

THEOLOGICAL FORUM MAY 2024

Proposed Deliverance

The General Assembly:

1. Receive the Report.
2. Receive the appended report "Transgender Identities in the Church of Scotland" in fulfilment of the instruction of the General Assembly of 2023, and commend it to congregations, Kirk Sessions and Presbyteries for study (*Section 3*).

Report

1. INTRODUCTION

1.1 The Theological Forum was established by the General Assembly of 2013 to 'resource, express and challenge the theology that informs the life and work of the Church'. Its remit is to:

- (a) articulate and develop the doctrinal understanding of the Church in accordance with Holy Scripture and with reference to the confessional standards of the Church of Scotland;
- (b) express the theological vision of the Church in its worship, fellowship, witness and mission in and beyond contemporary Scotland;
- (c) respond to particular theological requests as and when these arise from the General Assembly, the Council of Assembly and the ecumenical partners of the Church;
- (d) draw to the attention of the General Assembly theological matters which the Theological Forum considers to be of pressing contemporary relevance;
- (e) stimulate wider theological reflection throughout the Church on key doctrinal, ethical and apologetic matters through the provision of appropriate materials and other activities.

1.2 The Forum has continued to fulfil this remit and over the last year has concentrated on the numerous issues assigned to it by the General Assembly of 2023. Its work has been carried out through substantial reading, discussion, reflection and prayer in its meetings, and through consultation with the other Councils, Committees and Fora of the Church. The Forum has also advised upon various issues that have arisen out of enquiries received from the wider Church. The following Report and Appendix are offered as an update on work carried out throughout 2023.

2. CONFESSION OF FAITH OVERTURE

2.1 The General Assembly of 2023 approved an Overture presented by the Theological Forum to amend the Church's Confessional basis, and transmitted it to the Presbyteries of the Church for consideration under the provisions of Article VIII of the Articles Declaratory in Matters Spiritual (1921), directing that returns be sent to the Principal Clerk not later than 31 December 2023. The responses received to this overture, and the answers to questions supplied by the Forum, are reported separately by the Committee on Cases and Overtures.

2.2 The work of the Forum in this area over the last year has included preparation of a video resource to assist Presbyteries in their deliberations,^[1] answering queries received throughout the year in response to the consultation process, and commencing planning for the preparation of the text of a Book of Confessions as stipulated in the Overture.

2.3 The Forum continues to commend the Overture to the support of the wider Church.

3. TRANSGENDER IDENTITIES

3.1 The General Assembly of 2023 instructed the Theological Forum 'to explore the theology of transgender identities within the context of the Church's life and ministry, and report to the General Assembly of 2024'. In fulfilment of this instruction, the Forum has undertaken extensive reading and discussion around the theological questions raised by the presence of people with transgender identities in the Church. The Forum received detailed presentations on the relevant Scriptural exegesis from Rev. Hector Morrison and Rev. Prof. Paul Middleton, and on the Church of England's process of debate and discussion on issues relating to LGBT identities, directed by the text *Living in Love & Faith*, from Ms. Jennifer Stark. The Forum has also met with a number of transgender Christians to hear more fully their experiences, and met with one Christian who had formerly identified as transgender but has now detransitioned. The Forum is very grateful to these Christians for their willingness to speak to us about such deeply personal matters.

3.2 In fulfilment of the instruction from the Assembly of 2023, the Forum presents to this year's Assembly the appended report "Transgender Identities in the Church of Scotland", and commends it to the attention of the wider Church.

4. CONVERSION THERAPY

4.1 The General Assembly of 2023 instructed 'the Theological Forum to: (1) study the Scottish Government's Independent Report entitled, 'Ending Conversion Practices: Report and Recommendations'; (2) collaborate with the Faith Action Programme Leadership Team to review previous General Assembly Reports and decisions on the matter of conversion therapy, and (3) report findings back to the 2024 General Assembly'.

4.2 As instructed, the Forum read and discussed the Independent Report in detail. Some members expressed strong concern at the content of the document, which they considered as threatening to prohibit in law actions that for many people would be considered normal parental conduct, and normal pastoral care. Others noted that some of the language in the report raised concerns about the potential for state intrusion into the Church. Even defenders of the basic content of the report granted that its language was too sweeping.

4.3 The Scottish Government commenced a public consultation on legislation against conversion therapy on 9th January 2024. The Forum read and discussed the consultation document, and found that the religious liberty concerns raised regarding the Independent Report have largely been addressed. The Forum wrote to the Public Life and Social Justice Group of the Faith Action Programme Leadership Team to state that the Forum considers the current proposal for legislation largely satisfactory in theological terms.

