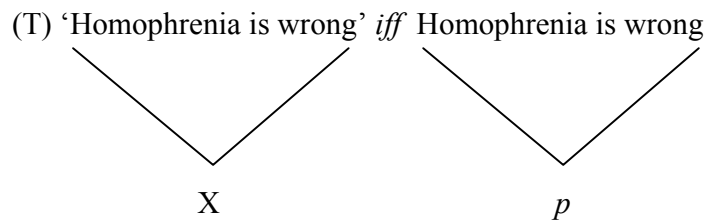
The problem that arises here of course is how do we define, say, X ? For example, what do we mean by homosexual?

The semantic CoT can present a conundrum where a statement is made which is either paradoxical or which *is* clearly untrue, which is called the problem of the *antinomy of the liar*. Here one might say:



Clearly X is contradicted by *p*.

Paradoxically one might say:



The proposition (*p*) could be both true and untrue, *at the same time*. For Pope John Paul II the second statement is correct in that he regards homophobia as wrong, but the second statement can also be false if one does not regard homophobia as being wrong at all.

Tarski concludes by asserting that all definitions are insufficiently precise and clear enough to enable us to avoid misunderstandings (Tarski 1999). This imprecision of language arises because of different interpretations of the meanings of words, a problem arising with interpretations of scripture, to be discussed further below.

Theology

In this section I shall look at some of the difficulties encountered with specific aspects of the christophrenic CoT, focussing here on interpretation.

symbolic v. literal interpretation

A central problem with ideological interpretation of the Bible is whether the texts should be read only symbolically, or literally. The latter has been used to suggest that when human survival necessitated reproduction by all those able, heterophrenia needed to be enforced (Rogers,EF.1999). Conversely contemporary society can survive without the sociolegal enforcement of heterophrenia.

A symbolic interpretation has the problem that, in effect, the whole Bible can be interpreted to mean whatever one wants it to. At the other extreme, selective quotation of obscure passages can artificially give scripture a narrow meaning, just as ideologically self-serving as extreme-symbolism. However extreme-literalism: inerrancy, means that if any part of the Bible can be shown to be false, it renders the whole Bible invalid.

Below I shall briefly look at a couple of examples of problems with literalism, which is the route used by AG-christophrenics to legitimise their antigay agendum.

Scriptural Literalism 1: Mixed fibres

The wearing of mixed fibres is explicitly prohibited (Deut.22:11; Lev.19:19) yet widely ignored by christophrenics. This is open to interpretation. One may find that christophrenics who interpret scripture narrowly when it comes to condemning homophrenia²⁸ take a more liberal view when it comes to wearing a poly-cotton shirt²⁹ or a

²⁸ For example, see: RITENBAUGH,RT. , The 'Gaying' of America,
Available at : <<http://bibletools.org/index.cfm/fuseaction/Library.showResource/name/0206pw.htm>>
[Accessed: 14.4.2004]

²⁹ For example, see: Should a Christian Wear Clothing of Mixed Fibers,
Available at: <<http://bibletools.org/index.cfm/fuseaction/Library.showResource/CT/BQA/k/125>>
[Accessed: 14.4.2004]

shirt, suit and tie, each made of different fibres, whilst declaring to believe in the literal truth of the entire Bible.^{30,31}

Scriptural Literalism 2: Slavery

A persistent problem for christophrenics has been both the Old Testament (hereafter OT) and New Testament's (hereafter NT) endorsement of slavery. Take Paul's belief that God does not distinguish between a free or bonded person (for example Gal.3:28 or 1 Cor 12:13), in his Letter to Philemon. By returning the christophrenic Philemon's escaped slave Onesimus, he makes no attempt to condemn one person being a chattel to another. In Ephesians (6:5-9) he tells slaves to obey their masters as they would Jesus. The OT is even more explicit. Thus Leviticus (25:44-46) for example, tells us that one may take anyone as a slave so long as they are not one's own people.

Now I shall briefly examine two examples of NT scripture often cited by christophrenics to justify their approach to both homophrenia and homophrenics, used in support of citing OT books such as the holiness codes of Leviticus (eg. Lev.18.22 or 20.13). I will look at the words: 'μαλακοι' (malakoi) and 'αρσενοκοιται' (arsenokoitai), derived from 1 *Corinthians* 6.9 and 1 *Timothy* 1.10.

³⁰ *Basis of Faith*, Christian Institute, Available at : <<http://www.christian.org.uk/basisoffaith.htm>> [Accessed: 14.4.2004]

³¹ 'Demolishing Arguments' *The Christian Institute Annual Review 2002-2003*, Christian Institute, photographs on pp3,4,21,22,23,32 & 33. Available at : <<http://www.christian.org.uk/pdfpublications/AR2002-2003.pdf>> [Accessed: 14.4.2004]

Malakoi (1 Cor 6.9³²) is variously translated as ‘effeminate’, ‘male prostitute’, ‘catamite’ in Greek literature other than the Bible.³³ Literally translated it means ‘soft’ but we have no clear indication from Paul’s use of the word what precisely *he* means.

Arsenokoitai (1 Cor 6.9, 1 Tim 1.10³⁴) literally means “male bedders” but has been translated as meaning both “homosexual offenders”³⁵ and male homophrenics³⁶ or pederasts³⁷ (ie pædophiles). Since the word is unknown before Paul it is possible he has created the word specifically to describe homophobia, from the Septuagint translation of Lev 20.13.³⁸ (Townesley,J. 2001) but it is not clear from his usage if this is actually what he means. Returning to Trenchard’s (2003) translation, it is interesting that he conflates the compound word *arseno-koitai* (αρσενο-κοιται) with male homo-*sexuals* when it literally translates as male- (αρσενο-) bedders³⁹, sexual intercourse or sexual excesses⁴⁰ (κοιται). If we assume that Paul does mean homophobia, by conflating it with homophrenics (who may be celibate) the texts condemn homophrenics, not simply male-male penile-anal

³² *1 Cor 6.9* Parallel Greek New Testament, Available from:
<<http://www.greeknewtestament.com/B46C006.htm>> [Accessed: 27.1.2004]

³³ TOWNSLEY,J. (2001); TRENCHARD,WC. (2003) p97.

³⁴ *1 Tim 1.10* Parallel Greek New Testament, Available from:
<<http://www.greeknewtestament.com/B54C001.htm>> [Accessed: 27.1.2004]

³⁵ Bible: New International Version. Available at: <<http://www.gospelcom.net/ibs/niv/>>
[Accessed: 27.1.2004]

³⁶ TRENCHARD,WC (2003) A Concise Dictionary of New Testament Greek,
Cambridge: Cambridge University Press. (p20)

³⁷ Ibid. [in the 2nd person]

³⁸ ...meta *arsenos koiten* gunaikos...

