

THE CHRISTIAN INSTITUTE

PRIVATE MEMBER'S BILL TO PROHIBIT CONVERSION THERAPY

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ADVICE

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**The advice sought**

1. We are instructed urgently to advise The Christian Institute (the “**Institute**”) on the compatibility with the European Convention on Human Rights (“**ECHR**”) of a Private Member’s Bill which was introduced in the House of Lords on 20 November 2023, and is currently at Second Reading Stage (the “**Bill**”). We understand that the Institute is concerned that the Bill would (if enacted) intrude into and interfere with the manifestation and practice of core Christian beliefs within the family and within Christian churches, and would therefore contravene rights conferred by the ECHR.
2. The Institute is a non-denominational charity established for the advancement of the Christian faith and education, primarily in the UK, by a group of church leaders and Christian professionals. It has over 60,000 supporters throughout the UK, including some 5,434 churches and/or church ministers from almost all Christian denominations. Its religious convictions, and those of its supporters, may broadly be described as those of evangelical Christianity.
3. In brief summary, the convictions of the Institute (and of its supporters) which are particularly relevant to this advice include that:
  - (1) Marriage is the lifelong and monogamous union of one man and one woman, and sexual conduct outside of marriage is sinful.
  - (2) Sexual acts with persons of the same sex (which necessarily cannot take place within marriage) are sinful.

- (3) Gender (masculine or feminine) is not separate from the biological sex (male or female) of each person's body, but is rather rooted in, flows from, and is discovered in relation to the biological sex of each person's body.
4. A more detailed summary of the convictions of the Institute and its supporters, provided to us in 2021 in connection with previous advice, is set out in Appendix 1 to this advice.
5. The Institute does not support any efforts or practices, whether medical, psychological, or otherwise, that involve violence or coercion of a person to change their sexual orientation or gender identity. Indeed, it would regard any such practices as abhorrent. However, the Institute is concerned that the effect of the Bill is to prohibit and criminalise the statement, teaching and practice of traditional Christian beliefs both in churches and in domestic settings, and more generally to impinge (a) upon the rights of parents and those in positions of responsibility to discuss and offer guidance upon issues of gender identity and sexual orientation; and (b) upon the ability of those interested in such issues (including those holding 'gender critical' beliefs) to discuss and dispute such matters.
6. In summary, for the reasons set out below, we consider that:
  - (1) The Bill is notably broad in scope. It applies both to practices which seek to 'change' sexual orientation or gender identity ("SO/GI") and practices which seek to 'suppress' the 'expression' of SO/GI; i.e., to change conduct. It would apply to acts which cause no injury or distress; and, indeed, to acts to which the person in question consents.<sup>1</sup> It would apply across the whole range of life; including in religious settings, social settings, and in the home. No attempt has been made to craft exemptions or exceptions so as to ensure that any particular conduct, including conduct in domestic settings, or the practice of religion, is not prohibited.

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<sup>1</sup> For clarity: we do not suggest that restrictions to harmful; distressing; or non-consented conduct would necessarily render the Bill Convention-compatible. That would need to be the subject of further detailed advice.

- (2) The Bill would, if enacted, interfere with a number of rights protected by the ECHR. It would (by way of example) restrict the ability of gender-critical persons to express their beliefs; the ability of religious organisations to express their beliefs (both to the wider world, and within their own communities); and the ability of parents to counsel and bring up children in the way they believe to be right. Such restrictions are likely to interfere with (at least) the right to respect for private and family life (Article 8 ECHR); the right to freedom of thought, conscience and religion (Article 9 ECHR); the right to freedom of expression (Article 10 ECHR); and the right to freedom of assembly and association (Article 11 ECHR).
- (3) Any interference with such rights must be justified and proportionate in order to be lawful. It is very difficult to see how the wide-ranging interference with fundamental rights contemplated by the Bill could be justified. Put shortly, the Bill criminalises expressions of personal conviction even if they are made without expressions of hatred or intolerance, or improper purpose or coercion, or abuse of power. Such an approach runs contrary to the consistent case law of the European Court of Human Rights (“ECtHR”).

