

V

SECRETARY OF STATE FOR THE DEPARTMENT OF HEALTH AND SOCIAL CARE

(Respondent)

Expert witness statement

1. I, Dr Martin David Parsons have been instructed by Andrew Storch Solicitors representing the claimant, to prepare an expert independent witness statement.
2. My principal qualifications to act as an expert witness in this case include the following: A first class honours degree in Theology and a PhD in Biblical and Islamic Theology and Christian Mission (Brunel University, 2005). I am the author of two major academic books one on Christian and Islamic Theology and one on Christian Public Theology, as well as a number of published articles in these fields. I have been elected as a member of the following learned societies: Tyndale Fellowship for Biblical Research and I am a Fellow of the Higher Education Academy (FHEA). I have been faculty member of the Oxford Centre for Religion and Public Life where I was involved in supervising postgraduate research in association with the University of Stellenbosch, South Africa. I have also previously been Head of Research and Director of Studies at the international headquarters of a Christian organisation specialising in freedom of religion or belief. I have previously been an expert witness for a number of cases in the UK court system. I have attached my CV as appendix 1.
3. I have been provided with the following material:
 - a) Letter of instruction.
 - b) Copy of 11 June 2020 response from Government Legal Department to pre action letter and the claimant's response dated 15 June 2020.
 - c) Expert statement (including addendum) by Ian Blenkharn healthcare, occupational and environmental microbiologist.
 - d) A copy of the judgement in Hussain v SSHSC 2020 [EWHC] 1392 (Admin).

4. My instructions were to advise on
 - A) The biblical importance of the church meeting together in corporate worship
 - B) Public Theology and the importance of corporate worship and weddings for the range of Christians in the UK.

A) The biblical importance of the church meeting together in corporate worship

The church as a local geographical entity

4. In the New Testament (NT) the word ἐκκλησία (ekklēsia) normally translated as 'church' in English versions has two meanings.¹ a) it's primary meaning, which in the local congregation in a particular geographical location. In the majority of NT books where it occurs (Acts, Romans, 1 and 2 Corinthians, 1 and 2 Thessalonians, 1 Timothy, Philemon, James, Revelation) this is its sole meaning; b) There are a more limited number of specific NT passages, particularly in Ephesians, Colossians and Hebrews where it refers to the church in general, often in relation to Heaven.
5. In other words, the normal meaning of 'church' in the New Testament is a geographically local congregation of Christians.
6. Christians in the earliest days generally met in large private homes. However, the New Testament clearly distinguished churches from individual Christian families. For example, Paul's First Pastoral Epistle to Timothy states one of the criteria for the church leadership was that someone had to lead their own family well, as

"If anyone does not know how to manage his own family, how can he take care of God's church?"²

As such the fact that Christians in the NT generally met in private homes is not of relevance, as the churches consisted of multiple households.

The physical gathering of the church

7. The New Testament emphasises the importance of the church physically gathering together on a regular basis. At no point does the Bible ever suggest that Christianity is an activity to be carried out by an individual in isolation from others.

¹ With the probable exceptions of Matt.16:16; 18:17 which are prior to Jesus' death and resurrection and therefore may refer to the synagogue, for which the term was commonly used.

² 1 Timothy 3:1-7.

8. This is evident in the teaching of Jesus recorded in the Gospels. Jesus had told his disciples that *“I will build my church, and the gates of Hades³ will not overcome it”*³ and where even *“two or three gather in my name, there am I with them.”*⁴

9. In the New Testament the early church placed great emphasis on physically meeting together. The Gospels and Acts of the Apostles describe the church both immediately after Jesus’ crucifixion and later physically meeting together despite fear of persecution.⁵ The Acts of the Apostles describes some at least, as physically meeting together on a daily basis,⁶ which Hebrews also implies.⁷ 1 Corinthians, the NT book which provides the most detailed window on the practice of the early church, repeatedly describes the church as *“coming together”*;⁸ while Hebrews, which is written in the context of persecution gives a specific exhortation to Christians, that notwithstanding the persecution they are facing to continue physically meeting together:
 10. *“And let us consider how we may spur one another on toward love and good deeds, not giving up meeting together, as some are in the habit of doing, but encouraging one another—and all the more as you see the Day approaching.”*⁹

 11. It is also noteworthy that the NT does NOT give any equivalent specific instruction as to which day of the week the church was to meet on. For example, the communion service at Troas described in Acts 20 appears to have taken place on a Saturday evening.¹⁰ While in Romans 14:5 Paul states that

*“One man considers one day more sacred than another, another man considers every day alike. Each one should be fully convinced in his own mind.”*¹¹

 12. The exhortation not to neglect meeting together therefore stands in marked contrast to this and emphasises the importance attached to physically meeting together even in times of persecution.