³⁹ TOWNSLEY,J. (2001)

⁴⁰ TRENCHARD,WC. (2003) p89.

penetration (PAP). Translated this way, one *might* concur with the antigay US Pastor, Phelps⁴¹ rather acerbic statement: ‘*God hates fags*’⁴² and with those christophrenics who conflate *homosexual* with PAP. Below I have illustrated how this selective translation can manifest itself. Phelps operates an antigay website upon which various photographs are available to illustrate the activities of his supporters. The photograph on the left, below, shows how children are used to relay an AG-christophrenic message about homophobia despite the frequent complaint by AG-christophrenics like Phelps, that children need to be protected from discussion about homosexuality in school.⁴³

Examples of how Pastor Phelps’s Supporters Campaign against homophrenics in the US



Photographs courtesy of Westboro Baptist Church.^{44,45}

⁴¹ Pastor Fred Phelps’ *Westboro Baptist Church*. Available at: <<http://www.godhatesfags.com/main/>> [Accessed: 31.1.2004]

⁴² Fag is American slang for a male homosexual

⁴³ See, for example: <<http://www.godhatesamerica.com/ghfmir/fags/fagsinschools.html>> [Accessed: 2.6.2004]

⁴⁴ Available at : <http://www.godhatesfags.com/images/2003/UN_Fags_9-8-2003.jpg> [Accessed: 19.4.2004]

⁴⁵ Available at : <http://www.godhatesfags.com/images/2002/Fags_Are_Worthy_Of_Death_5-27-2002.jpg> [Accessed: 19.4.2004]

The problem throughout this section is that whilst other problematic Biblical passages about say race, slavery, and (with regard to the future Supreme Governor of the Church of England (hereafter CoE) Prince Charles) adultery, have all been surmounted^{46,47}, the churches attitude towards homophobia remains what Gomes (Gomes,PJ. cited in Rogers,EF. 1999, p38) calls '*The Last Prejudice*'. Scripture is, as Rogers (1999) shows, selectively used by both liberal and conservative christophrenics, to support their respective and at times profoundly diverse, agenda. It is also profoundly hypocritical. This sexual hypocrisy is neatly illustrated by contrasting the verbal assault on the current Archbishop of Canterbury (hereafter AoC) Rowan Williams for having ordained a homophobic as a priest, whilst remaining either almost completely quiescent,⁴⁸ or supporting,⁴⁹ an adulterer becoming the CoE's next Supreme Governor.

To recap, there are problems with an inconsistent theological approach toward homophobia. Too often what professes to be the articulation of theological beliefs becomes contaminated with non-theological arguments⁵⁰, not infrequently amounting to

⁴⁶ HOLDEN,A. (2003) *Bad heir day*, Observer, 9 March 2003.
Available at : <<http://observer.guardian.co.uk/review/story/0,6903,910169,00.html>> [Accessed: 15.4.2004]

⁴⁷ CRAMPTON,R. (2004) *Just marry Camilla: Former Archbishop George Carey defends his criticism of Islam, reinforces his opposition to homosexuality and urges Prince Charles to marry Camilla Parker Bowles*, Times, 2.6.2004, T2, pp4 & 5.

⁴⁸ With the exception of say the Bishop of Durham. See: SUMMERSKILL,B. (2003) *Prince 'targeted' in new bishop's attack on adultery*, Observer, 23 February 2003.
Available at : <<http://www.guardian.co.uk/religion/Story/0,2763,901162,00.html>> [Accessed: 15.4.2004]

⁴⁹ CRAMPTON,R (2004) *Ibid*.

⁵⁰ Homosexual Age of Consent, Christian Institute, Briefing Paper. Available at:
<<http://www.christian.org.uk/briefingpapers/homosexualageofconsent.htm>> [Accessed: 2.6.2004]

group defamation.⁵¹ There is also a tendency, despite denials, to conflate homophobia with specific sexual practices, such as PAP and paedophilia,⁵² or not to distinguish between orientation and practice.⁵³ This leads neatly to the next topic, what I call the Dichotomy Thesis.

Dichotomy Thesis

The Dichotomy Thesis approaches homophobia as a dichotomy between (a) inclination or orientation, and (b) practices (what christophobics call 'sin'). This distinction is important for two reasons: (i) any claim that one is not concerned with inclination, and (ii) to what extent this dichotomy exists in the real world, and thus, whether any claims made about 'b' can be divorced from 'a'. If this dichotomy is false it means that claims made about homophobic practices are being made against homophobics' inclinations as well. This would constitute an attack on homophobics as people.

Other Topoi

Other ways of deciding upon "truths" have been proposed by, amongst others, Kant in his *Universal law* (Paton 1948), Finnis' *One Organism Thesis*, Rawls with his *Veil of Ignorance* (1999), and Dworkin with his '*One Right Answer Thesis*' (1998) which I will examine by looking at *Brown*.⁵⁴ I shall now deal with each of these briefly.

⁵¹ See, for example: Available at: <<http://www.godhatesfags.com/fags/fagfacts.html>> [Accessed: 2.6.2004]

⁵² Family Policy: Homosexuality and Children, Family Research Council.
Available at: <<http://www.frc.org/get.cfm?i=FP02K>> [Accessed: 2.6.2004]

⁵³ *Tory 'Gay Summit'*, Christian Voice, March 2004, pp7 & 8. Available at:
<http://www.christianvoice.org.uk/Newsletters/Mar_2004.pdf> [Accessed: 2.6.2004]

⁵⁴ *R v Brown and others* (1992) 94 Cr. App R 302 CA, [1994] 1 AC 212 HL

Kant

Kant's *Universal law* has been used by some Christian priests, such as the former Anglican Bishop of Liverpool, The Rt. Rev. James Jones⁵⁵ to condemn homophrenic behaviour, on the basis humanity would become extinct were everybody to chose to be homophrenic. Interestingly this reasoning is not advanced by Jones to undermine Roman Catholicism on the basis that if all men chose to become (celibate) Roman Catholic priests, humanity would be in an equally perilous situation.

Finnis

Finnis does not approach homophrenia as either the chosen or immutable, thus potentially weakening any argument by linking the value of any thesis upon contingent facts emerging from empirical research. Finnis' arguments about homophrenia are *not* conditional upon these facts. Instead he accepts the Dichotomy Thesis.

In discussing homophrenia both Finnis and George deploy biological metaphors as a surrogate for scripture, perhaps because they perceive that these will confer greater legitimacy to their thesis than were they to rely upon Judeo-Christian beliefs derived from the Bible. Finnis (1993) believes that homophrenia, which he refers to as *individual gratification* (hereafter IG) is immoral because it is solely for pleasure rather than for reproduction. He calls heterophrenic coitus (as distinct from heterophrenic PAP) an act of

⁵⁵ Guardian: 25 January 2000 (IN: Special Report: Religion in the UK).

mutual gratification (hereafter MG). Only MG serves the 'common good' because of its ability to produce children (Finnis 1994).

The *One Organism thesis* advanced by Finnis (1994, p1066) claims that only coitus between a husband and wife enables the participants to be unified *biologically* as a single organism as distinct from purely pleasurable sexual experiences such as anal or oral sex. Their unification arises because of the possibility of producing children, though George (1999) argues that coitus need not be instrumental in the sense of producing children, to support his argument contra Macedo⁵⁶ that infertile couples are not in the same position as homophrenic couples in their inability to reproduce. George argues that the result of their action puts them in a different position, on the assumption that their sterility will never prevent reproductive coitus from *ever* arising.

Dworkin

Dworkin postulates that for any given legal problem there is *one right answer* (Dworkin,R.1988). In *Brown*⁵⁷ the defendants were a group of sado-masochists who engaged in profound acts of mutual interpersonal violence from which they derived sexual gratification. In the case the defendants were tried and convicted under the *Offences against the Person Act 1861*, receiving custodial sentences which were reduced upon appeal. The case eventually reached the House of Lords (hereafter Lords) where in a ruling of 3 to 2 against the defendants, Lord Templeman spoke for the majority in expressing the

⁵⁶ MACEDO,S. (1995) 'Homosexuality and the Conservative Mind', Georgetown Law Journal, 84: 261-300, p278.

⁵⁷ Ibid.

Devlinesque view that '...the suppression of vice is as much the law's business as the suppression of subversive activities...' (Devlin 1965). Edwards (1996) points out that by rehearsing the legal proscription of homophobic offences, he viewed sado-masochism as primarily a homophobic matter. Dissenting were Lords Slynn and Mustill. Slynn adopted Mill's *Harm Principle* which was articulated by H.L.A.Hart (1963) in his famous critique of Devlin. Mustill argued that whatever one might think about the appellants' conduct, it:

'...involved no animosity, no aggression... [and] no protest by the recipient.'

New legal opinion holds that the proscriptive outcome of this case may be open to challenge.⁵⁸ The very fact that the Lords divided on this case for very different philosophical reasons illustrates the fallacy in Dworkin's ORAT. It also, however, illustrates diverse perceptions of the nature of violence and the species of violence that constitute acceptable behaviour.