## The Bill

7. The Bill is a very short document, with one substantive clause, which is as follows:

### *“1 Conversion therapy: prohibition*

*(1) A person commits an offence if they practise, or offer to practise, conversion therapy.*

*(2) In this Act, “conversion therapy” is any practice aimed at a person or group of people which demonstrates an assumption that any sexual orientation or gender identity is inherently preferable to another, and which has the intended purpose of attempting to –*

*(a) change a person’s sexual orientation or gender identity, or*

*(b) suppress a person’s expression of sexual orientation or gender identity.*

*(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale."*

8. A level 5 fine is unlimited in size.<sup>2</sup>
9. By clause 2, the Bill applies across the United Kingdom. We have been asked to advise on the Bill urgently, and so do not consider issues with the Bill other than its ECHR compatibility. We note, however, that the proposed ambit of the Bill would be likely to raise devolution issues.

### **The construction of the Bill**

10. The definition of conversion therapy in clause 1(2) of the Bill appears to be taken from the "*Memorandum of Understanding on Conversion Therapy in the UK*" (v2, November 2022), agreed by a number of healthcare and counselling bodies (the "**MoU**"). It describes conversion therapy as (§2):

*"For the purposes of this document 'conversion therapy' is an umbrella term for a therapeutic approach, or any model or individual viewpoint that demonstrates an assumption that any sexual orientation or gender identity is inherently preferable to any other, and which attempts to bring about a change of sexual orientation or gender identity, or seeks to suppress an individual's expression of sexual orientation or gender identity on that basis.*

*These efforts are sometimes referred to by terms including, but not limited to, 'reparative therapy', 'gay cure therapy', or 'sexual orientation and gender identity change efforts', and sometimes may be covertly practised under the guise of mainstream practice without being named."*

11. The MoU is concerned with medical treatment and counselling. The effect of the Bill is, in essence, to apply that definition to the whole of society through the medium of a criminal offence.

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<sup>2</sup> <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/9-maximum-fines/>

12. The words ‘practise’ and ‘practice’ in clause 1 of the Bill are not defined. Some guidance on the meaning of the latter can, however, be obtained from judicial treatment of the word in the context of the phrase ‘provision, criterion or practice’ in s. 19 Equality Act 2010 (concerning indirect discrimination) and s. 20 Equality Act 2010 (concerning the duty to make reasonable adjustments).

13. In that context, the Court of Appeal<sup>3</sup> has held that:

- (1) The word ‘practice’ is an ordinary English word;
- (2) In the context of the Equality Act 2010 at least, it would not apply to “*every act of unfair treatment of a particular employee*”, but rather (at [38]):

*“a state of affairs (whether framed positively or negatively and however informal) indicating how similar cases are generally treated or how a similar case would be treated if it occurred again. It seems to me that “practice” here connotes some form of continuum in the sense that it is the way in which things generally are or will be done. That does not mean it is necessary for the PCP or “practice” to have been applied to anyone else in fact. Something may be a practice or done “in practice” if it carries with it an indication that it will or would be done again in future if a hypothetical similar case arises. Like Kerr J, I consider that although a one-off decision or act can be a practice, it is not necessarily one..”*

14. The Oxford English Dictionary definitions of ‘practise’ and ‘practice’ include the following meanings in ordinary usage:<sup>4</sup>

- (1) Practise: “*To pursue or be engaged in (a particular occupation, profession, skill, or art)*”; “*To observe (a religious duty), to perform (a rite); to carry out the teachings of (a particular religion); to be an active observer of (a faith)*”; “*To carry out or perform (a particular activity, method, or custom) habitually or regularly.*”

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<sup>3</sup> *Ishola v Transport for London* [2020] EWCA Civ 112; [2020] ICR 1204.

<sup>4</sup> “practise | practice, v.”. Oxford English Dictionary, Oxford University Press, September 2023, <https://doi.org/10.1093/OED/2762958920>.  
“practice, n.”. Oxford English Dictionary, Oxford University Press, July 2023, <https://doi.org/10.1093/OED/7409132020>.

- (2) Practice: *“The habitual doing or carrying on of something; usual, customary, or constant action or performance; conduct.”*

15. We consider that:

- (1) ‘Practise’ in cl. 1(1) of the Bill is likely to be interpreted (if enacted) to mean ‘carry out’ or ‘be engaged in’.
- (2) The meaning of ‘practice’ in cl. 1(2) of the Bill is less clear. It is possible that it would be interpreted (as with the Equality Act 2010 definition) to imply an element of potentially continuing or habitual conduct. However, it is also possible that it would be interpreted simply as meaning ‘conduct’. Even if it were interpreted in line with the first meaning essayed above, that meaning remains relatively wide. As noted by the Court of Appeal, a one-off decision might be a ‘practice’ if it was considered to be something that might be done in future (including in a hypothetical future situation). On either interpretation, therefore, a wide range of conduct will be caught.

