

Gender Recognition Bill

Summary

Under this Bill:

- A transsexual can change his birth certificate to say he was born female, and he could then marry another man.
- It is easier to sue a church that refuses to allow a transsexual to become a member, or sue a religious employer which refuses to employ a transsexual.
- Churches will be pressurised to allow male transsexuals to use the ladies' lavatory.
- Clergy have no right to know a person's true sex, and could therefore unwittingly marry people of the same biological sex.
- Church officials and religious employers face a £5,000 fine if they tell the truth.

Your church and your church minister need protection from this outrageous Bill.

Introduction

The Gender Recognition Bill is a transsexual rights Bill. It allows two men to legally marry each other, opens up enormous scope for legal actions against churches and even makes telling the truth a criminal offence.

In simple terms, transsexuals are people who are biologically normal, but who believe themselves to be members of the opposite sex. This feeling of being 'trapped in the wrong body' may lead to what is often called a 'sex change' operation. There are very few such people and they are almost always men. In the NHS year 2001/2002 there were a total of 89 operations performed, all of them on men.¹

The Gender Recognition Bill rests entirely upon the lie that people can change their sex. And so it allows

transsexuals to re-write history. A man will be able to obtain a birth certificate declaring he was born a woman, or a woman that she was born a man. A 'sex change' operation will not even be a requirement. There is the prospect that a woman could become a 'man' in law and then become pregnant. The Law would then recognise a 'pregnant man'.

Until now changing the sex on your birth certificate was not allowed in Britain.² However, the Government claims it must pass the Bill because of court cases in Europe. But in fact the Government has gone a long way beyond any legal precedent set by Europe. And there are already two cases where the UK has ignored the same type of ruling.

Under the Bill, transsexuals will be legally recognised in their assumed sex and, amongst many other things, will be given the right to marry. This fundamentally undermines the law of marriage. It will allow people of the same biological sex to marry, creating in effect same-sex marriage.

Churches may be forced to employ people who flagrantly reject Christian teaching that a person's biological sex is God-given. Registrars in registry offices could lose their job for refusing to conduct transsexual marriages. Some 'sex change' surgery (combined with large hormone doses) can disguise a transsexual's real sex very well. As clergy will have no legal right to see original birth certificates, they will be unable to find out the birth sex of candidates for marriage.

Even more alarming, the Government intends to enforce this lie by making it a criminal offence to reveal a transsexual's true sex – carrying a fine of up to £5,000! As one Peer has said in Parliament: "...we are making it a criminal offence to tell the truth".³

These men want to marry

Transsexual, 'Elizabeth' Bellinger (left), wants the law to recognise his 'marriage' to Michael. Under the Bill they will be able to marry.



Rejecting common sense

The Bill creates a Gender Recognition Panel which can declare a man is a woman or a woman, a man. An applicant must state he has lived in the assumed sex for two years and produce evidence from sympathetic medical professionals. The successful applicant is given a "gender recognition certificate" which entitles him to a new birth certificate. No surgery is needed for an applicant to be successful. If the panel vote is tied, the chairman will have the casting vote.

Yet our birth sex cannot be changed, it is fixed at conception and determined by our chromosomes, which are either XX or XY. Transsexuals have normal bodies. A transsexual man will have XY chromosomes just like other men. Transsexualism is a mental, not a physical dysfunction. It is completely different to a biological 'intersex' condition, also known as 'hermaphroditism', where a person has a physical abnormality.

Some people try to argue that other biological factors cause transsexualism, e.g. brain structure, but this is highly contentious and very doubtful. The Government minister has admitted: "It is fundamental to the Bill that legal recognition is given to transsexual people on the basis of their gender regardless of their chromosomal sex. The Government have no intention of getting into an argument about the science of sex and chromosomes and the causes of transsexualism and gender dysphoria. The evidence around the issue is inconclusive and the argument continues."⁴ The Government admits that it is legislating in defiance of the truth and in the absence of much evidence for the lie!

The Bill uses the term 'gender' as this is more politically correct than 'sex'. The term is used to imply that being a man or a woman is somehow fluid and can change. However, the Bill will change a person's birth sex in law.

