

There are around 60 Javan rhinos left in the world.



Free Pizza

Download your 2 for 1 Pizza Express voucher

# Law Central



TIMESONLINE

Where am I? > HOME > Business > Law > Law Central

« Weird Cases: paying attention in law school | All Posts

Feb 12, 2010

## Eweida cross case could fuel divisive cultural and racial rhetoric

By Edward Wanambwa and Anna Birtwistle of CM Murray



The decision in the Christian cross case does not sit well with the general principle that protection from discrimination should be interpreted broadly. Regrettably, this judgment might have the effect of providing nationalist figures with further ammunition to preach their own culturally and racially divisive beliefs that the law gives precedence to religions other than Christianity in our multicultural society.

For Ms Eweida, a policy which on the one hand made exceptions for her Sikh, Muslim and Jewish colleagues to express their faith through the turban, hijab and skullcap would understandably seem unfair. Whilst it is true that it was Ms Eweida's personal decision to wear a visible cross (and was not one which was required by scripture or as an article of her faith), why, when discrimination legislation has moved forward so as to encompass arguably non-traditional philosophical beliefs, should the law look to the requirements of scripture as they pertain to religions rather than individuals' own interpretation and subjective beliefs?

Indeed, it is hard to justify that Ms Eweida's desire to display the cross should not be protected where employment tribunals have previously emphasised the wide range of beliefs, for example climate change and vegetarianism, that will fall to be protected under our discrimination laws.

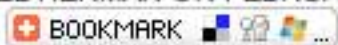
Unlike other decisions concerning religious discrimination, the manifestation of Ms Eweida's belief had no discernable affect upon others (unlike, for example, the case of the Christian registrar who refused, on grounds of her belief, to perform same-sex civil partnerships) and for this reason one might have expected the Court of Appeal to have taken a more generous approach when interpreting our religious discrimination laws.

Arguably, the judgment in Eweida may have been largely public policy driven; the Court of Appeal perhaps being concerned that it might open the floodgates to employees relying on, and seeking protection in the workplace for, their own subjective rather than objective versions of religion.

We await full details of the Court of Appeal's reasoning, but it appears that the Court took the view that banning Ms Eweida from wearing a cross was not discriminatory because Christians, as a group, "generally" do not wear a cross as a requirement of their religion and Ms Eweida was unable to produce evidence to the contrary.

Liberty, which represented Ms Eweida at the Court of Appeal, has indicated that they will now try to take her case to the Supreme Court. However, today's decision may represent the last word on this matter if Ms Eweida is not granted leave to appeal to the Supreme Court.

POSTED BY MICHAEL HERMAN ON FEBRUARY 12, 2010 | PERMALINK | POST TO TWITTER



### Law Central

Law Central is a daily mix of news, comment and gossip on the UK legal sector.

The writers are **Frances Gibb**, Legal Editor of The Times, and **Alex Spence** and **Michael Herman**, who cover legal business for The Times.

E-mail your news tips, gossip or story suggestions to [law@timesonline.co.uk](mailto:law@timesonline.co.uk)

Subscribe to the [Law Central RSS feed](#)

### Categories

Select from the dropdown

addleshaw goddard

### Latest posts

- Eweida cross case could fuel divisive cultural and racial rhetoric
- Weird Cases: paying attention in law school
- Sumption, the Ship Money case and the Supreme Court
- Newly qualified solicitors 'exploited' – no really exploited
- Cleary takes litigator from Simmons in rare lateral hire

### Latest comments

- silversaid on "Shop around at DivorceSupermarket.com"
- James Stewart on "Shop around at DivorceSupermarket.com"
- Alex on "Sir Ian Brownlie CBE QC"
- merle on "FSA charges former iSOFT directors over misleading statements"
- richard on "OFT explains its reasons for dropping bank charges investigation"

### Law News

- Carey attacks judges after Nadia Eweida loses BA crucifix case
- Anti-arms group urges SFO rethink on BAE deal
- Ex-Goldman employee



rated by trustnet  
ALPHA MANAGER  
BEN WHITMORE



rated by trustnet  
ALPHA MANAGER  
CHARLIE THOMAS

Disclaimer

### Job Search

Find your next job with Times Online Jobs

Keyword:

Industry:

SEARCH

➤ Advertise a job

### Times Mobile

Get news on the move - text TIMES to 87700



### The Times Health Club

Achieve your health goals in 2009



### TRAVEL PARTNERS



### Travel Intelligence

Style Hotels - free upgrades and nights at the world's best hotels



### Rent out your holiday home

Advertise your home to the best travel audience on Times Online and VacationRentalPeople.com

### SERVICES

- Money Shop
- Business City Guides
- Free Finance Brochures
- Credit Clinic
- Related Arts Features
- Related Style Features

### FOCUS ZONE



Football Manager Live

O<sub>2</sub>