³ Matthew 16:18.

⁴ Matthew 18:20.

⁵ John 20:19; Acts 4:23-31; 5:42; 12:12-17.

⁶ Acts 1:14; 2:1; 2:44-46; 5:12.

⁷ Hebrews 3:13.

⁸ 1 | Corinthians 3:17; 11:18, 20, 33-34; 14:23, 26

⁹ Hebrews 10:24-25.

¹⁰ Acts 20;7ff.

¹¹ Romans 14:5.

Can a church function solely over the internet?

13. It is important to be clear what the Biblical understanding of the church is, which is at variance with some aspects of the popular usage of the term in English. The Church is not the building, nor is it simply the group of Christians in that location. As Archbishop Donald Robinson expressed it:

*“Church is not a synonym for the ‘people of God’; it is rather an **activity** of the ‘people of God’.”(emphasis original)¹²*

14. This is potentially of some importance to this case, as it means that ‘church’ is not something that one can be simply listen to, for example, on the television or over the internet.

15. The New Testament uses a number of metaphors to describe the church, including the bride of Christ and the body of Christ. The image of the body is important because it is developed in both 1 Corinthians and Ephesians to emphasise that church cannot be one person ministering and others passively listening.

16. In 1 Corinthians 12 the Apostle Paul emphasises this, writing:

“Just as a body, though one, has many parts, but all its many parts form one body, so it is with Christ...Even so the body is not made up of one part but of many. Now if the foot should say, “Because I am not a hand, I do not belong to the body,” it would not for that reason stop being part of the body. And if the ear should say, “Because I am not an eye, I do not belong to the body,” it would not for that reason stop being part of the body. If the whole body were an eye, where would the sense of hearing be? If the whole body were an ear, where would the sense of smell be? But in fact God has placed the parts in the body, every one of them, just as he wanted them to be. If they were all one part, where would the body be? As it is, there are many parts, but one body. The eye cannot say to the hand, “I don’t need you!” And the head cannot say to the feet, “I don’t need you!” On the contrary, those parts of the body that seem to be weaker are indispensable,”¹³

17. Before going on to spell out the different ways individual members contributed.

¹² D.W.B Robinson ‘Church’ :205-207 in J.D. Douglas, N. Hillyer, F.F. Bruce, A.R. Millard, J.I. Packer and D.J. Wiseman (eds) *New Bible Dictionary* (Leicester:IVP,1962,1982). Donald Robinson was a lecturer at Moore Theological College, Sydney, Australia and later Archbishop of Sydney.

¹³ 1 Corinthians 12:12-22.

“Now you are the body of Christ, and each one of you is a part of it. And God has placed in the church first of all apostles, second prophets, third teachers, then miracles, then gifts of healing, of helping, of guidance, and of different kinds of tongues. Are all apostles? Are all prophets? Are all teachers? Do all work miracles? Do all have gifts of healing? Do all speak in tongues? Do all interpret? Now eagerly desire the greater gifts.”¹⁴

18. What is clear from this list, is that the biblical pattern for the church is that of an organic whole where a wide range of members are actively involved in ministering to the rest of the congregation.¹⁵
19. The New Testament describes the practice of the church as including the following:
- i) Gathering together to listen to the public reading of scripture, preaching and teaching.¹⁶
 - ii) Corporate prayer.¹⁷
 - iii) Gathering together for Christian fellowship.¹⁸
 - iv) Worship – which includes both a) *“singing to one another” with Psalms, Hymns and spiritual songs,*¹⁹ and b) songs of worship addressed specifically to God.²⁰ Paul’s letter to the Colossians specifically exhorts them to *“Let the message of Christ dwell among you richly as you teach and admonish one another with all wisdom through psalms, hymns, and songs from the Spirit, singing to God with gratitude in your hearts.”*²¹
 - v) The Lord’s Supper i.e. communion/eucharist.²²
 - vi) Baptism.²³
 - vii) Ministering to the church by means of spiritual gifts.²⁴ Paul summarises this in his first letter to the Corinthians, writing: *“What then shall we say, brothers and sisters? When you come together, each of you has a hymn, or a word of instruction, a revelation, a tongue or an*

¹⁴ 1 Corinthians 12:27-31.