Some medical experts believe 'sex change' operations are counterproductive and harmful. The NHS Portman Clinic has stated "...what many patients find is that they are left with a mutilated body, but the internal conflicts remain."⁵ Indeed, there are recorded cases of transsexuals who regret having a 'sex change' and who 'return' to their true sex.⁶ In 2003 one man in Australia later sued the doctors who advised him to have the 'sex change' operation.⁷

Christian views

Christians regard a person's sex as *determined by God* from conception. Therefore a transsexual is living in breath-taking defiance of their Creator. As long as a transsexual persists in denying their true sex, they persist in sin. Christians can no more accept a transsexual living in their assumed sex, than they can an habitual adulterer or gambler.⁸

In fact 'sex change' surgery desecrates a body made in the image of God. The Bible is clear that we are made in the image

of God either as a man or a woman (Genesis 1:27). In this life our soul and body cannot be separated or exchanged. The Church of England raised exactly this point in 2003. Its report noted the traditional view that: "We are not simply people who inhabit bodies, rather our bodies are part of who we are." The authors went on to ask: "Can we go down this road without moving to a new form of gnostic dualism in which the body is seen as separate from the self?"⁹

It is wrong for someone to live in a transsexual lifestyle, although to feel tempted in this way is not. There are many pastoral issues in dealing with a transsexual which ultimately require radical repentance on the part of the individual concerned. But accepting an individual with Christ's love does not mean accepting their sinful behaviour.

Public decency

This Bill is unprecedented in enforcing the perceived 'rights' of transsexuals. In doing so, it tramples on legitimate rights of third parties. For example, many women use all-female gym classes or have a female doctor. They would feel intimidated and believe their privacy was invaded if they had to accept a transsexual man as their gym instructor or doctor. Yet in practice, under the Bill businesses and public bodies would be unable to give such a choice for fear of legal action. Furthermore, a certificate-holding 'woman' who undresses in a ladies gym changing room to reveal male genitals could sue the gym for treating him as a man if they throw him out. Women in any single-sex facility will no longer be guaranteed the safety and privacy such areas are intended for. By addressing the perceived rights of a tiny minority, the government is denying society basic rights of privacy and decency.

Religious liberties – the threat to Christian freedom

There is solid, recent evidence that transsexuals do try to force churches to accept their assumed sex. For example, in 2002 a transsexual man, William Parry, sued the church he attended in South Wales because they would not let him attend the ladies' prayer meeting or use the ladies' toilets (see below). The Christian Institute is aware of other churches which have had male transsexuals attending their services and seeking to use facilities reserved for women. In some of the cases legal action has been threatened against the church.

There can be differences in the pastoral approaches that are taken. However, no biblical Christian would accept someone living in a transsexual lifestyle (as with any other sinful lifestyle) into membership of the church.¹⁰ They cannot treat a transsexual man as a woman (or vice versa); they would be going along with a lie. For example, Christians hold that God ordains marriage

¹ House of Commons, Hansard, 26 February 2003, col. 616w

² Except where a genuine error was made at the time of registration.

³ The Earl Ferrers, House of Lords, Hansard, 13 January 2004, col. GC16

⁴ House of Lords, Hansard, 13 January 2004, cols. GC3-4. (The Bill talks of 'gender dysphoria' as an alternative description for 'transsexualism'.)

⁵ *The Daily Telegraph*, 15 July 2002

⁶ See for example *The Sunday Telegraph Magazine*, 16 November 2003; *The Mail on Sunday*, 11 February 2001

⁷ *Herald Sun*, 25 November 2003 (Australia)

⁸ In fact the Old Testament uses the same word to condemn intentional cross-

dressing and homosexual practice. Deuteronomy 22:5 states: "A woman must not wear men's clothing, nor a man wear women's clothing, for the LORD your God detests anyone who does this." (compare Leviticus 18:22).

⁹ *Some Issues in Human Sexuality – A Guide to the Debate*, discussion document from the House of Bishops' Group on Issues in Human Sexuality, Church House, 2003, page 249

¹⁰ 1 Corinthians 5:9-12; 1 John 3:6, 9

¹¹ This is already the case in Scotland and Northern Ireland.

