



EMPLOYMENT TRIBUNALS

Claimant: Mr. J Hashman

Respondent: Milton Park (Dorset) Limited t/a Orchard Park

Heard at: Southampton

On: 10 January 2011 (Reserved
decision made 31 January 2011)

Before: Employment Judge Guyer

Representation:

Claimant: Mr. I Hare (of Counsel)

Respondent: Mr. N Smith (of Counsel)

JUDGMENT

1. By consent the title of the Respondent is altered to that shown above.
2. Pursuant to the Order made at the Case Management Discussion on 20 May 2010 the Claimant's claim in respect of breach of contract was struck out, he not having by the 8 June 2010 (nor at all) shown any cause why it should not be struck out on the grounds that the Claimant was not (as accepted) an employee within the meaning of the Employment Rights Act 1996.
3. The Claimant has a belief in the sanctity of life. This belief extends to his fervent anti fox-hunting belief (and also anti hare coursing belief) and such beliefs constitute a philosophical belief for the purposes of the Employment Equality (Religion or Belief) Regulations 2003 ("the 2003 Regulations").

REASONS

Introduction

1. The Claimant Mr. Joe Hashman instituted proceedings against the Respondent by a claim form presented to the Tribunal on the 9 December 2009. Mr. Hashman claimed that the Respondent had terminated his contract as a sub contract gardener. He alleged his dismissal amounted to direct discrimination on the grounds of his philosophical belief in the sanctity of life, comprising in particular his belief in the value of anti-hunt activism. He claimed the alleged discriminatory conduct was in breach of regulation 3 of the 2003 Regulations.
2. The Respondent replied to this claim putting in issue the nature of the contractual relationship between the Claimant and Respondent, but in any event claimed that the relationship had been terminated on grounds of lack of economic benefit in such arrangements to the Respondent.
3. A Case Management Discussion was held on the 25 May 2010 when the Respondent accepted that the Claimant was, for the purposes of the 2003 Regulations, to be treated as an employee.
4. On the 10 January 2011 I held the pre-hearing review in accordance with the order the 20 May 2010. I heard the evidence on affirmation of Mr. Hashman given by reference to his witness statement headed *Philosophical belief statement of Joe Hashman* and to which there was exhibited twenty nine documents (JH1-JH29).
5. No oral evidence was given on behalf of the Respondent but there was produced to me twenty one documents, together with:-
 - 6.1 Printout from the Daily Telegraph newspaper website 15 November 2010
 - 6.2 Extracts from Oxford Dictionaries and Wikipedia being definitions or articles on the meaning of the words *philosophy, cogency, cohesion, moral, value, ideology* as well as pages 304-306 from the autobiography of the former Prime Minister, Mr. Tony Blair - *Tony Blair - a Journey*. Counsel for the Claimant, Mr. Ivan Hare, produced a skeleton argument and bundle of authorities and Counsel for the Respondent also produced a skeleton argument and produced two additional case reports.

The Legislation

6. The 2003 Regulations provide that in those regulations:-
 - 7.1 "Religion" means any religion.
 - 7.2 "Belief" means any religious or philosophical belief.

7.3 A reference to religion includes reference to lack of religion and

7.4 A reference to belief includes a reference to lack of belief.

The Evidence

7. The challenge to Mr. Hashman's evidence was not in any great extent to the factual information contained therein but a challenge as to whether he held the beliefs that he claimed to hold and whether his statements as to why he acted or refrained from acting in particular ways were to be believed. Accordingly in the following paragraphs I summarise both the evidence in chief and cross-examination but leave to later my findings as to what I hold Mr. Hashman's beliefs to be.
8. After setting out the basis for my decision as to what beliefs Mr. Hashman holds I then explain the reasons for my determination that those beliefs are philosophical beliefs within the meaning of the 2003 regulations.