¹⁵ Gordon D Fee *The First Epistle to the Corinthians* New International Commentary on the New Testament (Grand Rapids: Eerdmans, 1987): 616-25 on 1 Cor. 12:27-31 argues that the text implies that the first three (apostles, prophets and teachers) “are not to be thought of as ‘offices’ held by certain persons in the local church, but rather as ministries that find expression in various persons.” The author is Emeritus Professor of New Testament Studies at Regent College, Vancouver.

¹⁶ 1 Timothy 4:13; 5:17.

¹⁷ Acts 2:42.

¹⁸ Acts 2:42.

¹⁹ Ephesians 5:19.

²⁰ Acts 16:25.

²¹ Colossians 3:16.

²² Acts 2:42; 1 Corinthians 11:17-34.

²³ Acts 2:38, 41; 8:12, 36-38.

²⁴ Romans 12:3-8; 1 Corinthians 12:7-31; 14:1-28.

interpretation. Everything must be done so that the church may be built up.”²⁵

- viii) Evangelism i.e. preaching to outsiders.²⁶
- ix) It is also implied, though not specifically stated that weddings may have been conducted.²⁷
- x) Similarly, there is evidence of something approximating to funerals having been conducted by the church.²⁸

20. Of these ten practices,

- a) Those permitted to continue by the current Coronavirus regulations are solely funerals, but even then with very significant restrictions on attendance.
- b) Those church activities which can take place over the internet are Christian teaching or preaching. Two or three others church activities could potentially do so, though only to a limited extent: corporate prayer, fellowship, evangelism. NB although individual worship in the sense of singing hymns etc to God is possible in private homes, *corporate* worship as described above – whether hymns addressed to God or to each other is not.
- c) Those which cannot reasonably be undertaken via the internet: corporate worship, communion, baptism, congregational ministering through spiritual gifts, weddings.

21. Thus the majority of church practices either cannot or cannot be fully practised without physically meeting together.

22. The Lord’s supper and weddings merit particular attention here.

23. The essence of the Lord’s supper is physically coming together, hence its common designation as ‘communion’. In 1 Corinthians 11 Paul emphasises the importance of this being conducted appropriately, stating that some of the way this had been done in the Church at Corinth had become so individualistic that it was doing “more harm than good.”²⁹ He then adds that:

“So then, when you come together, it is not the Lord’s Supper you eat, for when you are eating, some of you go ahead with your own private suppers.”³⁰

²⁵ 1 Corinthians 14:26.

²⁶ Acts 2:14ff.

²⁷ 1 Corinthians 7:8-9; 1 Timothy 5:11-14.

²⁸ Acts 5:6,9-10; 8:2.

²⁹ 1 Corinthians 11:17.

³⁰ 1 Corinthians 11:20-21.

24. Explanations offered by biblical scholars as to why the Corinthian practice is judged by Paul to be “*not the Lord’s supper*” fall into three basic options: i) intense individualism; ii) some go ahead without waiting for others; iii) it is done in private.³¹ Whilst, Paul is concerned with malpractice here, the passage does make clear the importance of physically being together as “*one body*” in the Lord’s supper.

25. Paul goes on to describe the Lord’s supper citing Jesus’ words concerning the bread and wine:

*“This is my body, which is for you; do this in remembrance of me.”*²⁵ *In the same way, after supper he took the cup, saying, “This cup is the new covenant in my blood; do this, whenever you drink it, in remembrance of me.”*

26. The actual meaning of these words has been the subject of intense debate since the Reformation, between Catholic, Lutheran and other Protestant understandings of how the presence of Christ in the communion service is to be understood.³² However, whilst Catholics and Protestants disagree as to the exact definition of a sacrament, they are agreed that the Lord’s supper is a ‘sacrament’ and therefore particularly important. In fact, for Protestants baptism and the Lord’s supper are the only sacraments.³³

27. It is therefore particularly significant that the current Coronavirus regulations do not enable either baptism or the Lord’s supper to take place.

28. The current prohibition on churches conducting either baptisms or the Lord’s supper has a particular significance as both of these form part of Christian Public Theology which has been embedded in English law in the form of the 39 Articles of the Church of England (see section B below).