16. The concepts of ‘sexual orientation’ and ‘gender identity’ are also not defined in the Bill. There are definitions in the MoU, but those have not been replicated in the Bill. As to the wider law:

- (1) The concept of ‘sexual orientation’ is defined in s. 12 Equality Act 2010 as follows:

*“Sexual orientation means a person's sexual orientation towards –*

*(a) persons of the same sex,*

*(b) persons of the opposite sex, or*

*(c) persons of either sex.”*

- (2) The concept of 'gender identity' is not (to the best of our knowledge) defined in any statute.<sup>5</sup> Its meaning is controversial. For present purposes, we note the following summary used by the NHS:<sup>6</sup>

*"Gender identity is a way to describe a person's innate sense of their own gender, whether male, female, or non-binary, which may not correspond to the sex registered at birth. Gender identity should not be confused with registered sex at birth, or with sexuality or who someone is attracted to."*

17. We consider that the Bill (if enacted) would be likely to be construed with these or similar concepts in mind.
18. Apart from the requirement of a 'practice', therefore, the Bill is notably broad in its effect. As noted above, it applies both to practices which seek to 'change' SO/GI and practices which seek to 'suppress' the 'expression' of SO/GI; i.e., to change conduct. It would apply to acts which cause no injury or distress; and, indeed, to acts to which the person in question consents.<sup>7</sup> It would apply across the whole range of life; including in religious settings, social settings, and in the home. No attempt has been made to craft exemptions or exceptions so as to ensure that any particular conduct, including conduct in domestic settings, or the practice of religion, is not prohibited.

### **The ECHR rights**

19. We have previously advised in detail on the requirements of Articles 8, 9, 10 and 11 ECHR as they apply to religious communities and the beliefs of individuals, in advice published by the Institute.<sup>8</sup> We summarise the position for ease of reference, drawing on the conclusions in our previous advice:

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<sup>5</sup> Although it is used in various statutes: eg. s. 1(2) of the Census (Return Particulars and Removal of Penalties) Act 2019; s. 2(8) of the (Scottish) Offences (Aggravation by Prejudice) (Scotland) Act 2009.

<sup>6</sup> <https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/mental-health-services-data-set/submit-data/data-quality-of-protected-characteristics-and-other-vulnerable-groups/gender-identity#:~:text=Gender%20identity%20is%20a%20way,who%20someone%20is%20attracted%20to.>

<sup>7</sup> Again, for clarity: we do not suggest that restrictions to harmful; distressing; or non-consented conduct would necessarily render the Bill Convention-compatible. That would need to be the subject of further detailed advice.

<sup>8</sup> [www.the.ci/coppel](http://www.the.ci/coppel)

- (1) Freedom of thought, conscience and religion is “one of the foundations of a ‘democratic society’ within the meaning of the Convention. In its religious dimension, it is one of the most vital elements that go to make up the identity of believers and their conception of life, but it also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it”.<sup>9</sup>
- (2) Religious organisations are entitled to maintain discipline among their community, and to set criteria governing admission to, and rejection from, the community.<sup>10</sup> Such conduct is protected both by Article 9 ECHR and Article 11 ECHR. The state is not entitled to restrict the practice of religious beliefs by and among those who adhere to those beliefs,<sup>11</sup> although it may restrict manifestation of those beliefs in what might broadly be called the public sphere (e.g. in employment or in operating commercial enterprises), so long as the restriction is justified and proportionate.<sup>12</sup>
- (3) Religious believers are also entitled, within limits, to attempt to convince others of the truth of their beliefs. The ECtHR has recognised that “bearing witness in words and deeds is bound up with the existence of religious convictions” and that freedom of religion and belief “includes in principle the right to try to convince one’s neighbour”, for example through ‘teaching’.<sup>13</sup> Such conduct will not, however, be legitimate when it involves improper means such as “violence, brainwashing or taking advantage of those in distress or in need”.<sup>14</sup>
- (4) The Article 10 right of freedom of expression encompasses the right to express ideas that cause offence, or are otherwise regarded as unsavoury (‘offend, shock or disturb’). This is not a point unique to the expression of religious beliefs, but it has been applied in that context.<sup>15</sup> Such expression may only be legitimately

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<sup>9</sup> *Metropolitan Church of Bessarabia v Moldova* (45701/99); (2002) 35 E.H.R.R. 13, §114. See also s. 13(1) Human Rights Act 1998.

