

Briefing on the Gender Recognition Bill

The background

Transsexuals are people (almost invariably men) who are biologically normal but who believe themselves to be members of the opposite sex. We are not talking about the extremely rare cases of people who were born with physical deformities. Transsexuals have a perfectly normal healthy body and want to change their sex.

The UK Government's Gender Recognition Bill provides that someone who wants to change their sex can apply to a Gender Recognition Panel. If the panel agrees then for virtually all purposes the person's legal sex is changed. Under the Bill, if the panel has a tied vote, then the chairman has a second and casting vote to determine the sex of the applicant.

The Bible is clear that we are made in the image of God either as a man or a woman. We are our bodies. In this life our soul and body cannot be separated or exchanged. 'Sex change' surgery desecrates a body made in the image of God. It is wrong for someone to live in a transsexual lifestyle, although to feel tempted in this way is not.

There are of course many pastoral issues which ultimately require radical repentance on the part of the individual concerned. Accepting an individual with Christ's love does not mean accepting their sinful behaviour. We have freedom to do this at the moment since those who have a 'sex change' operation cannot force a Church to accept their assumed sex. The Gender Recognition Bill seriously threatens this. The Bill does not *directly* force Churches to accept transsexuals as members. We are concerned that this might happen *indirectly* through aggressive litigation.

Church staff posts

Under current legislation a Church is free to dismiss a male member of staff who assumes the identity of a woman. However, for non-teaching posts the Bill could make such a dismissal illegal. Such posts could include a secretary or caretaker.

Protecting facilities for women

Under the Bill it could be much more difficult to stop a male transsexual from using the ladies' lavatories or attending fellowship meetings for women.

In one legal case William Parry, a father of three, had a 'sex change' operation to assume the identity of a woman. In 2002 he sued Maesteg Christian Centre for the right to use the ladies' lavatories and attend the ladies' prayer meetings. 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.*

Disclosure

Under the Bill transsexuals will be given the right to have their true sex kept secret. They will be issued with a new birth certificate to replace the original one. The law will recognise their assumed sex.

The legislation makes it a criminal offence for anyone in an official position within a voluntary organisation to disclose the birth sex of a transsexual. Such a person could be a Church Minister, elder, deacon, PCC member, Church warden or pastoral worker. Routine pastoral discussion about a transsexual person who attends the Church could lead to a breach of the criminal law with a £5,000 fine.

It will become a criminal offence to tell the truth that a man wearing a dress is in fact a man. This may be obvious in many cases, but in some it will not be given the sophistication of surgery and hormone treatment.

Marriage

Under the plans transsexuals will be able to marry in their assumed sex. The Government claims that there is no legal obligation on a Church to solemnise the marriage of a transsexual. We disagree for two reasons:

- (1) Freedom to refuse to conduct such marriages means nothing if a Church minister has no right to know the true sex of those he is about to marry.
- (2) When a Church conducts a marriage it is carrying out a public function potentially subject to litigation under Human Rights legislation. A free Church minister could be sued for refusing to marry a transsexual.

Clergy in the Church of England and the Church in Wales have some protection in the Bill from being sued for refusing to marry a transsexual.

Other legal problems

There are other areas apart from marriage where a litigious transsexual could take legal action against a Church. The proceedings of any Church disciplinary hearing, eg the PCC or Elders' court, are potentially subject to such litigation.

In certain circumstances a male-to-female transsexual might sue for the right to join a mother and toddler group. He may attempt to stop any local authority funding or to get the local authority to de-register the group. Even if a Church ultimately wins its case in Court, why should the law allow a Church to be sued over Christian doctrine?

It is vitally important to stand up for what is right. A person's sex cannot be changed by the votes of a Gender Recognition Panel. God alone decides what sex we are at our conception. We must speak out against this Bill and argue for protection for Christians.

The Christian Institute
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