29. The conducting of Christian weddings is also of particular importance. Both the OT and the NT stress the importance of maintaining sexual purity before marriage.³⁴ For example, the Epistle to the Hebrews states:

³¹ Gordon D Fee *The First Epistle to the Corinthians* New International Commentary on the New Testament (Grand Rapids: Eerdmans,1987):540-43 on 11:21.

³² R.T. Beckwith ‘Eucharist’ in Sinclair B Ferguson, David F Wright and J.I. Packer (eds) *New Dictionary of Theology* (Leicester: IVP,1988):236-38. The author was warden of Latimer House, Oxford.

³³ C.O. Buchanan ‘Sacrament’ in David F Wright and J.I. Packer (eds) *New Dictionary of Theology* (Leicester: IVP,1988):606-08. The author was principal of St John’s Theological College, Nottingham.

³⁴ 1 Corinthians 5:9-11; 6:12-20.

“Marriage should be honoured by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral.”³⁵

The latter term which is rendered as ‘fornication’ in some English translations covers all forms of sexual activity outside of marriage.³⁶

30. This does not in any sense mean that the Bible has anything other than a positive view of sexuality or fails to recognise sexual desire. It is that it emphasises that the proper place for the expression of sexual desire is marriage.

“Now to the unmarried^[a] and the widows I say: It is good for them to stay unmarried, as I do. But if they cannot control themselves, they should marry, for it is better to marry than to burn with passion.”³⁷

31. The current prohibition on churches conducting weddings therefore indirectly discriminates against committed Christians by allowing unmarried couples to move in together, while prohibiting Christian weddings from taking place.

Conclusions

32. In the New Testament the church is primarily understood as a local congregation which physically meets together.
33. This meeting together was of such importance that the early church continued to meet together – and the NT actually exhorts them to meet together even during times of persecution.
34. The current prohibitions on churches set out in the Coronavirus regulations which prevent people attending churches, while allowing them to attend other public buildings such as shops, has effectively prevented churches operating in the biblical sense as churches. Of the ten features of Church life in the New Testament described above, only one is permitted by the government (funerals) and only one other (listening to preaching/teaching) can properly and fully be practised via the internet.
35. There is a particular issue with the prohibition on weddings, which creates a form of indirect discrimination against Christians who adhere to biblical teaching on marriage.

³⁵ Hebrews 13:4.

³⁶ F.F. Bruce *The Epistle to the Hebrews* New International Commentary on the New Testament (Grand Rapids, Eerdmans, 1990): 372-73 on 13:4. The author was Rylands Professor of Biblical Criticism and Exegesis at Manchester University and internationally regarded as one of the preeminent biblical scholars.

³⁷ 1 Corinthians 7:8-9.

B) Public Theology and the importance of corporate worship and weddings for the range of Christians in the UK

The intertwining of Christian Public Theology and law

36. S.13 of Government Legal Department's 11 June response to the claimant's pre action letter states that because

"the concept of what the 'Church' is has clearly evolved since Magna Carta, not least with the Reformation and recognition of the Church of England as the established church in England. The relationship between (a) the Church of England and (b) Parliament, HM Government and the Crown is complex and beyond the scope of this letter for present purposes.

...that Parliament can legislate for Church of England matters, most recently having done so in section 84 of the Coronavirus Act 2020...There is thus no constitutional bar on what has been done under the Public Health Act (Control of Diseases) Act 1984 and the Regulations in public health terms in relation to Church of England premises"

37. In fact, the relationship between government, parliament and the church, particularly, though by no means exclusively the Church of England Church, is extremely relevant to this issue. In particular, because this is one of the rare areas where aspects of Christian Public Theology have been embedded within the law. The purpose of the following is to address that issue from the perspective of Christian Public Theology, rather than law.

38. Whilst the relationship between the church and state has evolved over the centuries, that evolution has been underpinned by a Christian Public Theology, which has at times been stated in law, that the government is appointed by God and therefore accountable to God. This led to a series of royal charters setting out the freedom of the church from the sphere of the state.

39. The 1215 Magna Carta³⁸ reflects this in its preamble which begins

"John, by the grace of God, king of England... Know that, having regard to God and for the salvation of our soul..."

before setting out in the first article a confirmation of the pre-existing rights of the church:

"In the first place have granted to God and by this present charter confirmed for us and our heirs for ever that the English church shall be free (quod Anglicana ecclesie libera sit), and shall have its rights undiminished and its liberties unimpaired (et habeat jura sua integra, et libertates suas illesas)."