4.4 In terms of previous General Assembly Reports and decisions on the matter of conversion therapy, there was only one, the deliverance that the General Assembly of 2022 'Acknowledge that the practice of Conversion Therapy is harmful and endorse the definition of Conversion Therapy as outlined in the "Memorandum of Understanding on Conversion Therapy in the UK"'.

5. FUTURE WORK

5.1 The Forum expects to continue to address issues relating to the calling of the Church, in fulfilment of instructions from the 2023 General Assembly. It will also continue to discuss the Third Article Declaratory and its interpretation in the modern Church of Scotland in consultation with other bodies as instructed by that Assembly, expecting to report on this in 2025. The Forum will also work on a joint report with the Faith Action Programme Leadership Team, to be presented to the 2025 General Assembly, on the decline of the Church of Scotland and what can be done to address it. The Forum will also participate in the drafting of a statement of acknowledgment and apology for the Church's involvement with and connection to historic chattel slavery, to be considered for adoption at a future General Assembly. The Forum will work collaboratively with the Ecumenical Relations Committee on consideration of a theology of friendship, and, if so instructed, on the commemoration of the 1700th anniversary of the Nicene Creed in 2025. The Forum has largely devolved its work on the subject of assisted dying to a joint working group which will report separately, but does expect to be consulted on the theological aspects of this issue over the next year. The Forum stands ready to assist the General Assembly and its Councils, Committees and Fora in any matter of theology and doctrine and would welcome consultation at an early stage in any significant pieces of work.

6. ACKNOWLEDGMENTS

6.1 The Forum is grateful for the hard work, commitment and contribution of each of its members over the last year, and is grateful to all those who have sought its views and listened so graciously to its comments.

In the name of the Theological Forum

LIAM JERROLD FRASER, *Convener*
PAUL T. NIMMO, *Vice-Convener*
ALASDAIR J. MACLEOD, *Acting Secretary*

Addendum

Rev. Dr Lance Stone

This year, Dr Stone reaches the end of his time on the Theological Forum. He has brought insight and passion to the Forum's business, making valuable contributions to our Ecotheology and Calling of the Church reports. He has been a valued colleague, and we pray God's blessing upon him for his future life and ministry.

Rev. Rebecca Bartocho

Rev. Rebecca Bartocho was appointed to the membership of the Forum by the General Assembly of 2023. Regrettably, she had to resign after just a few months of membership for personal reasons. We thank Rebecca for her brief term of service, and wish her every blessing for the future.

In the name of the Theological Forum

LIAM JERROLD FRASER, *Convener*
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Appendix

TRANSGENDER IDENTITIES IN THE CHURCH OF SCOTLAND (2024)

1. INTRODUCTION

1.1 The General Assembly of 2023 instructed the Theological Forum 'to explore the theology of transgender identities within the context of the Church's life and ministry, and report to the General Assembly of 2024'. In this report, we seek to fulfil that instruction by exploring biblical and theological understandings of transgender identity, especially in the context of the Church. For the purposes of this report, a 'transgender / trans identity' will be defined as 'when someone feels their gender is different from, or doesn't sit comfortably with, the sex they were registered at birth', following the NSPCC definition which includes non-binary gender identities.^[i] This situation may also be described by the term 'gender dysphoria'.

1.2 The Theological Forum must begin this work by acknowledging that this field is not a blank slate for the Church of Scotland. In 2016, in response to an Assembly instruction that year, the former Mission and Discipleship Council produced a substantial booklet entitled 'Diverse Gender Identities', which remains available for consultation and use.^[ii] While this was not strictly a theological work, it promotes learning, awareness, and inclusive pastoral care. It also has the advantage of permitting readers to hear directly from transgender people within the Church regarding their experience of transgender identity within the Church community. The present report should be understood, therefore, as building on this foundation of broad welcome of and positive engagement with transgender people. We have met with both transgender people and individuals who have de-transitioned in the course of writing this report.

1.3 In our deliberations, we recognised our theology must engage with Scripture and with lived experience before we could address the principal questions, and we follow this order in the report.

2. ENGAGEMENT WITH SCRIPTURE

2.1 While the Bible makes no mention of transgender identity, it operates on the fundamental principle that human beings are created male and female (Gen 1.27). This clear sexual binary, combined with a strong procreation ethic, underpins virtually all biblical thinking on gender roles and sexual ethics. For some in the Church, this clear distinction between men and women from the beginning is therefore decisive. Maleness and femaleness are essential characteristics of a good creation, they argue, and therefore, people should not seek to change their sex.