Evidence in chief

9. Mr. Hashman became interested in protecting the lives and rights of animals from about the age of 13 onwards when he read leaflets against vivisection. At the age of 14 Mr. Hashman attended his first Animal Rights demonstration. He first attended a fox-hunt, as a Hunt Saboteur, at the same age. He became a member of the Hunt Saboteurs Association (HSA) and participated in campaigns of civil disobedience. At the age of 23 he became a vegan which meant that he stopped eating any products which contained anything of animal origin. He had been a vegan on and off since age 16 but there had been lapses with some chocolates and a particular kind of pasty with contains cheese to which he had become partial to. However he said that by the age of 23 it was time to take the fundamental step of becoming a vegan because of his ethical beliefs.
10. As a vegan he says he does not consume or wear products directly sourced from animals. He stated he believed that food and material should not be sourced from animals, dead or alive. He stated that where clothing is made from animal skins which are not a byproduct, he knew from first hand experiences (from undercover investigations) the cruelty involved is extreme and processes are abhorrent. There was no way he could be involved in such things apart from being a human in such an unkind world. He became a member of the Hunt Saboteurs Association in 1984. He is to this day retained as a consultant on hunting issues by the International Fund for Animal Welfare.
11. He has written extensively on the subject of hunting as a campaigner and been written about in local and national newspapers and appeared on national television debates.

12. He has been a high profile opponent of hunting for twenty seven years and has been convicted numerous times on minor public order offences relating to his activities as a hunt saboteur. He has been a witness in cases against hunt staff and since the Hunting Act 2004 has been a witness in cases resulting in convictions under that legislation. In the late 1980's he became involved in voluntary work with Oxford Animal Rights. He became a member of various animal rights pressure groups including the League Against Cruel Sports.
13. He stated that the issue of hunting with hounds ("blood sports") upset him the most. The reason why the blood sports campaign touched him in a different way he said was because in comparison to the others, it was so tangible, so immediate and so close to home. Mr. Hashman grew up in the country. *"The concept that I could go out, either alone or with others, and using guerrilla tactics, actually make a practical difference to the lives of abused animals was compelling and I decided this was to be the subject that I wanted to specialise in. Animal abuse is so intrinsic that it can at times be thoroughly depressing, so having a specialist area not only meant that I could channel my energies there rather than spread myself thinly, it has also helped me over the years to stay positive and focused, rather than sad and overwhelmed. My passionately held belief that hunting with hounds is morally wrong has not diminished with age."* He started volunteering for the HSA in 1982 and became a life member in 1985 and was a member of the executive committee for two years as Tactics Officer and Contacts Liaison Officer.
14. Mr. Hashman left school in summer 1984 and got a placement on the Youth Training Scheme (YTS) with the Oxford Forestry Group. In March 1985 he took a week off work and travelled to Liverpool to help with massed organized action against the Waterloo Cup. The Cup was the pinnacle of the hare coursing season. *"Battle rules between coursing supporters and the police against sabs were legendary in the circles that I was in. I wanted to be a part of this and now aged 16 felt old enough to take part."*
15. He left the YTS in June 1985 and moved back to his parents' home near Oxford and became a professional tennis coach. He continued with anti hunting activities. In October 1987 he started a group called the Oxfordshire Anti Death Sports Society, set up for the purpose of combining direct action with a little campaigning. He worked in the campaign against blood sports. He would often travel to other parts of the country and posed as a hunt follower. He felt his actions in supporting the hunt saboteurs form part of his dedication to his beliefs that killing wild animals for pleasure is wrong.
16. In due course he came to consider that perhaps his mother who had told him that pen was mightier than the sword had a point. As he grew older participation in campaigns of disorder, was not necessarily the route he would follow. In February 1991 he moved to North Dorset and got acquainted with the Portman

Fox-hunt. He undertook along with others a really concentrated campaign to stop that hunt from killing foxes.