³⁸ For parallel texts of the 1215, 1216 and 1225 versions of Magna Carta cf David Starkey *Magna Carta: the True Story Behind the Charter* (London: Hodder and Stoughton, 2015): 159-255.

40. However, it was the 1559 church-state settlement which formally defined separate spheres for church and state.³⁹ Broadly speaking, the state may not interfere in either the interpretation of scripture or the sacraments i.e. in effect worship and teaching, while the church must be subject to the law in other matters.

41. The English (1559) settlement is also set out in the 39 Articles of the Church of England. Article 37 states

“...Where we attribute to the Queen’s majesty the chief government, by which titles we understand the minds of some slanderous folk to be offended; we give not to our princes the ministering either of God’s Word, or of the Sacraments, the which thing the injunctions also lately set forth by Elizabeth our Queen do most plainly testify: but that only prerogative which we see to have been given always to all godly princes in Holy Scriptures by God himself; that, that they should rule all estates and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evildoers...”

42. Similar, separate spheres are set out in the 1592 General Assembly Act (old Scottish parliament) – sometimes referred to as the Great Charter of the Church of Scotland. which states that each kirk (i.e. church)

“haif power and iurisdiction in thair awin congregatioun in matteris ecclesisticall.”⁴⁰

43. These separate spheres are reiterated with more detail in the 1921 Church of Scotland Act:

“This Church has the inherent right, free from interference by civil authority, but under the safeguards for deliberate action and legislation provided by the Church itself, to frame or adopt its subordinate standards, to declare the sense in which it understands its Confession of Faith, to modify the forms of expression therein, or to formulate other doctrinal statements, and to define the relation thereto of its office-bearers and members, but always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession, of which agreement the Church shall be sole judge, and with due regard to liberty of opinion in points which do not enter into the substance of the Faith.” .⁴¹

44. It should be noted that one of the differences in terms of Public Theology between the English and Scottish settlements is that the former is mildly Erastian i.e. it is based on a theology permits the state to interfere and dictate in minor matters of church life such as which clothes clergy should wear – these

³⁹ Act of Supremacy 1558 c.1 (1 Elizabeth 1) and Act of Uniformity 1559 (Public Act, 1 Elizabeth I, c. 2).

⁴⁰ General Assembly Act 1592 (Old Scottish Parliament) c.8.

⁴¹ Church of Scotland Act 1921 c.29 (Regnal.11 and 12 Geo. 5) Schedule 5.

are termed *adiaphora* (literally ‘things indifferent’). However, whether Christians can meet to worship is clearly not *adiaphora*, as the whole area of the sacraments and Christian teaching is specifically excluded from the sphere of the church.

45. The prohibition on churches conducting baptisms and meeting together for communion are particularly significant as these are specifically listed in the 39 Articles as sacraments⁴² and the sacraments are specifically stated to be outside the sphere of the state to interfere with.⁴³
46. Whilst the above refers specifically to the Church of England, it is of wider relevance as the public theology of the Church of England has come to interpret its role here as defending not merely freedom of religion for the Church of England, but for members of all faiths.
47. This was expressed by HM Queen Elizabeth 11 in a speech to an ecumenical gathering of faith leaders at Lambeth Palace during her golden jubilee year (2012):

*“Here at Lambeth Palace we should remind ourselves of the significant position of the Church of England in our nation’s life. The concept of our established Church is occasionally misunderstood and, I believe, commonly under-appreciated. Its role is not to defend Anglicanism to the exclusion of other religions. Instead, the Church has a duty to protect the free practice of all faiths in this country.”*⁴⁴

The coronation and accession oaths

48. S.13 of the 11 June 2020 letter from the Government Legal Department appears to be unaware of the way that significant aspects of the Public Theology set out above have been intertwined with English and Scottish law. The role of Lord Chancellor has historically been seen as guarding the balance between the three arms of the executive, parliament and the judiciary because they sat within all three spheres. In a similar manner, the monarch, as both head of the civil government and supreme governor of the Church of England is effectively guardian of the constitutional balance between the latter. This is spelt out in two of the three oaths sworn by each new monarch on their accession and coronation.
49. The Coronation Oath,⁴⁵ which HM Queen Elizabeth 11 swore in 1953 specifically asked the new monarch to maintain the church-state settlement, including all the rights and privileges of the church:

“Will you to the utmost of your power maintain the Laws of God and the true profession of the Gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law? Will you maintain and preserve

⁴² Article 25 *Of the Sacraments*.