<sup>10</sup> *Religionsgemeinschaft der Zeugen Jehovas v Austria* (2009) 48 EHRR 17, §61; *X v Denmark* (7374/76

<sup>11</sup> *Bessarabia*, above; *Hasan and Chaush v Bulgaria* (2002) 34 EHRR 55; *R (Johns) v Derby City Council* [2011] HRLR 20, *Ibragimov v Russia* (1413/08 and 28621/11), §90)

<sup>12</sup> *Eweida v United Kingdom* (2013) 57 EHRR 8.

<sup>13</sup> *Kokkinakis v Greece* (1994) 17 EHRR 397.

<sup>14</sup> *Larissis v Greece* (1999) 27 E.H.R.R. 329; *Ibragimov v Russia* (1413/08 and 28621/11).

<sup>15</sup> *Ibragimov*; above.



restricted when the statements promote “*violence, hatred or intolerance*”<sup>16</sup> (including by insulting, holding up to ridicule or slandering)<sup>17</sup> such as, for example, where homosexuality was referred to in leaflets as a “*deviant sexual proclivity*” which had “*a morally destructive effect on the substance of society*”.<sup>18</sup>

- (5) As regards conduct within the family, the general position of the law, given the right to respect for private and family life, is that “[w]ithin limits, families must be left to bring up their children in their own way”.<sup>19</sup> The intervention of the state in the actions taken by parents in relation to their children could only be justified where parental action harms or would harm the health and development of a child.<sup>20</sup>
- (6) As regards the protected status of beliefs such as those of the Institute, the domestic courts have repeatedly found that such beliefs are protected by Article 9 ECHR and worthy of respect as such.<sup>21</sup> As stated in one of those cases:<sup>22</sup>

*“The belief in question is the orthodox Christian belief that the practice of homosexuality is sinful. The manifestation in question is by teaching, practice and observance to maintain the choice not to accept, endorse or encourage homosexuality. Whether the belief is to be accepted or rejected is not the issue. The belief is a long established part of the belief system of the world’s major religions. This is not a belief that is unworthy of recognition. I am satisfied that Article 9 is engaged in the present case.”*

- (7) The Employment Appeal Tribunal has also recently held that gender-critical beliefs are similarly protected.<sup>23</sup>

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<sup>16</sup> *Ibragimov; Alekhina v Russia* (2019) 68 EHRR 14.

<sup>17</sup> *Lilliendahl v Iceland* (29297/18).

<sup>18</sup> *Vejdeland v Sweden* (2014) 58 E.H.R.R. 15. See also the summary of authority in the case of *Brown v Public Prosecution Service for Northern Ireland* [2022] NICA 5 (not a religious belief case).

<sup>19</sup> *Christian Institute v Lord Advocate* 2017 S.C. (U.K.S.C.) 29, §73.

<sup>20</sup> *Ibid*, citing *Neulinger v Switzerland* (2012) 54 EHRR 31.

<sup>21</sup> *Re Christian Institute’s Application for Judicial Review* [2008] I.R.L.R. 36, §50; *R (Johns) v Derby City Council* [2011] HRLR 20, §47; *Bull v Hall* [2012] 1 WLR 2514, §56.

<sup>22</sup> *Re Christian Institute’s Application for Judicial Review* [2008] I.R.L.R. 36, §50.

<sup>23</sup> *Forstater v CGD Europe and ors* [2022] ICR 1; *Mackereth v Department for Work and Pensions* [2022] ICR 1609.

20. Lastly, we should also refer to Article 3 ECHR (the prohibition on torture or inhuman and degrading treatment (“IDT”). The UK, as a signatory to the ECHR, is obliged to take measures designed to ensure that individuals within the UK are not subjected to torture or IDT, even by private individuals. Conduct must be of a high degree of severity in order to be classified as torture or IDT. By way of example, in *L v Lithuania* (2008) 46 EHRR 22, the applicant contended that Lithuania’s failure to adopt legislation permitting the applicant to complete gender reassignment surgery (which had been partially undertaken) and to have his legal gender changed from female to male breached Article 3. The Court found that the applicant’s “understandable distress and frustration” did not fall within the scope of article 3 as it did not “indicate circumstances of such an intense degree, involving ... exceptional, life-threatening conditions” that would be required for that purpose (§47). The vast majority of cases in which IDT has been found have involved intentional abuse or inhuman/degrading conditions in contexts involving an imbalance of power and restricted liberty (e.g. in prisons, mental hospitals, and/or where the perpetrator is a member of the police or security forces).