Rawls

Rawls attempts to address the problem of deciding what conduct should be prohibited in his *Veil of Ignorance thesis* (Rawls 1999). Here he argues that it is possible to objectively determine what conduct society wishes to prohibit by eliminating any self-interest. Those chosen to decide would be in a position whereby they would not know their socioeconomic status, gender, etc. Since they could find themselves placed in any of these categories they must decide which principles are just. The problem with this argument is that if those

⁵⁸ EMMERSON,B. & SINGH,R. (2003) In the matter of the Spanner Trust. Available at: <<http://www.spannertrust.org/documents/opinion.pdf>> [Accessed: 29.1.2004]

chosen believe in free-will they may attribute, say, poverty or homophobia to choice, whereas they may arise for other reasons.

Conclusion to the Chapter

It is clear that a universal definition of truth is, at least at present, impossible. Does this mean that it is not possible to say about any topic with any certainty that it is true? Well, in practice our understanding of knowledge obliges us to avoid the CoT and instead rely upon problematic definitions. In tackling competing truths any arbiter cannot simply balance one set of ideologically grounded truths against another and decide that a single right answer exists, if she makes any claims to objectivity. Where a claim is made that, say, speech incites hatred and therefore ought to be curtailed; this may conflict with the “right” to freedom of speech (hereafter FoS). However this FoS may itself infringe the target’s “right” to protection from the consequences of that speech. This problem is exacerbated from the victims’ perspective, when theophrenic hate speech *not* directed at other theophrenics is legally privileged.

In the next chapter I shall look at the Concept of Rights (hereafter CoR) and its relationship with free speech.

Chapter 3

The Concept of Free Speech & Topoi of Rights

Introduction to the Chapter

In the previous chapter we learned that there is no straightforward, universal, uncontested concept of truth (CoT). Instead we have competing subjective truths dependent upon ideological criteria.

This chapter briefly examines the concept of free speech enabling one to articulate and discuss one's *ideologically derived*, and thereby *subjective*, truths. Next it examines relevant aspects of the European Convention of Human Rights and Fundamental Freedoms 1950 (ECoHR).⁵⁹

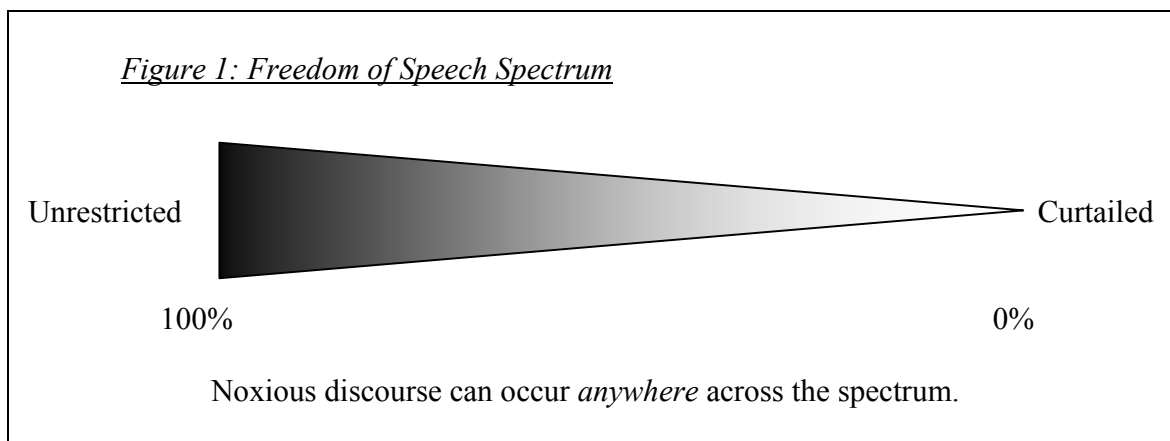


Figure 1 outlines what I call the Freedom of Speech Spectrum. On the left side is unrestricted discourse whilst on the right side is curtailed discourse, that is, an absolute absence of FoS. In any given society there is some degree of constraint upon free speech, implicit or explicit, which may be universally or selectively legislated or enforced. Nevertheless, whilst FoS remains an essential feature of a democratic society, in totalitarian societies where FoS is biased in one direction, this erodes the FoS of others. Now an

⁵⁹ Convention for the Protection of Human Rights and Fundamental Freedoms, 1950.
Available at: < <http://www.echr.coe.int/Convention/webConvenENG.pdf> > [Accessed: 9.3.2004]

examination of rights topoi follows, including their interaction with the concept of free speech with regard to noxious discourse deployed against homophrenics by AG-christophrenics.

Rights

The liberty of one person (A) to freely express her beliefs (X) about another person or subject (B) which may be directed at a person in a power relation to the subject (C) affects not only the rights of A but also directly of B and indirectly of C. The power of X to influence C to do something to B is central to establishing the ontology of hate discourse and ways to counteract it. Rights tend to enforce norms either through coercion (eg. through law or custom), through self-interest or choice (eg. conventional marriage) or are internalized⁶⁰, as with Hart's concept of the internal aspect of law (Hart, HLA 1994).

The concept of rights originates in the *social contractarian* model of Hobbes, Locke and Rousseau, who believe morality is grounded in a topos called the "social contract".

Whereas prior to this there existed, they believe, a *state of nature*, which in Hobbes' famous words resulted in life being '...solitary poor, nasty, brutish and short...' (HOBBS 1651), the contract means that individuals exchange their absolute freedom for a series of guaranteed rights provided by the government. Moreover it is a *contract* with no additional rights accorded to the individual. In reality a citizen has no choice whether to enter into such a mutually binding contract, nor the nature of such a contract. Rights themselves are

⁶⁰ Norms and The Responsibility to Protect, Meeting Report at the Canadian Conference Centre, Ottawa, Ontario: 7 April 2003, Project Ploughshares. Available at:

entitlements, with correlative obligations *usually* attached. Rights can be *negative*, where one is entitled to be free to do something (X), such as reading a book, or *positive* whereby one can attain something (such as a Criminology Diploma) with the assistance of another person (one's tutor, etc.). They can be further sub-categorised into *active* and *passive*, both of which are negative rights. Active rights are the right to be free to choose to do X, such as kissing one's partner, whilst a passive right is the freedom to choose not to do X, such as choosing not to eat shellfish. Finally rights are defined by who they address. Say my claim is for the negative right not to be denied the right to marry, or the positive right for the police to arrest Y for assaulting me, this is what is called an *in rem* (or general) right, which are rights against the "world at large" such as the right to life. The claim for the right to be paid by my employer, or recover my wages through the Courts, is called an *in personam* (or special) right, which is a right that is enforceable between individuals, such as torts and contracts.

Special Rights

H.L.A.Hart's *special rights* take on the form of '...special transactions between specific individuals, or some special relationship between them...' (Davies And Holdcroft 1991, p236 citing Hart,HLA 1955). Hart considers the impact of legislatures' immunities (Bills of Rights) which afford them the ability to fully debate topics (*intra parlamentum*) without fear of litigation. It is also this right that allows some antigay MPs to defame⁶¹ either theo-

<<http://www.ploughshares.ca/CONTENT/REDUCE%20MILITARY/Report%20Norms&Intervention%20Apr03.pdf>> [Accessed: 10.3.2004]

⁶¹ For example, during the debate on repealing §28 of the LGA 1988:-
Linking homophobia with disease: HL Deb (1999-00) 207, Col.417; Col.468 refers to the harmful aspects of homophobia; Cols.473-474 discuss false allegations made about literature sent out to schools allegedly promoting homophobia.

or homophrenics with impunity.⁶² Special rights enable AG-christophrenics to incite hatred against homophrenics by allowing them to argue that hate speech on religious grounds is merely religious liberty, whilst similar speech used against christophrenics or speech that challenges their idealised view of their ideological founder Jesus, might be actionable as blasphemy, as in *Lemon*.⁶³

Hart's theory, as MacCormick⁶⁴ observes, is undermined by a position whereby an individual chooses *not* to gain from a benefit as part of a group (*eg.* by belonging to a trades union), but where the group itself benefits as a result of policy towards their group; under Hart the individual would have given up a right and theoretically gained nothing, when she might gain the benefit because of a benefactor's imposition. MacCormick also reminds us that since, say, children cannot (by virtue of being *sui juris*) be liable for obligations (as correlatives of rights) under Hart's *choice-theory* children would have no rights.