⁴³ Article 37 *Of the Civil Magistrates*.

⁴⁴ *Speech by the Queen at Lambeth Palace 2012* <<https://www.royal.uk/queens-speech-lambeth-palace-15-february-2012>> [accessed 19 June 2020].

⁴⁵ Prescribed by the Coronation Oath Act 1688.

inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will you preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges, as by law do or shall appertain to them or any of them? HM All this I promise to do.”⁴⁶

50. In the Oath under the Acts of Union 1706/07 (the ‘Scottish Oath’) the new monarch similarly promised to protect the government, worship, discipline, rights and privileges of the Church of Scotland:

“I, Elizabeth the Second by the Grace of God of Great Britain, Ireland and the British dominions beyond the seas, Queen, Defender of the Faith, do faithfully promise and swear that I shall inviolably maintain and preserve the Settlement of the True Protestant Religion as established by the laws of Scotland in prosecution of the Claim of Right and particularly an Act entitled an Act for the Securing the Protestant Religion and Presbyterian Church Government and by the Acts passed in both Kingdoms for the Union of the two Kingdoms, together with the Government, Worship, Discipline, Rights and Privileges of the Church of Scotland.”

Lack of precedent for closure of churches

51. I am not aware of any previous government in Britain which has sought to close churches. Although it has sometimes been claimed that this happened in 1208, in fact then the Pope, rather than the king closed churches by placing the whole of England under an interdict. This resulted from a dispute between King John and the English church over who should be the next Archbishop of Canterbury. In the course of this King John had the Pope’s choice, Stephen Langton, banished from England. John finally relented, Langton became Archbishop of Canterbury and played a major role in drafting Magna Carta, including specifically the first article on freedom of religion.⁴⁷ Therefore while this forms an important part of the context in which the first article of Magna Carta needs to be understood, it did not involve the government closing churches. The actions of the UK government in doing so in the coronavirus regulations are therefore entirely unprecedented.
52. The nearest to any sort of precedent for such actions are: a) In England the Elizabethan laws which forbade the opening of separatist churches i.e. churches, other than those of the established church and led to the execution of a number of separatists and imprisonment of thousands more, particularly Quakers and Baptists such as John Bunyan as well as the flight overseas of others, including those later termed ‘The Pilgrim Fathers’.⁴⁸ b) in Scotland when James VII (James 11 in England) attempted to impose episcopacy and made it an act of treason punishable by death to meet for worship or to listen to

⁴⁶ Robert Hazell and Bob Morris *Swearing in the New King: The Accession Declarations and Coronation Oath* The Constitution Unit, University College London (May 2018). The authors are Professor of Government and the Constitution and former Public Affairs Secretary to the Archbishop of Canterbury respectively.

⁴⁷ David Starkey *Magna Carta: The True Story Behind the Charter* (London:Hodder,2015):56.

⁴⁸ John Coffey *Persecution and Toleration in Protestant England, 1558-1689* (Harlow:Pearson,2000):169-79 gives figures of more than 15,000 Quakers sentenced to imprisonment, 450 of which died in prison and a further 200 sentenced to banishment. The author is Professor of early Modern History at Leicester University.

preaching other than in the established church. This led to the 'Covenanter Struggle' in which more people were killed for their faith than at any other period in British history, with the final decade of that period still being known as "the killing time" in Scotland today.

53. Both of those episodes were ended by the accessions to the English and Scottish thrones of William and Mary in 1689. In England this was immediately followed by what is commonly referred to as the Toleration Act (1689).⁴⁹ This allowed Protestant dissenters both to meet for worship and to open public places of worship for the first time. This led to literally hundreds of dissenting chapels in the following couple of years. This right was extended to Catholics in 1778 and then those holding non trinitarian beliefs in 1813, thereby establishing full freedom of worship in the UK.
54. There is a certain irony in that the government has legally prevented churches from meeting in the year in which we celebrate the 400 year anniversary of the sailing of the Pilgrim Fathers in the Mayflower, who fled first to the Netherlands then North America to escape the restrictions on Freedom of worship described above.⁵⁰