21. In summary, therefore:

- (1) The relevant beliefs of the Institute regarding sexual relations, sexual orientation and gender identity are protected by Article 9(1) ECHR. These beliefs must be treated by the State with neutrality and impartiality. Adherents to those beliefs are entitled to practise them and to maintain discipline within their church organisations according to those beliefs.
- (2) Christians who hold these beliefs are, in principle, entitled to seek to persuade others to adhere to them. Legislation may only prevent such activities in two circumstances. First, where they amount to “improper proselytism”, that is, the application of improper or undue pressure or coercion, or abuse of power, including where the mental state of the object of proselytism requires special protection. Second, where the “persuasion” falls outside the bounds of freedom of expression because it consists of the spreading, incitement, promotion or justification of hatred based on intolerance.
- (3) There are, accordingly, only limited circumstances in which the expression of Christian beliefs to a consenting adult, with a view to changing their behaviour,

could be prohibited compatibly with the Convention rights of the person expressing those beliefs. There is greater scope for prohibiting such conduct when directed at minors, even where it appears consensual, simply because minors (as a category) are more vulnerable to improper pressure or abuse of power than adults (as a category). However, the position is likely to differ depending upon the age and maturity of particular individuals.<sup>24</sup> Within the home, moreover, a legal prohibition on parents expressing their religious beliefs to their children, with a view to fostering beliefs and behaviours in their children, seems to us to be highly problematic and unlikely to be compatible with ECHR rights.<sup>25</sup>

- (4) The imposition of criminal sanctions for the expression of religious beliefs to others is particularly difficult to justify in Convention terms. We would not go so far as to say that criminal sanctions can only be justified where such expression amounted to incitement to hatred. That principle has been expressed in the context of expressions of conviction in the public sphere, but there are other cases where the ECtHR has upheld convictions for (e.g.) improper proselytism conducted in private. Undoubtedly, however, a regime which imposes criminal penalties will be more difficult to justify, and the more serious the penalty the more onerous will be the burden of justification.

### **Analysis of the potential impact of the Bill**

22. As we see matters, the following situations (among very many others) would be likely to be caught by the offence created by the Bill:

- (1) A gender-critical public figure is invited to public events to speak on gender issues. In the course of her attendance at these events, he or she makes statements such as *“Your biological sex is your true gender”*; *“People who think that they are transgender need to realise who they really are”*; and *“People who feel they are trans need help, not medication. They shouldn’t be taking life-changing measures based on a lie.”* Giving the terms of the Bill their ordinary and natural meaning, it seems likely that the individual would be considered to have (i) demonstrated an assumption

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<sup>24</sup> *R (Just for Kids Law) v SSHD* [2019] 4 WLR 97, §71.

<sup>25</sup> We are not concerned here with extremes of parental behaviour, amounting to physical or psychological abuse of children, which is prohibited by the existing law.

that a particular gender identity is inherently preferable; (ii) attempted to change listeners' gender identity; and (iii) attempted to suppress expression of gender identity.

- (2) A 15-year-old teenage girl informs her gender-critical parents that she wishes to change her sex. The parents both hold gender-critical beliefs, and do not support their daughter's wish. The teenage girl repeatedly asks for her parents to support her request for puberty blockers as she believes this is in her best interests based on her interactions with an online transgender charity. Her parents politely but firmly refuse this request several times over the following months. Giving the terms of the Bill their ordinary and natural meaning, this it seems likely that this conduct would again be considered to (i) demonstrate an assumption that a particular gender identity is inherently preferable; (ii) to seek to change the child's gender identity; and (iii) to seek to suppress expression of gender identity.
- (3) A Christian church teaches that homosexual acts are inherently sinful. It is a rule of the church community that members should be in good standing with the church, and not be living in 'unrepentant sin'. Members are encouraged and assisted, through prayer and discussion, not to live in unrepentant sin according to the church's teaching. A member of the church engages in homosexual acts. The pastor prays with the individual, asking God to help the individual resist his inclinations to same-sex sexual conduct, and conducts a Bible study with the individual. Ultimately, the pastor informs the individual that he will no longer be allowed to remain a member of the church unless he refrains from homosexual sexual acts. Giving the terms of the Bill their ordinary and natural meaning, it seems likely that both the prayer and Bible study, and the rules on membership of the church, would be considered to (i) demonstrate an assumption that a particular sexual orientation is inherently preferable; and (at least) (ii) attempt to suppress expression of sexual orientation.
- (4) A Christian church requires candidates for adult baptism or confirmation to attend classes over an 8-week preparatory course. These cover 'Christian living', including sexual ethics. A candidate strongly objects to being told that homosexual relationships are wrong – a point he makes on several occasions during course discussions. At the end of the course, he is informed that he cannot

be baptised unless he accepts the Bible's teaching as understood and practised by the church. The analysis would be the same as that in sub-paragraph (3) above.