Outlined above is the philosophical approach to the CoR. Whilst this offers an abstract approach to hypothetical situations, often using straightforward examples, it is through the complexities of cases involving real people that rights as a substantive issue, can be of practical value. The following examination of the ECoHR is used to demonstrate this point.

⁶² Parliamentary FoS is guaranteed under Article 9 of the *Bill of Rights 1689*. Parliamentary Publications are protected under the *Parliamentary Papers Act 1840*, 3 & 4 Vict, cap.9.

⁶³ *Whitehouse v Lemon* [1979] 2 WLR 281

⁶⁴ MacCORMICK, N. (1981) H.L.A.Hart, Stanford University Press.

The ECoHR is an evolving legal instrument that allows rights topoi to change as public opinion evolves.⁶⁵ Whilst certain rights, such as Article 9 on the right to freedom of thought, conscience and religion may be manifested, etc., these have to be balanced against the rights and freedoms of others,⁶⁶ itself a neo-Kantian position expounded by, amongst others, Gewirth in his *Principle of Generic Consistency* (Gewirth, A. 1978). A problem with the ECoHR is that it is framed so as to enforce certain norms, this enabling a definition of marriage to deny homophrenics the ability to marry in Article 12 by allowing *national* laws to establish limits whilst Article 8(2) posits the question, *whose* morals allow restrictions of *others'* right to respect for *their* private and family life?

The legal reality of FoS is that it is a freedom or liberty contained within boundaries. Domestically, the right to freedom of religious (or similar) belief may be used to evade legal consequences for verbal attacks, including incitement through false or exaggerated defamatory assertions, by theophrenics against homophrenics.⁶⁷ By contrast blasphemy laws are used to protect *some* christophrenic ideology. Some christophrenics have argued that new legislation should *not* be introduced to outlaw incitement to religious hatred, if it prevents them from verbal or written attacks against those they claim to dislike *because of* their ideology.⁶⁸ A problem here is that as Hitler's *Mein Kampf* invokes God as the reason

⁶⁵ SIMPSON, B. (2003) The European Convention Fifty Years On, Seminar at the Centre for the Study of Human Rights, 16 October 2003, London: London School of Economics. Available at: <http://www.lse.ac.uk/Depts/human-rights/Documents/European_Convention_Fifty_Years_On.doc> [Accessed: 10.3.2004]

⁶⁶ In both article 8(2) and with regard to FoS, article 10(2) of the ECoHR

⁶⁷ See, for example: GREEN, S. (2003) *Recruiting Policy, Homosexuality and the Police*, Christian Voice, 8.12.2003, p5. Available at: <<http://www.uklifeleague.com/hpolice-pub/hp4.htm>> [Accessed: 8.3.2004]

⁶⁸ See, for example: Written evidence by Christian Voice to the Select Committee on Religious Offences in

for his anti-Semitism⁶⁹, presumably rights for theophrenics which did not exclude the theopolitical sphere, would “legitimise” his anti-Semitism. Moreover, were the British National Party to rename themselves the Christian National Party, such rights might enable them to *legitimately* cite Leviticus (25: 44-46) to justify racial discrimination.

In this chapter I have briefly looked at the topos of freedom of speech and basic concepts of rights with reference to theophrenic antigay discourse, plus practical problems with the ECoHR itself. Whilst adjudication offers one remedy, it cannot alone alter the underlying prejudices that lead to antigay attitudes. Moreover, adjudication may itself contribute towards antigay attitudes, through judicial prejudice, however unwitting it may be. This can take the form of assumptions made about groups seeking to have their rights protected to which the adjudicator has limited or no practical experience. This can compound injustice. In the following chapter I will look into the nature of prejudice and the hatred this can lead to.

England and Wales. Available at: <<http://www.parliament.the-stationery-office.co.uk/pa/ld200203/ldselect/ldrelof/95/95w16.htm>> [Accessed: 8.3.2004].

⁶⁹ See: STEIN,SD (2001) Antisemitism, Christianity, Pogroms: Backcloth or Destruction, last updated: 5.12.2001. Available at: <<http://www.ess.uwe.ac.uk/genocide/antisem15.htm>> [Accessed: 8.3.2004]

Chapter 4

Prejudice

Introduction to the Chapter

In the previous chapter I looked at free speech and its interaction with rights. In this chapter I will be looking at negative prejudice caused by stereotyping and the nature of prejudice.

One approach in examining prejudice, suggested by Bowling⁷⁰, is to focus on the ‘we-ness’ of those targeting discriminated against groups in preference to examining the conventional ‘they-ness’ of the targeted group.

Here I shall adopt Rupert Brown’s definition of prejudice:

‘...the holding of derogatory social attitudes or cognitive beliefs, the expression of negative affect, or the display of hostile or discriminatory behaviour towards members of a group on account of their membership of that group.’

Brown,R. (1995) p8.

In this chapter I shall outline a few of the theories which may be attributable to prejudicial attitudes towards homophrenics, especially by christo- or theophrenics.

Prejudice can be viewed from several different perspectives. One popular explanation is that of attributing it to individuals’ personality characteristics, such as Adorno’s *F(ascist)-Type* personalities or Rokeach’s equivalent left-wing *theory of dogmatism*, both concepts of the *authoritarian personality*, which has been attributed to family-dynamics. A problem

⁷⁰ Personal correspondence with Prof.Ben Bowling, via race-ethnicity-criminology-request@jiscmail.ac.uk (11 March 2004)

with these theories is that they attribute prejudice to individuals rather than the beliefs of groups. Pettigrew (1958, cited in Brown, R. 1995) for example, found no difference in the degree of racial prejudice between authoritarian and non-authoritarian types, suggesting that this narrow approach may have limited scope.

An alternative approach is Allport's (1954) *in- and out-group dynamics*, which can take the form of negativity either towards the out-group or within one's own in-group, which I outlined earlier (in chapter 1).

Ross, in his *fundamental attribution error* topos (1977, cited in Brown, R. 1995) looks at the way groups explain behavioural causation within their own group and in other groups. Essentially they attribute their (internal) group's behaviour as being caused by others, whilst attributing external group behaviour to the group itself.

Rupert Brown's (1995) concept of the *social norms* of the majority determining the degree of prejudice towards extra-normativity in minority groups offers another explanation. Social norms have previously been cited as sufficient grounds for legal regulation or proscription of sub- or non-norms for a given geo-social group. One such example is the Hart-Devlin debate. Lord Devlin (1965) believes that it is legitimate for the state to legislate in favour of conventional (as against critical) morality to protect society from disintegration, asserting that vice is as much the state's concern as treason. This position is contested by Professor Herbert Hart (1963) who differentiates between the very different ontologies of treason and homophobia, the "vice" Devlin was attacking. The *logic* of

Devlin's position is that legislation emancipating the British Roman Catholic minority from various restrictions on their liberties, is wrong and should be reversed.

Simpson and Yinger (1972, cited in Brown,R. 1995) postulate that '*...prejudice exists because someone gains by it...*'. Here stereotyping, which can lead to prejudice, can be used to legitimise discrimination by, say, the dominant group, to privilege its own position.

At the most basic level, a stereotype is derived from an inference made about someone by reason of their perceived membership of a particular category (Brown,R. 1995). Indeed the cognitive process of social categorisation is a *precondition* for prejudice (Allport 1954).

