

British courts are 'no longer Christian' says top judge to reflect modern multicultural society

- **Sir James Munby: Judges shouldn't 'weigh one religion against another'**
- **He insists they sit as 'secular judges serving a multicultural community'**
- **Says peoples' religious beliefs aren't the business of the secular court**

By [Jack Doyle, Home Affairs Correspondent](#)

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Warning: Sir James Munby, president of the Family Division, said courts face 'enormous challenges' in today's society

Courts should not give Christianity more weight than other religions, a senior judge has said.

Sir James Munby, president of the Family Division, said Britain was a 'multicultural community of many faiths' and that judges must take an 'essentially neutral view of religious beliefs' and not 'weigh one religion against another'.

In a speech in London, he said judges 'happily' no longer had a role in enforcing morality, unlike in the past when they routinely condemned homosexuality, adultery and promoted Victorian social attitudes.

'Once upon a time, the perceived function of the judges was to promote virtue and discourage vice and immorality,' he said. 'I doubt one would now hear that from the judicial bench.'

'Today, surely, the judicial task is to assess matters by the standards of reasonable men and women in 2013 – not by the standards of their parents in 1970.'

Sir James said that Victorian judges promoted 'virtue and morality' while discouraging 'vice and immorality'

with a 'very narrow view of sexual morality'. He cited laws banning gay sex and abortion and rulings that condemned women for adultery.

He added that the influence of Christian churches in the courts had also disappeared in recent years.

He said: 'Happily for us, the days are past when the business of judges was the enforcement of morals or religious beliefs.' He said that modern-day judges had rightly abandoned any claim to be 'guardians of public morality', just as Christian clerics no longer claimed to speak as the 'defining voices of morality and of the law of marriage and the family'.

Sir James said the last few years had seen the 'disappearance, in an increasingly secular and pluralistic society, of what until comparatively recently was in large measure a commonly accepted package of moral, ethical and religious values'.

'Today, we live in a largely secular society which, insofar as it remains religious at all, is now increasingly diverse in religious affiliation,' he said. 'Although, historically, this country is part of the Christian West and although it has an established church which is Christian, we sit as secular judges serving a multi-cultural community of many faiths, sworn to do justice "to all manner of people".'



Controversy: Former Archbishop of Canterbury Dr Rowan Williams sparked a religious row in 2008 over his comments about Sharia law

'We live in this country in a democratic and pluralistic society, in a secular state not a theocracy,' Sir James said in a keynote address to the first annual conference of the Law Society's family law section in London on Tuesday.

In his speech, called 'Law, Morality and Religion in the Family Courts', he said courts no longer recognised any religious distinctions and 'generally, passed no judgment on religious beliefs or on the tenets, doctrines or rules of any particular section of society'.

'All are entitled to respect, so long as they are "legally and socially acceptable" and not "immoral or socially obnoxious" or "pernicious",' he said. However, Sir James did point to elements of religious practice which he said were 'beyond the pale', including forced marriage, female genital mutilation and so-called 'honour-based' domestic violence.

He also said courts would overrule parents' religious beliefs if it was in their child's best interests, such as if a child of Jehovah's Witnesses needed a blood transfusion. 'We live in a largely secular society which, insofar as it remains religious at all, is now increasingly diverse in religious affiliation,' he added.

He said a believer's faith was not the 'business of government or of the secular courts', 'although, of course, the courts will pay every respect to the individual's or family's religious principles'.