- (5) A Christian church teaches that homosexual acts are inherently sinful. The pastor of that church preaches to the congregation to the effect that sex is a gift reserved for marriage between a man and woman and says that singleness is an honourable calling. Again, giving the terms of the Bill their ordinary and natural meaning it is likely that that conduct would be considered to (i) demonstrate an assumption that a particular sexual orientation is inherently preferable; and (at least) (ii) attempt to suppress expression of sexual orientation.
23. We consider that a criminal prohibition on the conduct summarised above would be highly likely to breach Convention rights. In each of these situations, views are being expressed about SO/GI which are protected by (variously) Article 9 ECHR and Article 10 ECHR. In the 'family' example ((2) above), Article 8 ECHR rights are also interfered with. In the 'church discipline' examples ((4) and (5) above), Article 11 ECHR rights are also interfered with.
24. While the proportionality and so the Convention compatibility of the Bill would turn in part upon the quality of the evidence as to the nature and the extent of the harm which the legislation was seeking to prevent, we note that the Bill criminalises expressions of personal conviction even if they are made without expressions of hatred or intolerance, or improper purpose or coercion, or abuse of power. It is very difficult to see how such a wide-ranging interference with such fundamental rights could be justified. Certainly, on the basis of the longstanding case-law of the ECtHR, such an interference would be very likely to be held to breach the ECHR.

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**29 November 2023**

## Appendix 1 – Summary of Relevant Beliefs

1. This Appendix summarises the relevant beliefs of the Institute and its supporters, as they have been set out in our Instructions.

### General

2. As ‘evangelicals’, the Institute and its supporters hold to the Bible - Old and New Testaments - as the supreme authority in all matters of faith and conduct.<sup>8</sup>
3. Evangelical Christians believe that every human being is born in sin and needs to be forgiven and reconciled to God in order to know him (and thus be saved, to escape the eternal judgment of God). This salvation is secured by the death on the cross of the Lord Jesus Christ, in dying in the place of sinners, bearing God’s punishment for sin. Salvation is received through faith in Christ. Salvation is entirely a work of God’s grace and cannot be earned. It has been fully accomplished by Christ and is applied to each believer by the work of the Holy Spirit. God in his love forgives sinners to whom he grants repentance and faith.
4. This repentance – or turning from a life of sin – is an essential element of Christian conversion. Repentance is also an ongoing aspect of living the Christian life. The Articles of Religion of the Church of England state: *“After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God we may arise again, and amend our lives. And therefore they are to be condemned, which say, they can no more sin as long as they live here, **or deny the place of forgiveness to such as truly repent**”* (emphasis added).
5. Evangelicals believe that sin is any lack of conformity to, or transgression of, the law of God. God’s moral law is summarised in the Ten Commandments (Exodus 20). All mankind has fallen short of those standards which, if left unforgiven, will lead to eternal judgement. But for those who have turned to Christ in repentance and faith, the Ten Commandments are the rule for how they should

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<sup>8</sup> The Institute’s Basis of Faith confesses belief in *“The inspiration of the Holy Scripture in its entirety by God’s Spirit through the human authors, and its revelation of God’s truth to humanity. The Bible is without error not only when it speaks of salvation, its own origins, values, and religious matters, but it is also without error when it speaks of history and the cosmos. Christians must, therefore, submit to its supreme authority, both individually and corporately, in every matter of belief and conduct.”* Evangelical churches will typically have similar statements in their own confessional and doctrinal statements.

*“love the Lord your God with all your heart and with all your soul and with all your mind and with all your strength” and “love your neighbour as yourself” (Mark 12:30-31).*

#### Prayer and Guidance, and Church Discipline

6. Evangelicals see themselves as part of the church, which is understood to be the body of Christ. Within this, believers share with and serve one another. It is understood to be part of that sharing and service that Christians will sometimes seek to restore a fellow Christian who has fallen into sin, through speaking the truth (as they see it) to them in love and through prayer.