Categorisation itself is an essential part of human existence (Bruner,JS. 1957, cited in Brown,R. 1995⁷¹), enabling a species to categorise certain traits, such as say safety or danger: the appearance and smell of an (edible) orange or the markings of a (stinging) wasp. In humans, categorisation, which is culturally embedded, is transmitted through *socio-cultural* interactions such as at school, by one's parents, newspapers, etc (Allport 1954). The evidence for this method of learning to categorise A as X: stereotyping, derives from its temporal persistence, demonstrated by research into nationality stereotypes (see for example: Katz,D. & Braly,K. 1933; Gilbert,GM.1951).⁷²

Partial social reality about a given group can also reinforce stereotypes in what, in common argot, is the 'grain of truth theory'. Here certain *apparently* highly visible

⁷¹ See: pp41 & 276.

⁷² Cited in BROWN,R. (1995) pp83-84, 287, 283.

characteristics may *appear* representative or typical of the group *in toto*. An example is the association of homophrenics with AIDS⁷³, excessive wealth or power⁷⁴ or pædophilia.⁷⁵

These ideas may then get amplified by uncritical reporting in the media or their articulation as facts by influential people. Furthermore a heightened emotional state can amplify the likelihood of stereotyping, through, for example, moral panics and the responses made to these.

Stereotyping may be compounded by becoming a *self-fulfilling prophesy* (Brown,R.1995) both in the sense that claims that X does Y can be reinforced by preventing X from doing or appearing to do, anything but Y, or denying him the opportunity to refute the claim, by doing Z. It may also arise where X internalises the Y he does not do but acts as if he does do Y, or indeed does perform Y, a point made by both Brown (1995) and Goffman (1990). An example here is where X represents homophrenics, Y promiscuity and Z marriage.

Priming may alter perceptions about a target group by a prejudiced subject where positive or negative attributes are made about the target group, such as Pope John Paul II's (negatively primed) declaration that homophrenics are *intrinsically evil*,⁷⁶ or his (positively primed) belief that Pope Pius XII ought to be canonised, despite ample evidence of his

⁷³ Acquired Immune Deficiency Syndrome. It develops following exposure to the Human Immunodeficiency Virus (HIV).

⁷⁴ SULAIMAN,T. & ADEBAYO,B. (2002) *The News*: 22 April 2002, Nigeria: Lagos. Available at [cited in]: <<http://www.sodomylaws.org/world/nigeria/nieditorial01.htm>> [Accessed: 29.3.2004]

⁷⁵ 'Gay Rights' *Secret Agenda: How the homosexual activist movement has targeted America's children*, *Whistleblower Magazine*: July 2002. Available at: <http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=28069> [Accessed: 29.3.2004]

⁷⁶ *Pope condemns gay rights march*, *BBC News Online*, 9 July 2000. Available at: <<http://news.bbc.co.uk/1/hi/world/europe/825852.stm>> [Accessed: 29.3.2004]

virulent anti-Semitism (Goldhagen,DJ. 1997). If the prejudiced subject's experience of that group is altered through contact, etc, then opinions *may* change about the target group.

Social Identity Theory (hereafter SIT) develops from the topos of social identity (hereafter SI) where, according to Tajfel and Turner (1986⁷⁷) an individual's SI is determined by the relationship between his self-image and the social categories the subject identifies himself belonging to. Tajfel & Turner assume that the SI will always be positive, though in homophrenics we can see both a positive SI amongst those who have accepted their condition but frequently amongst those who do not, their SI is negative, whilst heterophrenics may have no view as to their condition. In reality, in-group satisfaction is correlated more positively with a superior group status (hereafter SupGS) than with a subordinate group status (hereafter SGS). A SupGS might be wealth in contrast to poverty, or feeling better about oneself by reference to denigrating another group.

A more complex theory to explain inter-group behaviour, the *Realistic Group Conflict Theory* has been postulated by Campbell (1965, cited in Brown,R. 1995⁷⁸) who argues that both behaviour and attitudes may simply reflect the different interests of the groups themselves. Where mutual co-operation bring benefits either to one group, or preferably both groups, their attitudes towards one another will be more positive. Where one group can only gain at the expense of the other, more negative attitudes will prevail. However, whilst attractive, this theory fails to explain *all* prejudice.

⁷⁷ TAJFEL,H. & TURNER,J. (1986), cited in BROWN,R. 1995.

⁷⁸ See: pp163ff & 276.

In *process referencing* (Allport 1954) beliefs (or ideology) can be sustained *despite* evidence that contradicts those beliefs, itself linked to another phenomenon ‘...*Defeated intellectually, prejudice lingers emotionally...*’.⁷⁹

McConahay (1986, cited in Brown,R.1995⁸⁰) examines a *modern racist’s outlook*, in contrast with the old, discredited stereotypes, which can no longer be sustained in serious discourse. The traditional racist attitude however is shared in its derivation from a negative attitude towards people with a dark *epidermis*: those labelled as “black”.

McConahay sums this attitude up in the following statements:-

1. civil and economic discrimination has ceased to exist
2. blacks are making too many demands too quickly
3. their demands are unfair
4. gains which have already been made are therefore unfair⁸¹

The modern racist perspective also shares some uncanny characteristics with AG-christophrenic discourse, such as 1 and 4 being used to suggest homophrenics are seeking “special rights”.

⁷⁹ ALLPORT,G. (1954) p11.

⁸⁰ See: pp219ff & 292.

⁸¹ Slightly modified from version set out in BROWN,R. (1995) p219

Identifying the ontology and aetiology of prejudice gives us insight into the difficulties one faces when trying to tackling it. Prejudice affords us the ability to distinguish threats to ourselves individually or the group with which we identify, and to act preferentially for our own group. However its downside, especially acute in a more advanced society, is its dysfunctionality. This dysfunctionality can erode social cohesion, increase tension, and potentially trigger violent criminal acts as well as leading to misery to those groups discriminated against. I shall now examine how we can tackle prejudice.

One approach to tackling prejudice for members of groups who are stereotyped or discriminated against; possessing what Tajfel & Turner (1986⁸²) call *subordinate group status* (SGS) is to repudiate their SGS in favour of a *superior* group status (SupGS), or to select more favourable comparisons compared to other SGS so as to enhance their in-group status. Developing this approach Ellemers, et al.,⁸³ have suggested that an SGS in-group needs to challenge an SupGS out-group *on its own terms*.

Another approach is the Contact Hypothesis⁸⁴. Cook⁸⁵ postulates that:

‘...attitude change will result from co-operative... contact only when such contact is accompanied by a supplementary influence that promotes the process of

⁸² Ibid.

⁸³ ELLEMERS,N., WILKE,H & VAN KNIPPENBERG,A. (1993), cited in BROWN,R. 1995; see pp183 & 281.

⁸⁴ BROWN,R. (1995): see p259ff.

⁸⁵ COOK,SW. (1978) *Interpersonal and attitudinal outcomes in cooperating interracial groups*, Journal of Research and Development in Education, 12: p103.

*generalization from favourable contact with **individuals** to positive attitudes toward the **group** from which the individual comes.'*

Cook, SW (1978)

Cook goes beyond the basic hypothesis, which implies that mere contact between a SGS and SupGS will alter, say, the negative attitudes of the SupGS towards members of the SGS. Were this so, there would be no racism in a multi-racial police force. Yet Cook contradicts with Moran, on the enforcement of homophobic invisibility. Meanwhile, Allport (1954) notes that racial prejudice is greatest where different racial groups lived in closest proximity to one another. In order to effect change it can be tackled at both macro- and micro- levels. The micro-level is individual or inter-group contact; the macro-level is at, say, governmental level, where those able to use their authority to influence change, do so.