2.2 Others argue these ancient accounts cannot be determinative for the way in which we understand sex and gender today. Most Christians would hold that the pre-scientific Genesis creation accounts do not override advances in the natural sciences, and the same argument could be made regarding the human sciences, such as biology and psychology. Therefore, since our contemporary understandings of the world were outside the experience of these early authors, to these Christians the creation accounts can be understood as descriptive (how the world looked to them) rather than prescriptive (how the world ought to look in all periods of time). In any case, we have limited understanding of how creation accounts were understood in ancient times, and should remember that these accounts are followed by the Biblical narrative of the Fall (Genesis 3), which is represented as bringing radical change in human experience, further complicating efforts to represent a text from Genesis 1 as a prescriptive ideal.

2.3 Moreover, some Christians would note that assumptions about gender roles and limitations appear to be hard-wired into Biblical accounts of gender, with the result of limiting in some respects what women could do in Hebrew society. For example, women could inherit property only if they had no living brothers (Numbers 27:1-11); vows made by them were not regarded as binding without the acquiescence of their father or husband (Numbers 30:1-16); and they could not divorce their husbands, although their husbands could divorce them (Deuteronomy 24:1-4).^[iv] Just as we generally consider the Old Testament dietary and sartorial regulations not to be obligatory on the New Testament Church, as we see them as fulfilled in Christ, so it is possible to take these verses directing rigid gender distinctions not to be binding today.

2.4 While the Bible nowhere directly addresses the experiences of trans people, some have thought the figure of the eunuch is helpful. Eunuchs were a distinct category of men who functioned almost as a third or intermediate gender within Ancient Near Eastern societies. They could fulfil otherwise feminine roles such as providing personal service to royal wives and concubines. Eunuchs were viewed as particularly unfortunate because of the heavy emphasis on the blessing of reproduction in the Hebrew scriptures. Interestingly, though they were disbarred from the assembly of the Lord (Deuteronomy 23:1), the Biblical presentation of eunuchs is overwhelmingly positive. Eunuchs helped Jehu defeat the murderous Queen Jezebel (2 Kings 9:32-3); Ebed-melech the eunuch rescued the prophet Jeremiah from

imprisonment (Jeremiah 38:7-13); the Biblical hero Daniel received help from a Babylonian eunuch (Daniel 1:8-20); and the Ethiopian eunuch willingly believed the Christian gospel preached by Philip and received baptism (Acts 8:27-40). As a royal cup-bearer appearing before the Persian Queen (Nehemiah 1:11, 2:6), Nehemiah may well have been a eunuch, which would explain why neither wife nor children are mentioned in relation to him. Eunuchs received a particular promise of God's blessing in Isaiah 56:3-5, which was explicitly stated to more than compensate them for their inability to conceive children.

2.5 Jesus furthermore referred positively to eunuchs in preaching: 'For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by others, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let anyone accept this who can' (Matthew 19:12). This teaching appears to equate voluntary celibacy, where a man chose not to fulfil the traditional gender role of reproduction and fatherhood, with being a eunuch.

2.6 At the very least, such passages teach that fulfilment of rigid gender roles cannot be considered Biblically as essential to receiving spiritual blessing or rendering true service to God. Furthermore, some Biblical figures received a calling that required them to depart, at least to some degree, from traditional gender norms: Paul was called to celibacy, Deborah to being a judge (Judges 4-5), Jael to an act of warfare (Judges 4:17-24), and Mordecai to a nurturing adoptive parenthood (Esther 2:7). It need not be considered inherently unbiblical, therefore, for people to conclude that they are called by God to a life diverging in some respect from the gender role traditionally associated with their biological sex.

2.7 Of more immediate relevance to the Church in its handling of this issue are the broader Biblical principles of love and mercy as the priorities of the Christian Church (Micah 6:8, 1 John. 4:16-18), of the Golden Rule as the foundation of our ethics (Matthew 7:12), and of the ultimate unimportance of our differences of outward state and condition (Galatians 3:28).