*“[S]o we, though many, are one body in Christ, and individually members one of another” (Romans 12:5);*

*“Rather, speaking the truth in love, we are to grow up in every way into him who is the head, into Christ” (Ephesians 4:15);*

*“...praying at all times in the Spirit, with all prayer and supplication. To that end keep alert with all perseverance, making supplication for all the saints” (Ephesians 6:18);*

*“Brothers, if anyone is caught in any transgression, you who are spiritual should restore him in a spirit of gentleness. Keep watch on yourself, lest you too be tempted” (Galatians 6:1).*

7. It is part of the role of church leaders to bring the teaching of the Bible to those under their care, both in preaching and teaching and in pastoral discussion and prayer. They guide believers into a life of faith in Christ and repentance.

*“[S]hepherd the flock of God that is among you, exercising oversight, not under compulsion, but willingly, as God would have you; not for shameful gain, but eagerly; not domineering over those in your charge, but being examples to the flock” (1 Peter 5:2-3);*

*“...teaching them to observe all that I have commanded you. And behold, I am with you always, to the end of the age” (Matthew 28:20).*

8. Most Christian denominations have clear statements in their constitutions and confessional statements about how to deal with church discipline. For example, the statement of faith of Congregational (Independent) Churches, the Savoy Declaration of Faith and Order (1658) includes The Institution of Churches, and the Order Appointed in Them by Jesus Christ, and remains enshrined in the trust deeds of many protestant chapels in England and Wales. It provides:

“1. Whereas the Lord Jesus Christ hath appointed and instituted as a means of edification, that those who walk not according to the rules and laws appointed by him (in respect of faith and life, so that just offence doth arise to the church thereby) be censured in his name and authority. Every church hath power in itself to exercise and execute all those censures appointed by him in the way and order prescribed in the gospel.

2. The censures so appointed by Christ, are admonition and excommunication. And whereas some offences are or may be known only to some, it is appointed by Christ, that those to whom they are so known, do first admonish the offender in private: in public offences where any sin, before all. Or in case of non-amendment upon private admonition, the offence being related to the church, and the offender not manifesting his repentance, he is to be duly admonished in the name of Christ by the whole church, by the ministry of the elders of the church; and if this censure prevail not for his repentance, then he is to be cast out by excommunication with the consent of the church.

3. As all believers are bound to join themselves to particular churches, when and where they have opportunity so to do, so none are to be admitted unto the privileges of the churches, who do not submit themselves to the rule of Christ in the censures for the government of them.”

9. We are instructed that discipline may include matters such as a request to refrain from partaking of the Lord’s Supper (ie. Holy Communion) for a period, or in extreme cases for a person to be removed from membership of the community. Such discipline is not, however, administered in a vacuum. Disciplinary sanctions are accompanied by loving care, prayer and scriptural one-to-one teaching by church ministers/elders. The aim is always to determine whether there are signs of genuine repentance and spiritual restoration. In certain circumstances, if there is no evidence of repentance, it may be necessary for those in leadership to remove a person as a member of the church. But none of this is done lightly.

#### Marriage and sexual intercourse

10. The seventh commandment regards the honouring of marriage in thought, word and deed. Evangelical churches (like churches of other traditions) teach that marriage is to be the lifelong and monogamous union of one man and one woman. Sexual conduct outside of that union is sinful.<sup>9</sup> This is understood to be the message of the creation account, and is also derived from the

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<sup>9</sup> See eg. Canon B30 of the Canons of the Church of England: <https://www.churchofengland.org/about/leadership-and-governance/legal-services/canons-churchofengland/section-b>, and a more detailed summary of evangelical teaching on marriage with scriptural references at chapter 24 of the Westminster Confession of Faith (“WCF”), (<http://www.epcew.org.uk/resources/westminster-confession-of-faith/chapter-xxiv-of-marriage-anddivorce#fn0>). We are instructed that the WCF has been drawn on by many other churches in the reformed and evangelical tradition.



New Testament. So high is the biblical view of marriage that it is used as a metaphor for the relationship of Christ and his church.

*“Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh”* (Genesis 2:24);

*“[Jesus] answered, ‘Have you not read that he who created them from the beginning made them male and female, and said, “Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh”? So they are no longer two but one flesh. What therefore God has joined together, let not man separate’”* (Matthew 19:4-5);

*“‘Therefore a man shall leave his father and mother and hold fast to his wife, and the two shall become one flesh.’ This mystery is profound, and I am saying that it refers to Christ and the church”* (Ephesians 5:31-32).

11. Evangelicals believe that Christians will be tempted to deviate from God’s pattern for sexual conduct, including by their own hearts. Sinful thoughts, words and deeds are seen as occasions to seek God’s mercy, to turn from sin and to walk with God in all the ways of his commandments.