To begin with, legislation can reward positive, unprejudiced behaviour whilst punishing prejudiced behaviour. It can positively punish with a fine or incarceration, or negatively punish by denying a transgressor a privilege. Ideally this will lead society to internalise non-prejudice as a social-norm, what Hart (1994) calls the 'internal aspect of law', where rules are obeyed through habit. When this new social-norm is established, overt discrimination becomes less acceptable, though covert discrimination may still be possible.

Conclusion to the Chapter

It should be clear that there is no simple explanation for prejudice. In order for prejudice to arise it is necessary for cognitive categorisation to take place: labelling an individual and assigning them to a group. The SIT demonstrates that individual's view of themselves is dependent upon which categorical groups they identify themselves as belonging. The SupGS in-group comprises those individuals who (appear to) conform to the dominant social norm. Those possessing this SupGS may then hold negative attitudes towards the SGS out-group, or acquire them through priming.

One model posits that one group gains at the expense of another, but in an altruistic society this tendency may be weakened.

The fundamental attribution error is interesting as it postulates that in-groups attribute their behaviour to external factors, such as heterophrenics describing their behaviour as “natural” and “intrinsic” whilst describing homophobia as “unnatural” or a “lifestyle/choice”. When the SupGS use socio-cultural priming to condition the minority into viewing themselves as inferior or defining them according to stereotypes it is possible for these to be internalised and acted out or merely believed. The in-group can also, for example, legislate to prevent the out-group from escaping the in-group's categorisation of them. These can then reinforce the in-group's positive view of themselves and their negative view of the out-group, further justifying discrimination and enable them to describe out-group discourse as “politically correct”.

Process referencing and the emotional persistence of prejudice despite changing knowledge, and the persistence of the modern racist (or antigay) outlook, reminds us that

not only can the underlying reasoning or self-justification for prejudice change, but we can also disregard facts if it enables us to persist in our prejudices.

This chapter has examined the different ways stereotyping, prejudice and discrimination arise and may be challenged. The next chapter specifically examines AG-christophrenic discourse towards homophobia and homophobics, focussing on the way concepts of truth, notions of free speech, ideas about prejudice and religious ideology interplay. It examines which antigay discourse merely reflects belief and which uses belief to justify personal opinions.

Chapter 5

Differentiating Religious Belief, Social Opinion and Hatred

Introduction to the Chapter

This chapter examines AG-christophrenic discourse towards homophrenia and homophrenics, first focussing upon the rights of theo- versus non-theophrenics, then hate discourse itself. Finally it examines what discourse can be defined as consistently grounded in scripture and which seeks to misuse this privilege to pursue an antigay agendum grounded in personal opinions or conditioned concepts. One problem encountered is how to define the term ‘hate crime’. Moran⁸⁶ suggests that in the UK the term ‘hate crime’ comes from the US. The term has been used by, amongst others, the Manchester Lesbian and Gay Policing initiative for its greater *rhetorical* impact in describing violent crime. Here it is used in a broader context, including, for example, the use of toxic discourse to make homophrenics feel unsafe so they may not *feel* able to fully participate in the democratic process.⁸⁷

Ideological belief v. others’ rights

During the passage of the EU Employment Directive⁸⁸ seeking to prohibit discrimination in employment on grounds of sexual orientation, AG-religious groups sought the right to refuse to employ homophrenics on theological grounds. Arguably the way the UK has legislated this Directive and the Directive’s own concession to a specific AG-religious opt-

⁸⁶ MORAN, L.J. (2000) Hate Crime: Critical Perspectives – Report on a Multi-Disciplinary Seminar held at [the] School of Law, Birkbeck College, 2 December 2000. Available at : <http://www.bbk.ac.uk/law/download/HateRep.pdf> [Accessed: 15.4.2004]

⁸⁷ For example, see: *Politicizing Christianity: Christian Right Claims God Supports Homophobic Agenda*, Montana Human Rights Network News, February 2003. Available at : <http://www.mhrn.org/news/0203gayrts.html> [Accessed: 16.4.2004]

⁸⁸ Council Directive 2000/78/EC enacted in England and Wales via *The Employment Equality (Sexual Orientation) Regulations 2003* (SI/2003/1661) and amended by *The Employment Equality (Sexual Orientation) (Amendment) Regulations 2003* (SI/2003/2827).

out, undermines the purpose of the original Directive, offering a possible route through which to challenge both the Directive's opt-out concession and the UK implementation, in the European Court of Justice (hereafter ECJ).

The inconsistent application of human rights legislation, such as permitting the defamatory offence of blasphemy to atheophrenics, one is not only interfering with their right to free speech⁸⁹ but also their right to practice *their* religious beliefs.⁹⁰ Equally by allowing theophrenics, whether or not they are antigay, to define *who* may marry, regardless of whether their ideology is shared, demonstrates legal inconsistencies both in EU law and the ECoHR, to which all EU members must subscribe, by in effect forcing non-christophrenics to observe this aspect of christophrenic ideology.

Incitement to religious hatred

AG-christophrenics have tried to argue that the ECoHR entitles them to discriminate against homophrenics.⁹¹ This is debatable, since the ECoHR's de facto incorporation of the ideas set out in Gewirth's *Principle* suggests otherwise. While domestic law has made specific provision prohibiting hate speech against theophrenics and there is pressure toward prohibition by statute to address anti-Muslim crime, the questions over the ability of existing legislation to afford protection from religious hatred against homophrenics, remains unresolved.

⁸⁹ ECoHR, Article 10

⁹⁰ ECoHR, Article 9

⁹¹ Up-to-date position on some of the cases which are before the Courts where Christian values are being challenged, Lawyers Christian Fellowship, Available at: <<http://www.lawcf.org/lawreformdetail.php?ID=79>> [Accessed: 7.6.2004] . See the final section regarding the Hammond case referred to earlier.

A characteristic of AG-christophrenic discourse, covered briefly in chapter 2, is associating homophrenics with disease (MOORE,RI. 1987), seduction (GILES,GJ. 2001), pædophilia, bestiality (RYDSTRÖM,J. 2000), being implied offspring of the devil (HOLLOWAY,R.1999), a ‘cult of death’⁹², and other practices, none of which are mentioned in scripture, and the evidence usually cited by them has a problematic scientific methodology.⁹³ These claims are not new either. They were made, for example, in both 19th century Sweden (RYDSTRÖM,J. 2000) and Norway when (Lutheran) christophrenic influence on legislation had declined (HALSOS,MS. 2000).⁹⁴ Indeed, arguably because of either the growth in secularism *or* a decline in unquestioning acceptance of scripture, it has become increasingly necessary for AG-theophrenics to use other tactics in order to maintain the status quo in their favour.

Historically a more lethal example of group defamation was the anti-Semitic *Blood Libel* deployed in an attempt to associate Jews in the public mind with a threat to children. AG-christophrenics have adopted this tactic with homophrenics today, a ploy that exploits the emotive nature of crime against children to manipulate public opinion.⁹⁵ Section 28 of the

⁹² BAKER,K. (1998) *Always Our Children*, Homiletic and Pastoral Review, February 1998. Available at : <<http://www.catholic.net/rcc/Periodicals/Homiletic/Feb98/editorial.html>> [Accessed: 15.4.2004]

⁹³ See for example: HEREK,GM. (i) The Cameron Group’s Survey Studies: A Methodological Critique; (ii) The Cameron Group’s “Gay Obituary” Study. (i) Available at: <http://psychology.ucdavis.edu/rainbow/html/facts_cameron_survey.html>; (ii) Available at: <http://psychology.ucdavis.edu/rainbow/html/facts_cameron_obit.html> [Both Accessed: 19.4.2004]

⁹⁴ See also: HALSOS,MS. (1999) §213 i Almindelig borgerlig Straffelov. Homoseksualitet i Norge og rettslige sanksjoner mot den fra slutten av 1800-tallet til 1972, [unpublished dissertation], Norway: Oslo Universitet.

⁹⁵ For example, see: HEREK,GM. Facts About Homosexuality and Child Molestation.