¹² Sex Discrimination Act 1975, Section 19

for bringing together one biological man and one biological woman. Churches will not want to hold a marriage service for a transsexual.

Christians barred from knowing the truth

The Bill places the highest priority on the confidentiality of transsexuals. The Gender Recognition Register is not open to public inspection and 'recognised' transsexuals will be given a fake birth certificate which will look exactly like a real birth certificate.

Under the legislation church ministers will have no right to know whether a 'woman' they are marrying, baptising or admitting into church membership, is in fact a biological man who has had surgery to make him look like a woman. That a 'woman' is actually a man may be obvious in many cases, but in some it will not be given the sophistication of surgery and hormone treatment.

Fake birth certificates trick clergy into marrying transsexuals

Unless church ministers have the right to know the true sex of individuals, any church minister could end up marrying two people of the same biological sex.

The Bill contains no mechanism for allowing the clergyman to find out a person's real sex. In fact it would be a criminal offence for any person in an official capacity to tell him the original birth sex had been switched (see below). The legislation does not give a cast iron guarantee that all church ministers can refuse to marry a transsexual. Even if it did, this protection would be of limited use unless there was also a right to know the birth sex of all candidates for marriage.

Churches and religious employers have no right to know the birth sex

There would be no right for a church minister to know whether a person who comes forward for baptism or church membership has had a 'sex change' operation. The same applies to job applicants for positions with any church or religious organisation.

Registrars may lose their jobs

There will be many registrars working at registry offices who also have strong objections to same-sex weddings. Even if they do know that a couple are both of the same sex, the Bill gives them no conscience clause. A registrar who refuses to marry them may lose their job. Under separate Government plans to remove the status of 'office holder' from registrars, making them an employee of the council, this may well be a possibility.¹¹

Fining Christians for telling the truth

Under the Bill once a person obtains a gender recognition certificate, the government will throw a veil of Soviet-style secrecy around that person's true sex. In many instances the law will require someone who knows the true sex to lie or face a fine.

It will become a criminal offence for anyone in an official position in a voluntary organisation to disclose the birth sex of a transsexual. The maximum fine will be £5,000 – the same level as for committing some sexual offences.

The following examples show the potential conflict between Christians and a transsexual with a gender recognition certificate. Under the Bill:

- A church minister, elder, deacon, PCC member, churchwarden or pastoral worker discovers in the course of their duties that a 'woman' attending their church is actually a male transsexual. They would be committing a criminal offence if they told anyone else the truth.

Example: 'Gillian' applies for membership of the local Baptist Church. Shortly before the membership decision is made, the pastoral worker discovers that 'Gillian' is really Geoffrey – a male transsexual. The pastoral worker informs the minister who refuses the membership application. Geoffrey contacts the Police. The pastoral worker is prosecuted and fined £2,000.

- Any employer who discovers that an employee is a transsexual will be committing a criminal offence if he mentions this in a reference.

Example: Mavis is secretary of a Christian relief agency who decides to undergo a 'sex change' operation and takes the name 'Matthew'. She leaves her job and applies to be administrator of the local free evangelical church. In the reference the Director of the relief agency reveals Mavis' true sex to the church. Mavis contacts the Police who prosecute. The relief agency is found guilty and fined £5,000.

However, the Government will allow a select list of people to know the true birth sex – e.g. courts and the Police. Also no criminal offence is committed if the disclosure is made for the purposes of social security or pensions. If some people *will* be allowed to know and tell the truth, why cannot church leaders and Christian organisations have the right to know and tell the truth as well?

Legal action against churches and religious employers

The Gender Recognition Bill gives no clear legal protection to churches or religious organisations from being sued by transsexuals. In particular there is grave concern over how a litigious transsexual could combine his legal rights under the Bill with the Human Rights Act. Under the Gender Recognition Bill a man can become a woman in law. This makes it easier for a transsexual to sue churches and Christian organisations which



refuse to treat him as a woman. We expect pressure to mount on churches over such basic matters as restricting the ladies' lavatory only to real women.