3. ENGAGEMENT WITH LIVED EXPERIENCE

3.1 The single most important consideration from lived experience in this area is simply that gender dysphoria (or more broadly, diverse gender identity) exists, as is well established in psychological literature, occurring both in children and adults.^[vi] We have met with transgender people who testify to lifelong experience of difficulty with binary gendered expectations. As the minute of one such conversation records, one transgender person 'explained that she has found the traditional teachings of the Church abusive, and that she is full of rage and grief as she looks back on painful life experiences of suppression of her gender identity. It is deeply important to her that the Church changes in an inclusive direction'.^[vii]

3.2 Interestingly, another interviewee from the same meeting testified that they have 'had more positive experiences of the Church, having grown up in an inclusive and liberal Christian context, but they still find discomfort in some Church contexts due to the legacy of discriminatory teachings'. Since coming out as non-binary, 'they have not experienced much pushback within the Church, although they have been disappointed by some ignoring or even resisting their new presentation'.^[viii] However, one interviewee who was engaged at the time in pastoral ministry was forced to conclude that 'her local setting was not a safe environment in which she could transition', obliging her to step away from pastoral ministry while transitioning in gender.^[viii]

3.3 Lifelong transgender experiences cannot be dismissed lightly. Indeed, a small minority of cases of gender dysphoria have been found to be due to physical or chromosomal complications whereby the person's body is ambiguous in biological sex. However, it is important to stress that a solely mental experience of diverse gender identity is as significant and valid as one related to physical cause.

3.4 While it is reasonable for a person's experience of gender to be explored carefully before they embark on any form of medical pathway of transition, it is evident that many incidences of diverse gender identity are deeply rooted and apparently permanent. The Forum did interview one man who lived for some years as a transgender woman but has now detransitioned. He found support in an independent Pentecostal church during a difficult time in his life when he was experiencing homelessness following a relationship breakdown. He testified, according to the minute of the conversation, that

His minister had preached on the words 'being still' and he felt God speaking to him. He was accepted but not affirmed by the Church, and was permitted to join the women's bible study. He was also baptized in August 2018 while continuing to identify as a woman. He was offered prayer ministry, which he found pivotal. He was able to unpack aspects of his upbringing that he felt had been unhelpful, particularly experiences of rejection and lack of affirmation, which he believed had contributed to his transgender feelings.^[ix]

3.5 The Forum recognises the validity of this individual experience, while also recognizing that many transgender Christians have different experiences. Significantly, this man himself urges 'that the Church must be open, unafraid of people who are different, and that it should not try to change or fix people, which he considers God's work. Rather, the Church should offer discipleship and prayer.' It should 'see transgender people through the eyes of Jesus, applying His approach to the woman caught in adultery (John 8) - extending unlimited grace whilst holding to truth'.^[ix]

3.6 Based on all our interviews, the duty of the Church community to people presenting a diverse gender identity would seem clear. They must be welcomed without reserve into the worship and prayer life of the Church. In terms of issues specific to transgender identity, both the Golden Rule and the duty of love require the Church to follow a course that will avoid causing distress, and that will promote wellbeing and demonstrate compassion. We are more likely to be perceived as doing so if we use the person's chosen name to address them, their chosen pronouns to refer to them, and welcome and support their chosen gender presentation.

3.7 One important point is that transgender interviewees concur that the recent increased visibility of the

transgender community has sparked a backlash in society, especially over the last five years. Some fear a similar response from the Church. One interviewee commented to us that ‘the Church needed to stop seeing transgender people as a problem, and emphasized that the hardest thing was often for trans people to learn to love themselves as they are.’^[xi] Another interviewee observed that ‘the Church needed to hear that the voice and presence of transgender people matter’.^[xii]

4. THEOLOGICAL QUESTIONS

4.1 A number of specifically theological questions naturally arise. Does the existence of transgender people in our midst present the Church with a theological problem? Some Christians have clearly thought so, and have taken the gender binary found in Scripture as obligatory. In this view, the experience of a greater knowledge of God and His power should sanctify the transgender Christian and even gradually mitigate the experience of gender diversity. Such Christians would consider a person’s full acceptance of the sex with which they were registered at birth as a path of obedience. This view is the view traditionally held by the majority of the members of the Church in the past, and remains the view of many of our largest ecumenical partners, notably the Roman Catholic and Eastern Orthodox churches. Furthermore, we acknowledge that this view is entirely compatible with the conviction that we must treat transgender people with grace and kindness.

4.2 For many Christians, however, the question above can be answered in the negative. In this world, our experiences are of imperfection – in ourselves and in the world and society around us. Such imperfections include all forms of discomfort and distress, mental, physical and spiritual, and also the incomprehension and even cruelty which we may encounter in our lives, from individuals, and from society as a whole. But our experiences also, by God’s grace, are of salvation and restoration in Christ. Gender transition, and the acceptance of diverse presentation of gender, may be part of the experience of salvation for some of the Lord’s people. Many Christians see diversity of gender identity as a gift from God and a blessing.