LGA 1988 was grounded in the belief that homosexuality is contagious and can be promoted to children. I shall refer to this defamation against homophrenics as a group as the *Predator Libel*, as it usually occurs in written or printed form. To begin with, the *Predator Libel* is not grounded in scripture but relies upon deploying the partial social reality and self-fulfilling prophesy theses to stereotype and label homophrenics, based upon social opinion. AG-christophrenics attempt to have their argument both ways: whilst asserting that homophrenia is not immutable and can thus be ‘cured’ or overcome, AG-christophrenics also imply it is immutable in their claims about homophrenics being materially more successful than heterophrenics, which would suggest it could be viewed as attractive (Herman, D. 1997).

If homophrenia does not really exist as some AG-christophrenic activists claim, or is chosen, making all *Homo sapiens* heterophrenic, then the conditions said to be associated with it, such as pædophilia cannot be more prevalent. Moreover, in order to assert that X is more common in homophrenics (H), one must first establish the actual prevalence of H. Since this is not known, it is impossible to say whether X is more common in H than in non-H. For the Predator Libel to be provable, it must be possible to prove X is more common in H. The failure to achieve this means toxic assertions made against homophrenics by the AG-christophrenics are defamatory. It also shows that these non-Biblically derived assertions are deployed to bias a given target population and/or to

Available at : <http://psychology.ucdavis.edu/rainbow/html/facts_molestation.html#cameron>
[Accessed: 19.4.2004]

promote or incite not simply prejudice, but by using emotive arguments about homophrenics as a danger to children⁹⁶, one is necessarily inciting hatred.

One christophrenic approach is not simply to postulate as to the ætiology of homophobia so as to establish the truth or falsity of the Dichotomy thesis, but by reference to whether homophobia is like race or like nationality (Rogers,EF. 1999) ask if homophrenics can be part of the *ecclesial identity*. O'Donovan treats it as if it were a nationality, which one might renounce or alter. Williams, the current AoC, by contrast treats it like race, as something immutable. What is interesting here is that O'Donovan, a sexual traditionalist, treats nationality as a linguistic community celebrating Jesus in a different language. Here their ecclesial identity is seen as part of, not alien to, the christophrenic community, which can therefore be accommodated, and O'Donovan treats homophobia here like a linguistic difference.

Who decides what hate crime is?

One of the difficulties with hate crime is who decides what constitutes hate crime? Is it dependent upon the perceptions of the victim, as arises with prosecutions under the *Protection from Harassment Act 1997*; does the Prosecution need to prove not only the *actus reus* but also the *mens rea*; or should one operate on the principle of strict liability?

⁹⁶ The claims about pædophilia being more prevalent in homophrenics is challenged by, for example:-

- HEREK,G (2003) Facts About Homosexuality And Child Molestation. Available at: <http://psychology.ucdavis.edu/rainbow/html/facts_molestation.html> [Accessed: 11.1.2004]
- SHEARD,A (1999) Available at: <http://www.studentbmj.com/back_issues/0299/data/0299pv1.htm> [Accessed: 12.1.2004]

Take the example below.

A christophrenic colleague (A) is discussing his theophrenic beliefs (Ω) in his workplace.

He has learned that his colleague (B) is homophrenic (X). He tells B:

‘If you don’t stop being gay, you will go to Hell’

This could be viewed by A as a compassionate attempt to save B from Hell by refraining from X. If B is theophrenic he could be offended by this statement. If he were atheophrenic he might simply regard this assertion as absurd. The factor Ω results in A’s assertion being a statement of belief, and thus immune from litigation. Here Ω is based on an ideological definition of X, regardless of whatever reality may be. But suppose A (who is black) tells B (who is white) he will go to Hell unless he stops being white (W).

Ordinarily this would be a racist statement (S). But suppose Ω asserts that those who *choose* to be W will go to Hell: is this racist? Is this hate? Legally this would not constitute racial hatred on account of Ω . Arguably regardless of what Ω asserts, S is hate.

Now suppose A asserts that B should not be allowed to apply for a job as an Education Officer, because someone who is X is a hazard to children (H). Ω makes no mention of this, but many of those who believe Ω also believe that $X = H$.^{97,98} The AG-christophrenics have argued that their assertion that $X = H$ should not be considered hate, and that any

⁹⁷ *Head to Head: Homosexuality*, Nucleus, July 1999, pp34-35. Available at: <<http://www.cmf.org.uk/index.htm?nucleus/nucjul99/head.htm>> [Accessed: 7.6.2004]

⁹⁸ *The Age of Consent: The case against change*, Christian Institute, March 1999. Available at: <<http://www.christian.org.uk/pdfpublications/The%20Case%20Against%20Change.pdf>>

attempt to restrict this claim is a denial of their right to express or practice their theophrenic beliefs. Their problem is that:

$$(X = H) \neq \Omega$$

As a result of this, this assertion *does* constitute hate speech.

Conclusion to the Chapter

This chapter has looked at christophrenic discourse targeted at or against homophrenics and sought to determine which discourse can be considered toxic in the sense of encouraging hatred, and which is a “legitimate” expression of belief. I have sought to show that what constitutes the corpus of theophrenic ideology is unclear and how ancient texts are to be interpreted is problematic and not straightforward as theophrenics sometimes claim.

In the final chapter, which follows, I shall suggest some approaches to addressing antigay discourse in the theophrenic context.

Chapter 6

Conclusion

Introduction to the Chapter

This dissertation has examined a number of different aspects relating to the question as to what species of christophrenic discourse are consistent expressions of belief, and which are not. It has examined the thorny issue of what we mean by the term ‘truth’ and demonstrated that for any proposition seeking to ascertain what is true, it must satisfy certain basic conditions. Conceptually, truth has no universal definition or formula through which we can decide if any given proposition is true. In examining the interpretation of scripture, we have seen how this poses problems because not only was it written during different periods, by different authors, for different tribal groups, but also there are etymological considerations which complicate translation. We might think we understand, say, what Paul is describing when he uses the term ‘αρσενοκοιται’ (arsenokoitai) but it is not etymologically clear from when the constituent words making up this compound word were written, what Paul actually intended. Approaching sexual morality from a religious perspective is also problematic where scripture is read either symbolically or literally, as neither approach is flawless. Symbolism creates an interpretation that can be both fluid and dynamic, itself both a strength and a weakness. Literalism, whilst treating the Bible as a legal code, ignoring its many contradicting passages, however can be discredited if a single Biblical assertion can be shown to be false. Many AG-christophrenics claim that their approach to homophobia is grounded in their literal interpretation of scripture. This claim is undermined by inconsistency. This inconsistency appears again where AG-christophrenics assert that their right to religion imposes no obligations upon them to recognize other people’s rights. It allows them to freely express their beliefs about homophobia and campaign to impose christophrenic morality on non-christophrenics by

statute. This denies others the right to practice their beliefs. Religious free speech is also used to evade sanction for incitement and provocation against homophrenics. Conversely, blasphemous libel can be used to curtail free speech against certain christophrenics. Understanding the ontology of prejudice helps us toward a better understanding of its impact upon belief and behaviour, and the rôle prejudice as an instinctive neuro-psychological process plays in survival. It provides insight into AG-christophrenics approach to homophrenia and suggests possible ways of tackling this non-survival oriented prejudice. The last chapter examined if AG-christophrenic discourse is scripturally consistent and showed that it often marred by selectivity and using non-religious data to support theophrenic claims. In particular it showed that beliefs not grounded in scripture ought not to be legally privileged as though they were so derived.

This final chapter focuses on a number of remedial solutions to tackling *religious hatred directed at characteristics of disliked others, on theological grounds*, where it arises, which I shall refer to as *theomises*, which literally means hated by the gods.⁹⁹

Here three approaches of remedial action to tackle theomises, are explored, which are as follows:-

- criminal justice
- philosophical (ecclesial)
- social

⁹⁹ WOODHOUSE, SC. (1910) English-Greek Dictionary: A Vocabulary of the Attic Language, p388, London: George Routledge & Sons. Available at: <<http://www.lib.uchicago.edu/efts/Woodhouse/>> [Accessed: 20.4.2004]

I shall deal with each of these points in reverse order.