Conclusions

55. There is therefore a public theology, aspects of which have been embedded in both English and Scottish law. This sets out distinct spheres for church and government, with the government being specifically excluded from interference in matters of worship beyond minor details (adiaphora) in England and excluded from interference in all aspects of worship in Scotland.
56. The decision of the government and parliament to legislate to close churches and prevent them carrying on worship, including the sacraments of baptism, and communion as well as weddings is therefore unprecedented.
57. For this reason and because it touches on the coronation and accession oaths it is also a major constitutional issue. The latter is particularly significant, as this is an area where Christian Public Theology is embedded in English and Scottish law.
58. It is therefore of great significance, not only that this has been done, but that it has been done without the level of public consultation or parliamentary scrutiny which is normally associated with far less contentious legislation.

⁴⁹ William and Mary, 1688: An Act for Exempting their Majestyes Protestant Subjects dissenting from the Church of England from the Penalties of certaine Lawes. [Chapter XVIII. Rot. Parl. pt. 5. nu. 15.] British History Online <<https://www.british-history.ac.uk/statutes-realm/vol6/pp74-76>> [accessed 19 June 2020].

⁵⁰ <<https://www.mayflower400uk.org/>> [accessed 19 June 2020].

Appendix 1

Dr Martin Parsons CV

My principal qualifications to act as an expert witness in this case include the following: A first class honours degree in Theology and a PhD in Biblical and Islamic Theology and Christian Mission (Brunel University, 2005). I am the author of two major academic books one on Christian and Islamic Theology and one on Christian Public Theology, as well as a number of published articles in these fields. I have been elected as a member of the following learned societies: Tyndale Fellowship for Biblical Research and I am a Fellow of the Higher Education Academy (FHEA). I have been faculty member of the Oxford Centre for Religion and Public Life where I was involved in supervising postgraduate research in association with the University of Stellenbosch, South Africa. I have also previously been Head of Research and Director of Studies at the international headquarters of a Christian organisation specialising in freedom of religion or belief. I have previously been an expert witness for a number of cases in the UK court system.

Education

- B.Sc. Geography (upper second class honours), University of Hull (1982-85).
- Post-Graduate Certificate in Education, University of Hull (1986-87).
- B.A. Theology (first class honours) and Diploma in Pastoral Studies, London Bible College (now London School of Theology) in association with University of Brunel (1991-94).
- Ph.D. Biblical and Islamic Theology and Christian Mission, London School of Theology in association with University of Brunel (part time 1998-2004).
- Summer Institute of Linguistics (SIL) in association with University of Reading, General Linguistics 1 and 2 (1994) and Applied Linguistics with Literacy (1996).

Membership of learned societies

- Tyndale Fellowship for Biblical Research (elected to membership 1999).
- Royal Geographical Society with Institute of British Geographers (elected Fellow – FRGS 2009).
- Higher Education Academy (elected Fellow – FHEA 2015).

Professional experience

Independent consultant – Christian Belief, Freedom of Religion or Belief, Islam and Christian-Muslim Relations.
Faculty member of Oxford Centre for Religion and Public Life (OCRPL), delivering PhD programme in association with University of Stellenbosch, South Africa (October 2017- 2019).

Head of Research and Director of Studies Barnabas Fund International Headquarters (international aid agency supporting persecuted Christians (October 2015- May 2019).

Research Ethics Project Leader Anglia Ruskin University, wrote and taught new online course in Research Ethics for undergraduates and taught postgraduates.(January - June 2015).

Publications

Books

Unveiling God: Contextualising Christology for Islamic Culture (Pasadena,CA:William Carey Library,2006) 356pp (Biblical Theology, Islamic Theology and Christian Mission).

Good for Society: Christian Values and Conservative Politics (Bloomington,In, Westbow,2020) 680pp (Biblical Theology, History and Public Theology).

Academic articles

'Review of Warren Dockter "Churchill and the Islamic World" (New York:IB Taurus,2015)' *Bulletin of the Centre for the Study of Islam and Other Faiths* (Australia) (2015/16):115-17.

'The Future of Afghanistan' *Bulletin of the Centre for the Study of Islam and Other Faiths* (Australia) (2012):43-52.

'William St Clair Tisdall (1859-1928) and the Use of Historical Criticism' *Centre for Islamic Studies Newsletter* 10 (2001) 9-10.