17. In 1993 the Portman Fox-hunt was granted a High Court injunction against him to stop sabotage. However, on the 25 November 1999 the European Court of Human Rights in the case of Hashman and Harrup v. the United Kingdom (2000) 30 EHRR241 ruled a binding over order on Mr. Hashman was a violation of Article 10 of the Convention on Human Rights. Subsequently the injunction was overturned.
18. In 1991 after a meeting of the South and West Wilts Fox-hunt there was an altercation between Mr. Hashman and the "*Terrier Man of the Hunt*". ("the Terrier Man") Mr. Hashman described the Terrier Man as a person of whom he was afraid and whom he considered to be a psychopath.
19. Mr. Hashman went on to say anti blood sports activity became a way of life for him. Although he was prepared to indulge in acts of Civil Disobedience, he claimed he was always non violent in his approach to hunt sabotage. He said "*it is true to say that others did not all share this philosophical stance but I truly believe in practicing and preaching nonviolence to all, both human and animal*".
20. Early in 1996 Mr. Hashman became concerned that supporters of hunting might be planning to inflict violence upon him. He therefore wrote to all the masters of the local hunts informing them he was no longer taking non violent direct action against those hunts and thereafter he deliberately limited himself to passive monitoring of hunting activities.
21. He worked as an undercover investigator for a number of organisations, including the Whale and Dolphin Conservation Society, Animal Aid, Compassion in World Farming.
22. By May 2001 aged 33 he felt he needed to settle down as a newly married man and step-father to two young children. He gained employment as a grounds man/caretaker for Shaftesbury Town Council. It involved tending to the parks and green spaces in Shaftesbury. He adopted a regime of maintenance which he would describe as wild life friendly. Part of his job as a caretaker was managing the pigeons which frequented the Town Hall; this he did by only removing nests and eggs. In that way no pigeon ever raised young whilst he was working there.
23. In 2004 he invented the name "*Dirty Nails*" for the purpose of writing gardening and wild life related articles for the local press. In particular he sent articles to the Blackmore Vale Magazine. He used the pseudonym of *Dirty Nails*, and did not use his own name because he considered, if he did, he would not be given column space because of his reputation as a hunt saboteur and animals right

activist. He writes a blog and also has written books, including a *Vegetable Gardener's Year*. He has now started to use his own name.

24. In his evidence in chief Mr. Hashman described his beliefs in a number of ways:-

25.1 *My philosophical belief means that I act and work to prevent cruelty to animals (para 11).*

25.2 *My beliefs affect every aspect of my life on a daily basis ... but I chose to be an active member of everyday, normal society, so on a daily basis I am making conscious decisions based on what I believe to be rights and wrongs. Aside from the food I eat and clothes I wear, my philosophical beliefs affect the work I am prepared to do or not, the places I am prepared to go or visit and how I spend my time and resources (para 13).*

25.3 *I believe that hunting is completely morally unacceptable. I believe that it is wrong to take pleasure from the killing of animals whether done under the banner of pest control or sport ... My philosophical belief is perhaps the largest and most prominent part of my identity as well as being the guiding force in the way I live my life and the work I do (Para 18).*

25.4 *It's [CIWF] aims and outcomes fitted in with my beliefs that in the real world (as opposed to a vegan utopia) change will only come about through small, incremental steps towards a less cruel and exploited future. Some might suggest this was a sign of me mellowing with age. Actually, it merely reflected the wisdom which comes with getting older and realising the world and the issues in it are complex and difficult to solve. [Paragraph 20.1.36]. As I have grown older and my physical abilities have changed so has my approach to a belief system and way of thinking and living which has affected me since as long as I can remember back in my childhood.*

Cross-examination

25. Mr. Hashman was cross-examined on his evidence for just less than two hours. He stated he had a belief that people should live their lives with mindful respect for animals and that we all have a moral obligation to live in a way which is kind to each other, the environment and fellow creatures. His views against fox-hunting and hare coursing were philosophical and part of the wider belief.

26. He would not work in a chicken factory. It was put to him that he was effectively destroying animal life by removing the pigeon eggs referred to at paragraph 22 above. He was asked about his attitude to slicing worms in half when he was

digging in the garden. He drew a distinction between vertebrates and other animals.