*“...and forgive us our debts, as we also have forgiven our debtors. And lead us not into temptation, but deliver us from evil”*. (Matthew 6:12-13)

*“If we say we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, he is faithful and just to forgive us our sins and to cleanse us from all unrighteousness.”*  
(1 John 1:8-9; see also Hebrews 12:1)

12. The Institute and its supporters consider that the goal for Christians experiencing same-sex sexual desire is not to replace it with opposite-sex desire, although new beginnings of this sort must not be ruled out. Rather, the aim is to become more like Christ in self-denying love and obedience.

*“For this is the will of God, your sanctification: that you abstain from sexual immorality; that each one of you know how to control his own body in holiness and honour, not in the passion of lust like the Gentiles who do not know God”* (1 Thessalonians 4:3-5);

*“For those whom he foreknew he also predestined to be conformed to the image of his Son, in order that he might be the firstborn among many brothers”* (Romans 8:29);

*“And [Jesus] said to all, ‘If anyone would come after me, let him deny himself and take up his cross daily and follow me’”* (Luke 9:23);

*“Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God. And such were some of you. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the spirit of our God”*  
(1 Corinthians 6:9-11).

#### The body and gender identity<sup>10</sup>

13. The Institute and its supporters consider the human person as a psychosomatic (integrated soul-body) unity, according to God’s design in both creation and salvation.
14. The Apostles’ and Nicene Creeds (theological summaries of the Bible’s central teaching) reflect the Bible’s affirmation of the original goodness of creation as the good craftsmanship of a good God (Genesis 1). This includes the embodied reality of humanity, made in God’s image as male and female (Genesis 1:26-27), leading to an understanding of humans as sexually dimorphic (as a species, male and female, and individuals male or female) image-bearers of God.
15. The Creeds also focus attention on the central realities of the Christian gospel. First, Christ’s taking on of human flesh in the incarnation, in which human nature (body and soul) is dignified in its personal union with God’s Son. Then, Christ’s sufferings in human flesh under Pontius Pilate, his death by crucifixion, and his bodily resurrection from the dead on the third day. The Gospels emphasise that Christ’s tomb was empty, and that Christ therefore rose with the same body he had before he died, a body that still bore the marks of the nails with which he was crucified, and the spear with which his side was pierced. Thirdly, both the Bible and the Creeds treat Christ’s resurrection as the certain promise of the bodily resurrection of all people for judgement, and Christian believers for embodied eternal life.
16. The Institute and its supporters consider that the Bible teaches that the reality of masculine or feminine gender is not separate from the sexually dimorphic form of people’s bodies. Rather, gender is rooted in, flows from, and is discovered in relation to the male or female biological sex of the body, and in relation to the male or female sex of other human bodies. This bodily and social reality is not something “assigned” by a midwife, or a parent, at birth. It is, rather, a reality given

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<sup>10</sup> This section is based upon a note by Rev. Matthew Mason on ‘Orthodox Christian teaching on the Body and Gender Identity’, which was included in our Instructions.

by God as creator, which can only be recognised as such by his creatures. Christian belief in the resurrection entails that this is not a temporary, or mutable reality. The Pauline letters state that the dead will be raised with the body "*God has chosen*" and assigned in creation (1 Corinthians 15:38). He also teaches that it is this body, the one given in this life, which will be raised clothed in immortal glory (1 Corinthians 15:53-54).

17. The Institute and its supporters therefore consider that the meaning of sex and gender, rooted in and flowering from the biological form of human bodies, is not incidental, but intrinsic to humanity's reality as creatures defined not by themselves, but by God the creator. Christ himself recognised and affirmed the authority of this dimorphic creation pattern of humanity for human life and ethics (Matthew 19:3-12).
18. The consequence is that, for the Institute and its supporters, the reality of a person's bodily form, including their sex and gender at birth, is not malleable. Rather a person's bodily sex has enduring, God-given, and God-defined ontological significance, regardless of that person's own feelings or preferences. While theology and pastoral practice recognises the agonising realities of gender dysphoria, and the need for compassion and care for those who experience this distressing condition, experience of gender dysphoria is not considered a true reflection of the reality of someone's sex or gender identity, which is rather defined by their body's chromosomes and primary and secondary sexual characteristics.
19. For the Institute and its supporters, to reject the meanings of bodies as the things which identify our gender is to reject the truth of an individual's identity. But this rejection also has far greater consequences. It is to reject the truth of who God is, how he creates, saves and relates to his creatures, what it means to be human in God's world, and, indeed, the central meaning of all created reality and history.