'Karl Pfander (1803-1866) and the Direct Approach' *Centre for Islamic Studies Newsletter* 9 (2000/2001).

'Alexander Duff (1806-1878) and the Educational Approach' *Centre for Islamic Studies Newsletter* 8 (2000) 6-7.

'Claudius Buchanan (1766-1815) and the Great Experiment' *Centre for Islamic Studies Newsletter* 7 (1999) 8-9.

'Christian Influence on Ibn Arabi' *Centre for Islamic Studies Newsletter* 7 (1999) 6-7.

Booklets and reports written for Barnabas Fund:

- *How Britain led the World in Developing Freedom of Religion: 300 Years since the First of the Test Acts was repealed in Britain* 33pp (launched in House of Commons January 2019).
- *Turn the Tide: Reclaiming Religious Freedom in the UK* 52pp (Jan 2018)
Turn the Tide: Reclaiming Religious Freedom in Australia 54pp (Jan 2018)
- *Turn the Tide: Reclaiming Religious Freedom in New Zealand* 50pp - jointly written with Peter McKenzie QC (Jan 2018)
- *Barnabas Fund Summary report on freedom of speech in universities* (April 2018).
- *Regulation and inspection by the backdoor: The latest attempt to bring in state regulation and OFSTED inspection of all out of school education settings including Christian Sunday schools* (April 2018).
- *Barnabas Fund analysis of UK Government's Integrated Communities Strategy Green Paper* (March 2018).
- *The deliberate persecution of Christians in Eritrea by the Eritrean government* (March 2017).
- *Replacing one form of intolerance with another: Barnabas Fund's analysis of how the Casey review into opportunity and integration in Britain significantly undermines the UK's heritage of religious liberty* (November 2016).
- *Response to proposal by the UK Government to require registration and inspection of all Islamic supplementary schools and Christian Sunday schools with power to close those deemed to be promoting 'Extremism'* – sent to Education Secretary within 24 hours of this proposal being announced (November 2015).
- *Response to the UK Government's new counter-extremism strategy* (October 2015).

Government and select committee submissions (UK and Australia)

- *Islamist control of refugee camps in the Islamic world: implications for the vulnerability of Christian refugees fleeing the Syrian conflict* Barnabas Fund subsequently submitted as evidence to DfID Select Committee inquiry on Syrian refugees at request of Committee member Fiona Bruce MP (Nov.2015) accessible at <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-development-committee/syrian-refugee-crisis/written/22780.pdf>.
- Barnabas Fund submission to UK House of Commons Home Affairs Select Committee inquiry on hate crime and its violent consequences (Dec 2016) accessible at: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/hate-crime-and-its-violent-consequences/written/43940.pdf>.

- Barnabas Fund Australia submission to Australian Parliament Joint Standing Committee on Foreign Affairs, Defence and Trade Human Rights Sub-Committee Inquiry on Protecting Freedom of Religion or Belief 12,700 words (February 2017).
- *Australia: the land of the Free? Barnabas Fund Australia's submission to the Commonwealth government religious freedom review* 18,000 words (September 2017) accessible at: <<https://www.pmc.gov.au/sites/default/files/religious-freedom-submissions/11473.pdf>>.
- *Barnabas Fund submission to Joint Committee on Human Rights Inquiry into factors which may impede individuals from using the UK's human rights framework effectively* (May 2018) accessible at: <<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/human-rights-committee/enforcing-human-rights/written/81885.pdf>>.
- Briefing note *Attempts at forced re-conversion to Islam in the UK* (for meeting with Lord Bourne, Minister for Faith, June 2018).
- Drafted operational guidance for national Police Chiefs Council on violence against Christian converts from Islam (August 2018).

Expert declaration

I Dr Martin Parsons DECLARE THAT:

1. I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 3 and 4 above.
6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
11. I understand that;
 - 11.1 my report will form the evidence to be given under oath or affirmation;
 - 11.2 questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;
 - 11.3 the court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;
 - 11.4 the court may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;
 - 11.5 I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert;
 - 11.6 I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.
12. I have read Part 35 of the Civil Procedure Rules, the accompanying practice direction and the Guidance for the instruction of experts in civil claims and I have complied with their requirements.
13. I am aware of the practice direction on pre-action conduct. I have acted in accordance with the Code of Practice for Experts.

STATEMENT OF TRUTH I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signature..... Date.....