Social

A social option offers the most satisfactory remedy, relying not on the coercive force of law, but on co-operative, interpersonal cohesion. Devlin's simplistic and problematic solution of enforcing conventional morality, a possibility in a monocultural society, is at odds with the contemporary multicultural ethos of modern Britain. It also expounds a logic which would, were it consistently applied, disemancipate Roman Catholics and Muslims in Britain from their legitimate liberties by reason of being non-normative.

The contact hypothesis, intra- and extra- group status of SupGS and SGS offer a way forward. Since decriminalisation, the public's exposure to homophobia has increased, enabling individuals to differentiate between group stereotype, individual ethos and behaviour. To some extent this has weakened hostility. This needs to be accelerated by central government through national policy and fostered by more local initiatives.

There is also a need to proactively counter the SupGS in the heterophobic milieu and encourage a positive identity for homophobic (and other) SGS. Ideally this should be sensitively tackled as a compulsory topic in secondary schools.

Philosophical (ecclesial)

My interest here is with the intra-religious junction between the pro- and anti-gay homophobic factions. For homophobia one solution is to recognise the actual rather than

the idealised Biblical ontology: here, as a series of texts with a diverse authorship and opinions that at times contradict one another. Another approach is that taken by Williams, or for conservatives, O'Donovan's perspective which also offers the CoE the possibility of cohesion in preference to schism.

Criminal Justice

The use of the law as a remedy ought to be a matter of last resort. However the proscription or legal regulation of theomises offers not only a sanction for transgression, but also conveys a clear warning that the state has taken an interest in these affairs and is no longer willing to ignore this species of behaviour.

A further approach would be to adjust the historically christophrenic *Grundnorm*¹⁰⁰ common to domestic and European legislatures and apply a theophrenically neutral, secular or empirical Grundnorm. The latter would define norms from knowledge derived from methodologically sound empirical principles: logical positivism - a position articulated in the early twentieth century by the Vienna Circle.

With the *Protection from Harassment Act 1987* this legislation introduced the jurisprudentially novel concept that an individual who was subjected to the species of unacceptable behaviour outlined in the Act, where the conduct were repeated, could if they felt it constituted harassment, seek a legal remedy. The onus is on the defendant to prove that either he did not commit this offence or satisfies one of three excluding conditions in §1(3) of the Act. However §1(3)(c) of the Act facilitates a defence where the course of the

conduct is considered reasonable. This clause could facilitate theomises by classifying the Bible as “reasonable” or concluding that Article 9 of the ECoHR prevents the proscription of theomises. Another interesting aspect here is that in the part applying to Scotland (§8) it defines “conduct” so as to include speech (§8(3)), but again an equivalent in Scots law to §1(3)(c) restricts its scope.

There is a need for legislation to proscribe *all* hate speech, not just that directed at certain groups. Because of the difficulty in proving hate speech it is desirable that strict liability be co-opted to enforce this legislation rather than relying on the problematic requirement to prove both *actus reus* and *mens rea*. The *selective* use of passages from scripture should be actionable. A simple test of this would be to search the home of an offender to see if he has clothing of mixed fibres, or say only silk ties and cotton shirts. S/he could also be secretly filmed on Sundays to see if they do any kind of work or generally to see if they eat any pig meat products or shellfish. Any of these would demonstrate christophrenic inconsistency, bias and here, could prove hatred.

Conclusion to the Chapter

I have proposed a few options here in an attempt to address the difficult issues surrounding what constitutes toxic discourse and inciting hate crime against homophrenics. The solutions offered above may be helpful in assisting criminal justice practitioners to distinguish between the legitimate expression of theophrenia, selective (mis)quotations and the rights and freedoms of others. None of these solutions alone offers a remedy to antigay attitudes and behaviour, nor do they offer a speedy solution. They offer a strategy for

¹⁰⁰ A concept developed by Hans Kelsen. Roughly translated it means the ‘basic norm’.

change which requires policy changes, which necessitate political courage to carry them through because of vociferous AG-christophrenic campaigning, often by charities that ignore the Charities Acts prohibition on political campaigning.¹⁰¹ It is also necessary for the Department for Constitutional Affairs to continue their diversity training for the judiciary and officials, in order that legal challenges to discriminatory practices will be considered on their merits rather than the types of prejudice articulated in *Brown*. Indeed, similar training should be adopted for both the European Court of Human Rights and the ECJ, which may adjudicate in future on human rights of homophrenics as against theophrenics. This could however be frustrated were the Draft EU Constitution to adopt a reference to a common christophrenic heritage, were this to be treated as, or evolve into, a neo-Kelsenian Grundnorm. It is hoped that this dissertation will offer guidance as to approaches that can be made to tackle antigay prejudice by religious groups, the conditions that open the way to punishing AG-theomises, whilst avoiding unnecessary restrictions on religious (and non-religious) liberty.

¹⁰¹ See, for example, para.28 of: CC9: Political Activities and Campaigning by Charities, Charity Commission, September 1999. Available at: <<http://www.charity-commission.gov.uk/publications/cc9.asp#24>> [Accessed: 3.6.2004]

APPENDIX A – Email to the Christian Institute seeking clarification

Sent: Mon 12 January 2004. No reply received as of 1 June 2004.
Delivery electronically confirmed by Microsoft Outlook software.

From: [work email address]
To: info@christian.org.uk
Subject: query with CI re briefing paper below

Re: <http://www.christian.org.uk/briefingpapers/section28.htm>

Dear Sir/Madam,

I am studying for a Diploma in Criminology, at London University's Birkbeck College in my spare-time, and am currently carrying out research for my dissertation looking at the Christian approach/discourse towards the topos of homosexuality.

I wish to establish if I am correct in my reading of the above electronic Briefing Paper, that the CI conflate penile-anal penetration with homosexuality, or whether you hold to the broader description in your publication 'Homosexuality & Young People'?

Would I be correct in interpreting the statement: 'Section 28 does not prevent legitimate discussion of homosexuality' as meaning that the CI interpret 'legitimate' to connote s.2A(2) of the Act below?

Clarification of the above matter would be greatly appreciated.

Yours faithfully,
Steve Hammett.

Local Government Act 1988 (c9)

28.—(1) The following section shall be inserted after section 2 of the [1986 c. 10.] Local Government Act 1986 (prohibition of political publicity)—

"Prohibition on promoting homosexuality by teaching or by publishing material.

2A. — (1) A local authority shall not—

- (a) intentionally promote homosexuality or publish material with the intention of promoting homosexuality;
- (b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.

(2) Nothing in subsection (1) above shall be taken to prohibit the doing of anything for the purpose of treating or preventing the spread of disease.

LIST OF ABBREVIATIONS

AoC	Archbishop of Canterbury
AG	antigay
AIDS	Acquired Immunodeficiency Syndrome
CI	Christian Institute
CoE	Church of England
CoR	concept of rights
CoT	concept of truth
CPS	Crown Prosecution Service
ECHR	European Court of Human Rights
ECJ	European Court of Justice (EU)
ECoHR	European Convention of Human Rights and Fundamental Freedoms 1950
FoS	freedom of speech
GET	Goldhagen's Eliminationism Thesis
HIV	Human Immunodeficiency Virus
IG	individual gratification (Finnis) (see also: MG)
LGA...	Local Government Act...
MG	mutual gratification (Finnis) (see also: IG)
NT	New Testament (Bible)
ORAT	One Right Answer Thesis (Dworkin)
OT	Old Testament (Bible)
PAP	penile anal penetration
SGS	subordinate group status

SIT social identity theory
SupGS superior group status

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