27. He said that he tried not to use animal products and stated that he accepted that although he would not wear shoes made of leather, he wore clothes which contained dye which was animal based. Mr. Swift-Smith questioned Mr. Hashman about an article he had written in which he had said *"He discovered the first batch of large white butterfly caterpillars on.. cabbages. They were more than a few days old. Pesticides are not an option for the wild life friendly grower and neither alas, is turning a blind eye. Gardening is full of dilemmas and tough choices. In this instance Dirty Nails plumped for the only realistic option available if the crop is to succeed to rub the little fellows out between his thumb and fingers. In the real world he believes that such drastic action is the most environmentally, friendly and humane method for dealing with this common problem."* Mr. Hashman asserted (as he did on more than one occasion) that he had to live in the real world and this was the least objectionable way of dealing with a problem.
28. It was put to Mr. Hashman that anti fox-hunting campaigners were motivated by questions of class and that the Hunt Saboteurs Association in their literature had cartoons depicting class warfare. It was also said it was accepted by Mr. Hashman that the Hunt Saboteurs Association members had got involved in violent protests. He asserted that whilst he supported civil disobedience, it had always been on a non violent basis and that his beliefs were in no way motivated by matters of class and nor were his actions.
29. Mr. Smith suggested to Mr. Hashman that his writing for the Blackmore Vail Magazine (for which he was paid) were totally inconsistent with his claim as to his beliefs. This was because the Blackmore Vail Magazine contained articles and literature that was supportive of fox-hunting and it was suggested by Mr. Smith, and not resiled from by Mr. Hashman, that at Christmas the Blackmore Vail Magazine was something akin to an issue of Horse and Hound. Mr. Hashman's reply was to the effect that he considered the magazine followed a praiseworthy policy of allowing differing factions to express their views. Even Mr. Hashman was pleased that he could publicise his views to an audience wider than those who supported his beliefs.
30. Understandably a substantial part of the cross-examination was taken up with Mr. Hashman's involvement with the Respondent.
31. In his application to the tribunal Mr. Hashman stated that he was employed as a sub contract gardener. He said that his discussions about such work were, initially until towards the end of the period of his engagement with Mr. Richard Cumming, the managing director of the Respondent. He said that he had a high regard for Mr. Cumming. Sometime after he commenced work with the

Respondent he learnt that a Mr. and Mrs. Clarke were the majority shareholders in the Respondent Company. The Clarke's were known as "hunts' people". One other member of the board of directors of the Respondent was a lady who was a former joint master of the South and West Wiltshire Hunt.

32. After he commenced work Mr. Hashman realised that on Park Farm which was located next to the Orchard Park premises, Mr. and Mrs. Clarke employed the Terrier Man referred to in paragraph 18 above. Mr. Hashman was frightened by this person whom he considered to be a psychopath.
33. It was accepted by Mr. Hashman that Orchard Park sold meat, had a farmer's shop selling meat and had a herd of cattle, all of which was nearby to where Mr. Hashman had his vegetable garden. Mr. Smith alleged that it was totally inconsistent with Mr. Hashman's professed beliefs to be working for such an organisation in proximity to a hunt employee and whereby he, Mr. Hashman was deriving profits from his activities and helping the Respondent organisation in a financial way.
34. Mr. Hashman's explanation was that firstly he was unaware of the involvement of Mr. and Mrs. Clarke with the Respondent Company until after he had been at Orchard Park for sometime. He was also initially unaware of the connection between the Terrier Man and the Respondents.
35. Faced with this situation he considered what he had to do or should do. He said, as he said elsewhere in his testimony that he had to live in the real world. He needed to earn a living to support himself, his wife and his stepdaughter and that the work he was doing was in conformity with his beliefs. He had a difficult choice to make but staying put meant he was in a position to publicise his views. He also had to earn a living.

The Respondent's evidence

36. No oral evidence was given on behalf of the Respondent. I was referred, by Mr. Smith, without objection from Mr. Hare, Counsel for Mr. Hashman, to extracts from Mr. Blair's autobiography. There was also annexed to the skeleton argument submitted on behalf of the Respondent twenty five further documents. These included literature from the Hunt Saboteurs Association. The literature from the Hunt Saboteurs Association refers to the difference in views of political parties and describes the present prime minister as "*Eton educated Cameron*". One article from the website of the Support Hunting Association states:

"the vast majority of opposition comes from urban labour MP's. There is no hunting in their constituency and is often based on old political scores and not on reality ... Barry Sherman, one of the three labour MP's to vote

against the ban in September 2004 admitted to the Telegraph [that] the new law is, in large part, class-driven revenge for the Tories' smashing of the minor's strike, and the privatization of the nationalised industries. Mr. Blair's autobiography makes the point that the fox-hunting subject resulted in legislation which was the cause of an inordinate political convulsion. About fox-hunting he said "the issue itself crossed boundaries of opinion in a remarkable way, zigzagging through swathes of Middle England, working-class heartlands and old fashioned aristocrats. The thing was you could never tell people's reaction to it. You had dyed-in-the-wool Tories for whom a ban was their ultimate political fantasy; and you had solid Labour blokes, whose right arm would have withered away rather than put a cross in the Tory box, who wanted to kill me because of the proposal to ban it. People used to say it's a class thing – and for some it was..."