4.3 In this view, there is no reason to expect transgender identities to be mitigated by sanctification, and indeed undue delay in gender transition may be holding a person back in their sanctification, by inhibiting them from fulfilling their Christian service. The transgender theologian Jack Woodruff offers a helpful insight here:

A big part of Jesus’ teaching was about rebirth into living life by the Spirit and new beginnings. I see no reason not to transition, because for me it is all about the alignment with how I and God see me and how the outside world sees me... It is in transforming ourselves to live out our calling as trans children of God that we gain a greater sense of belonging.^[xiii]

4.4 For a transgender believer, transition may be their embrace of their felt calling from God to be a faithful person in Christ. Furthermore, such an experience of transition may bring its own blessings. The American theologian Scott Bader-Saye has reflected helpfully on the transgender person’s experience of gender transition, quoting Rowan Williams: ‘Those who transform the body through hormones or surgery do so in order to present the self in a unified manner, and in so doing they make a partner of the body for the sake of grace—that is, for seeing and being seen “as significant, as wanted,” and “as the occasion of joy.”’^[xiv]

4.5 We must also take some account of the current standing of transgender people in the Church of Scotland. Currently, there is no consideration of sex or gender for anyone joining the Church of Scotland, or holding office as an Elder, Reader, Deacon, OLM or Minister. In the view of the Theological Forum, this situation is right and should not change. To exclude a category of people because of their gender identity would be biblically and theologically illegitimate, and the current system of assessing gifting and calling on an individual basis should continue.^[xv]

5. CONCLUSION

5.1 In conclusion, the Theological Forum would urge the exercise of charity and grace on all sides in the handling of this debate. All participants in these debates should remember that rhetoric in this area directly impacts real people. The vital point we wish to assert is really very simple. Transgender people are part of the Church of Scotland and they are welcome.

References

- [i] https://www.youtube.com/watch?v=7_YkZfCWLuU&t=1s
- [ii] 'What is Gender Identity?', NSPCC, available online at URL: <https://www.nspcc.org.uk/keeping-children-safe/sex-relationships/gender-identity/>
- [iii] 'Diverse Gender Identities', Church of Scotland, available online at URL: https://www.churchofscotland.org.uk/data/assets/pdf_file/0007/48256/Web_PDF_Diverse_Gender_Identities_and_Pastoral_Care.pdf
- [iv] In practice, of course, there were clearly many areas of activity in which women and men both shared in Biblical times, such as working the fields and vineyards, and trading goods and property (cf. Proverbs 31:10-31).
- [v] Martin Mitchell & Charlie Howarth, 'Trans Research Review', National Centre of Social Research, 2009, available online at URL: https://www.equalityhumanrights.com/sites/default/files/research_report_27_trans_research_review.pdf
- [vi] Minute of Meeting of Theological Forum with Trans Christians (1), 03.01.2024.
- [vii] Minute of Meeting of Theological Forum with Trans Christians (1), 03.01.2024.
- [viii] Minute of Meeting of Theological Forum with Trans Christians (3), 25.01.2024.
- [ix] Minute of Meeting of Theological Forum with Detransitioned Christian, 15.01.2024.
- [x] Minute of Meeting of Theological Forum with Detransitioned Christian, 15.01.2024.
- [xi] Minute of Meeting of Theological Forum with Trans Christians (1), 03.01.2024.
- [xii] Minute of Meeting of Theological Forum with Trans Christians (3), 25.01.2024.
- [xiii] Jack Woodruff, 'Trans and Christian' (78-89), in Young, Woke and Christian, ed. Victoria Turner (London: SCM Press, 2022), 82.
- [xiv] Scott Bader-Saye, 'The Transgender Body's Grace' (75-92), *Journal of the Society of Christian Ethics*, Vol. 39, No. 1 (2019), 89.
- [xv] In addition to the sources cited above, the Theological Forum has read various works from diverse perspectives. A clear and broadly compassionate statement of a conservative and non-affirming viewpoint on transgender identities is found in the Diocese of Sydney's study *A Theology of Gender and Gender Identity* (2017), available online at URL: https://www.sds.asn.au/sites/default/files/ATheologyOfGenderAndGenderIdentity%28SydDoctrineCommission%29.Aug2017.pdf?doc_id=NTQ3NjM A further important work from an affirming perspective is Susannah Cornwall, *Constructive Theology and Gender Variance* (Cambridge: Cambridge University Press, 2022). A very full discussion of various Christian perspectives on LGBT issues is found in the Church of England document *Living in Love & Faith* (London: Church House Publishing, 2020).