Employment

Under current legislation a church is free to dismiss a man who assumes the identity of a woman.¹² But the Bill changes the legal landscape. It may become illegal for a church to refuse to employ or to dismiss a man who has assumed the identity of a woman – especially in non-teaching posts (e.g. secretary, organist, cleaner or caretaker). There are similar concerns about religious organisations, such as Christian charities, which employ staff.

The public functions of a church

The Human Rights Act covers the 'public functions' of a church. When a church conducts a marriage it is carrying out a 'public function' subject to Human Rights legislation.

Under the Gender Recognition Bill, clergy in the Church of England or the Church in Wales will have some protection from being sued for refusing to conduct the marriage service of a transsexual. But the Bill gives no protection to a minister from any other denomination. If a Baptist minister refused, they could be sued, once transsexual marriage becomes legal under the Bill.

Transsexuals may claim that other activities put on by a church are a 'public function'. In certain circumstances a male-to-female transsexual might sue for the right to join a mother and toddler group. Even if a church ultimately wins its case in court, why should the law allow a church to be sued over Christian doctrine?

Although the Gender Recognition Bill does not directly force churches to accept transsexuals as members, this might eventually happen indirectly through aggressive litigation – the proceedings of any church disciplinary hearing, e.g. a PCC or Elders' Court, are potentially subject to such litigation.

The Government needs to put clear legal protections for churches and religious organisations into the Gender Recognition Bill.

When a transsexual sued a church

In 2002 Revd William Parry, a man who had had 'sex change' operation, sued a church which refused to allow him to attend the ladies' meeting and to use the ladies' toilets. The father of three wanted a court to order Maesteg Christian Centre in Bridgend, South Wales, to recognise him as a woman.

Mr Parry had been attending the church for two years and had asked to be allowed to attend the ladies' prayer meeting and use the ladies' toilets. The church and its pastor, Alex Ashton, had refused for the simple reason that Mr Parry was a man. Mr Parry sued the church, under his assumed name Dian Parry, arguing it was breaking sex discrimination laws.

This was not the first time that Mr Parry had sued an organisation which would not accept him as a woman. In July 2000 he won a £6000 out-of-court settlement with a college. He claimed it discriminated against him when he was on the college's beauty therapy course. Three months later he forced the Welsh equivalent of the Women's Institute to accept him. They changed their membership policy after speaking with the Equal Opportunities Commission under pressure from Mr Parry.

When Mr Parry turned his attentions to the Maesteg Christian Centre, the church was determined to take a stand. They realised that if Mr Parry succeeded in using the law to get his way, not only would they suffer, but other churches would be likely to face the same threat. The Christian Institute supported Pastor Ashton and the church.

The church was able to obtain the services of a barrister, who advised the church to apply to the court to strike out the legal action. On the day of the hearing the judge expressed sympathy with Mr Parry. However, he agreed there was nothing in law to allow Mr Parry to force himself on the church and so the church won the legal action.

Under the Bill the church would probably still win, but it would be much more costly to mount a defence since Mr Parry would have many more legal arguments in his favour. Once the new law becomes firmly accepted in a few years, perhaps the church would lose.

Summary

The Government is attempting to abolish the truth. It is enshrining a lie in law. It will be a criminal offence to tell the truth. A person's sex cannot be changed by the votes on a Gender Recognition Committee. God alone decides what sex we are at our conception. Christians must speak out against this Bill *and* argue for protection for Christians.

The Bill gives transsexuals as much encouragement as possible to live in their assumed sex. Yet surely we should not be encouraging people in healthy bodies to mutilate themselves, but rather help them to return to living in their true sex?

The Government must ditch this outrageous Bill. But even if it does not we will continue to fight to preserve the religious liberties of churches and religious organisations.

Amongst other things:

- All ministers and registrars need the legal right to refuse to conduct a wedding service involving a transsexual.
- Churches and religious organisations need clear legal protection from future legal actions by transsexuals, including the right not to employ them.
- Ministers need access to the original birth certificates of all candidates for marriage, membership or employment.