Further on the subject of fox-hunting Mr. Blair stated *"The more I learned, the more uneasy I became. I started to realise this wasn't a small clique of weirdo inbreeds to the liking and cruelty, but a tradition, embedded by history and profound community and social liens, that was integral to a way of life. It was more broadly based and less elitist than I thought; and had all sorts of offshoots among groups of people who were a long way from being dukes and duchesses"*

Findings on what Mr. Hashman's beliefs are

37. I have had regard to the way Mr. Hashman gave his evidence, both in chief and in cross-examination. At one point I suggested he respond to a question by a yes or no. He replied that at times he found there could be difficulties in so doing. In the context of the question and his evidence I was convinced that he was not trying to procrastinate or equivocate, but was dealing with the issues where at times, matters cannot necessarily be reduced to a simple right or wrong.
38. Of course I have had to examine his evidence closely, especially when it is put in strong terms that his answers are not credible because of a perceived inconsistency. Thus I have considered closely what he has said as to why he wears clothes containing animal dye and continued to work for an organisation, not only run by supporters of hunting, but profiting from the proceeds of killing animals for food.
39. I believe that Mr. Hashman was a credible witness, whose evidence I should and do accept. and that in summary his specific beliefs about hare coursing and fox-hunting from part of a belief in the sanctity of life. Mr. Hashman believes that *"people should live their lives with mindful respect for animals and we all have a moral obligation to live in a way which is kind to each other, our environment and our fellow creatures."*

40. In coming to my conclusion that I accept Mr. Hashman as a truthful witness I have paid regard to the manner in which he gave his evidence and what I consider to be the likely credibility thereof.

Discussion and determination

41. Initially Mr. Smith urged to treat the decision in Grainger Plc v Nicholson [2010] ICR 360 merely as persuasive and not binding, at the conclusion of the hearing, he conceded the decision was, as I would in any event find, binding on me and it follows therefore that in considering whether Mr. Hashman's beliefs amount to a philosophical belief within the 2003 regulations I have to have regard to the judgment of Burton J at paragraph 24 which I set out in full:-

"I do not doubt at all that there must be some limit placed upon the definition of "philosophical belief" for the purpose of the 2003 Regulations, but before I turn to consider Mr. Bower's vested such limitations, I shall endeavor to set out the limitations, or criteria which are to be implied or introduced by reference to the jurisprudence set out above:-

1. *The belief must be genuinely held.*
 2. *It must be a belief and not as in McClintock v Department of Constitutional Affairs [2008] IRLR 29, an opinion or viewpoint based on the present state of information available.*
 3. *It must be a belief as to a weighty and substantial aspect of human life and behaviour.*
 4. *It must obtain a certain level of respect in a democratic society, be not incompatible with human dignity and not conflict with the fundamental rights of others (paragraph 36 of Campbell v United Kingdom 4 EHRR 293 and paragraph 23 of IR (Williamson) v. the Secretary of State for Education and Employment [2005] 2AC 246.)*
42. In order to better consider how I apply those criteria I have considered a number of the authorities referred to by both parties. Williamson's case considered the provisions of Article 9 of the European Convention for the protection of human rights and fundamental freedoms (as scheduled to the Human Rights Act 1998).
43. Lord Nichols in Williamson said (paragraph 23) that *"the belief must also be coherent in the sense of being intelligible and capable of being understood. But, again, too much should not be demanded in this respect... Depending on the subject matter, individuals cannot always be expected to express themselves with cogency or precision. Nor are an individual's beliefs fixed and static. Overall,*

these threshold requirements should not be set at a level which will deprive minority beliefs of the protection they are intended to have under the Convention.

44. Elias P in McClintock v Department of Constitutional Affairs said (paragraph 45) *"as the Tribunal in our view correctly observed, the constitutional belief, there must be a religious or philosophical viewpoint in which one actually believes; it is not enough "to have an opinion based on some real or perceived logic or based on information or lack of information available." Mr. McClintock had not as a matter of principle rejected the possibility that single sex parents could ever be in a child's best interest; he felt that the evidence to support this view was unconvincing but did not discount the possibility that further research might reconcile the conflict which he perceived to exist. We do not think it was perverse for the Tribunal to find that such views did not fall within the scope of the [2003] Regulations.*
45. Mr. Smith wished to take me through the rather lengthy judgment of the Employment Tribunal in Kelly v Unison (Case No. 2203854/08), the reasons for which were promulgated in a decision of the Employment Judge on the 28 January 2010. The reasons run to two hundred and forty three paragraphs and in the time available Mr. Smith was not able to go thorough it in as much detail as he might have wished but he directed me to the paragraphs he particularly wanted me to consider. I have read those and indeed the complete reasons with care. Mr. Smith observed that although the decision was not binding on me I should find the reasoning helpful, which I have.
46. Kelly was a case where the Claimant said his belief in a Marxist/Trotskyite system was a philosophical belief. The tribunal at paragraph 105 of its Reasons stated:-
- "The expression "philosophical belief" is wide in the sense that it is not a phrase which compels specificity. It is a phrase comprised of a noun whose meaning could include a large range of concepts, including view, theory; opinion, speculation, and even objective broaden by an objective which allows for any intellectual curiosity. Its natural meaning can be so wide and uncertain, to encompass the ridiculous and the amphigoric, that we seek to find what the legislation intended. We do not construe it as a piece of prose, without reference to its nature or purpose."*
47. So far as the 2003 Regulations are concerned they derive from Article 9 of the European Convention but in any event at the end of the day I have to consider the tests laid out in paragraph 24 of Grainger.
48. The arguments of Counsel for and against I believe be summarised as follows:-

For the Claimant it is submitted that his beliefs plainly qualify as philosophical beliefs:-

- i) His beliefs derive from his philosophical commitment to the sanctity of life and animal welfare. That his beliefs are based, in part, on science is no bar;
- ii) His beliefs affect every area of his life;
- iii) His beliefs are cogent, serious, coherent and important.

In R v. Countryside Alliance v Attorney General [2007] UK HL52 [2008] 1AC 719 at paragraph 40 Lord Bingham quoted the lower court's views of the legislation of the Hunting Act 2004 as:-

A composite one of preventing or reducing unnecessary suffering to wild animals, overlaid by a moral view point, causing suffering to animals for sport is unethical and should, so far as it is practicable and proportionate be stopped."

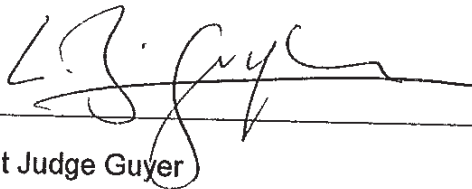
- iv) The Claimant's views are an established part of debate in most democracies. There is no fundamental human right to engage in blood sport. His beliefs and conduct in opposing hunting were always peaceful.
49. As against this Mr. Smith having referred to beliefs in the philosophies of socialism, Marxism and communism or free market capitalism which might qualify, and stated those examples as clearly being substantial established doctrines *"on the boundary between philosophy and politics. They are grand in scale and have had/continue to have an effect on states or entire populations, governing issues from domestic affairs to foreign policy ... by way of contrast an anti-fox-hunting and hare coursing belief is, it is submitted a policy matter that has been dealt with by way of current primary legislation."*
50. Mr. Smith contrasted road traffic laws (which have a significantly wider affect on the population and nation) and the laws banning fox-hunting with dogs.
51. Mr. Smith asked me to consider to what extent a moral issue translates into a philosophical belief. Mr. Smith pointed out the arguments advanced for and against fox-hunting in particular are manifold; statistics are relied upon to support both camps. They relate to issues such as the extent hunting represents and effective means of pest control; the number of people employed in the activity and its support; the economics of the activity; the ethicality of using dogs as opposed to other means of control, whether dogs were efficient at dispatching the fox when caught, the degree of suffering. He submitted that a strongly and actively held standpoint on the issues of anti-fox-hunting/hare coursing falls

within the paragraph 24(2) category in the Grainger test namely, that this is a merely view point/opinion albeit a strongly and actively held one.

52. Mr. Smith submitted that the extent of feeling over the issue of hunting with dogs and fox-hunting, is mainly evidence of the extent to which this was an issue/view point that was a strongly held and polarised opinion but not one that can be correctly elevated into the realms of a philosophy.
53. I was asked to be careful in examining the true nature of Mr. Hashman's belief and the way in which those beliefs had been pursued, given his clear evidence as to activities both before and after the introduction of the Hunting Act 2004. Mr. Smith drew attention to Mr. Hashman's membership of various groups that were militant and which admittedly acted on occasions outside the law.
54. I was asked to consider the potentially broader issue of whether Mr. Hashman's alleged philosophical belief is bound up with a belief on the politics of class, that appear to underpin so much of the material, published on websites for the anti hunting lobby. I accept the submission of Mr. Smith that there is some evidence to suggest that the arguments on the immorality of blood sports and the subject of class warfare are intrinsically bound up together but only in my judgment for some people.
55. I consider that Mr. Hashman's beliefs about fox-hunting and hare coursing fall to be considered within the parameters of his general beliefs he expressed in his originating application namely, as referred to in paragraph 39 above and as set out in paragraph fifteen of his application that he has a philosophical belief in the sanctity of life. This belief comprises beliefs in the value to life or veganism, environmentalism and animal rights activism. Mr. Smith attacked his views as not being within the Grainger tests and drew attention to the Claimant's activities as a Hunt Saboteur. As Mr. Hare pointed out the views and activities of Mr. Hashman did not conflict with any human rights. There is no right within the UK to indulge in fox-hunting.
56. I do not find Mr. Hashman's beliefs lack coherence. As he points out, and as I believe most people would accept, moral issues can involve difficult choices. I asked Mr. Smith what a person who believed in the sanctity of life would do if faced with a person charging towards him firing a rifle. There are no doubt people who hold pacifist beliefs who would refrain from taking any physical action towards their assailant. However, I would not consider anybody who decided to attack their assailant, as not holding, on that account some definite pacifist beliefs.
57. I have considered at length Mr. Hashman's actions in staying at the Respondent's premises after he learned of the identity of the majority

shareholders. Indeed he was working at Orchard Park when it was associated with a Butcher's shop and where his books were sold in the farm shop.

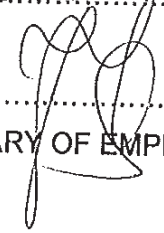
58. I accept his evidence that he believes that he has in some regards to recognise he lives in what he described more than once as the real world. I do not consider I should reject his claims to holding a set of cogent and coherent beliefs, because he remained working where he was, rather than opting to bring to an end one of his means of livelihood. Sometimes one's moral decisions cannot be based on a simple set of black and white principles. However I have no hesitation in finding that Mr. Hashman thinks very deeply about the issues arising from his beliefs and that he attempts to live his life in accord with those beliefs. I find that his beliefs are truly part of his philosophical beliefs both within the ordinary meaning of such words and within the meaning of the 2003 regulation.
59. I wish to observe that my judgment is very much based on the facts I have found relating to Mr. Hashman. I do not suggest that everyone who is opposed to fox-hunting necessarily holds a philosophical belief within the meaning of the 2003 Regulations. It might have been fascinating to embark on a review of what philosophers have had to say over the centuries concerning "animal rights", cruelty to animals, hunting and the sanctity of life. However although I would have found many differing views such an excursion would not have been proper or helpful. Firstly there was no evidential basis for such an examination and secondly what I have to decide and have decided relates to Mr. Hashman's beliefs and no one else's.



Employment Judge Guyer

JUDGMENT, REASONS & BOOKLET SENT TO THE
PARTIES ON

4 March 2011



FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS