

**Assessing the Legal Landscape
Regarding Therapy Bans:
Three Perspectives from Three Experts
from Three Continents**

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Assessing the Legal Landscape Regarding Therapy Bans: Three Perspectives from Three Experts from Three Continents

The legal environment regarding sexual attraction fluidity exploration in therapy (SAFE-T), often described less accurately as sexual orientation change efforts (SOCE), is rapidly evolving. How do the proponents of therapy bans view their cause and what is their ultimate aim? Are politicians supporting these bans out of conviction or fear? Is the faith community waking up to how such bans can impact them? Where is the legal landscape heading for therapists and religious counselors who engage in SAFE-T? To answer these and other questions, I interviewed three well known attorneys from three different continents who are deeply involved in challenging legal efforts to prohibit SAFE-T in their countries. John Steenhof is the Principal Lawyer with the Human Rights Law Alliance, a not-for-profit law firm based in Canberra, Australia, that specializes in religious liberty and freedom of speech, thought, and conscience. Andrea Minichiello Williams qualified as a barrister in 1988. She is founder and Chief Executive of Christian Concern and the Christian Legal Centre in London, England. Mat Staver is the Founder and Chairman of Liberty Counsel and the Chairman of Liberty Counsel Action. Liberty Counsel is an international nonprofit litigation, education, and policy organization, dedicated to advancing religious freedom, the sanctity of life, and the family since 1989 by providing pro bono assistance and representation on these and related topics. It maintains offices in Central Florida, Virginia and Washington, D.C.

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First, let me thank you at the outset for your willingness to participate in this interview, which I trust will be of significant interest to the Alliance readership. I would like you to start with a basic introduction of yourself. Could you give readers a little sense of your personal life and background?

Steenhof: My name is John Steenhof, and I am the Principal Lawyer at the Human Rights Law Alliance. HRLA is an independent, not for profit, Christian law firm that specialises in litigation and advisory work concerning freedom of religion, speech, thought and conscience. We are based in Canberra, Australia. Since its founding, HRLA has been representing Christians, churches, schools and religious organisations to promote, protect and preserve their freedom to act in accordance with their convictions and to speak truth in the public square. Immediately prior to arriving in Canberra to set up HRLA in 2019, I was running my own law firm over in Western Australia. Before

that I worked in commercial law firms in Australia and New Zealand for over twenty years. I am a Christian and a member of a local evangelical Bible church in Canberra, Australia. I am a devoted husband to my wife, Lana. I am the proud father of six children—4 boys and 2 girls.

Williams: My father is Italian and my mother is English. I was raised in the southwest of England on a small peninsula called Portland. I studied Law and Italian at the Universities of Cardiff, Wales, and Pisa in Italy and the Bar Vocational Course to become a barrister at the Inns of Court School of Law, London. I was called to the Bar at the Inner Temple in 1988. I practised as a criminal and family law barrister. Alongside my legal practice I pioneered the student and policy work of the Lawyers' Christian Fellowship.

In 2007, I founded the Christian Legal Centre, which serves around 1,000 clients per year, where Christians, as a result of living out their faith, have faced some form of detriment. This includes street preachers

arrested for preaching the gospel in public, particularly when addressing issues of sexual morality and the uniqueness of Christ, doctors promoting life, Christians in the workplace losing their jobs for speaking about their faith and the moral imperative that flows from it. This also includes our work in challenging the ban on talking therapy to explore change, which is comprised of both individual client work and bigger picture policy and legal efforts.

We have also brought a number of public law challenges where government legislation undermines the Christian ethic.

In 2008 I founded Christian Concern, a campaign organization that advocates in public life for Christian Truth in law, media, politics and education. In 2010 I also founded the Wilberforce Academy to train up a next generation of leaders in public life and in 2013 a publishing house, Wilberforce Publications. I appear regularly on national media and speak at conference nationally and internationally.

I am married to Gareth, and we have four grown up children. The eldest has recently graduated from Berklee Music College, Boston. She has just received her green card and is trying to break into the music industry in LA! Check her out at LilyWilliams.com. We lived in Atlanta for two years in 1995 and fell in love with the USA—it certainly never left Lily.

Staver: I hold Bachelor, Master, and Juris Doctorate degrees and an honorary Doctorate of Law and Doctorate of Divinity. I have had the honor of arguing three landmark cases before the United States Supreme Court as lead counsel and written numerous briefs to the High Court as well as over 300 published legal opinions. My most recent oral argument before the U.S. Supreme Court resulted in a 9–0 win on May 2, 2022, involving the First Amendment Free Speech Clause in the case of *Shurtleff v. City of Boston*. I have also

authored hundreds of popular articles and eight scholarly law review publications. I have testified before Congress in the U.S. House and Senate and served on the Commission on Accountability and Policy for Religious Organizations.

My broadcast experiences include producing and hosting *Faith & Freedom*, an 11-minute daily radio program; *Freedom's Call*, a 60-second daily radio program; and *Freedom Alive*, a 30-minute weekly TV program. I am an ordained pastor, a constitutional litigation and appellate attorney, a board-certified specialist by the Florida Bar in Appellate Practice, and former Dean and tenured professor of Law at Liberty University School of Law. I have been privileged to frequently appear as a guest on national network and cable TV and radio programs and also appear in several hundred print articles each year. I am married to Anita, who is also an attorney, as well as President and General Counsel of Liberty Counsel.

How did you become interested in being an attorney? Please tell us about the journey you took to be willing to defend the personal and religious liberties of therapists and others.

Steenhof: I became a lawyer because my mother planted the idea in my head as a very young man. I watched Matlock as a child, and always wanted to have my own private investigator. Then I grew up. At school and university, I naturally tended towards critical thinking and an appreciation for theology, history, philosophy and politics—all of which intersect in the practice of law.

My father always encouraged me to use my gifts for Kingdom purposes and to look at my legal employment through the lens of my faith. When I started my own firm, I had the freedom to undertake pro bono work of my choosing, which is how I became involved in religious liberty work. Eventually, I was

asked to set up a not-for-profit law firm specializing in religious freedom and defending Christians who face hostility for their faith. I had always admired the courage of Christians like Wurmbrand and Bonhoeffer who stood up against oppression. It is now a privilege to represent and stand up for a new generation of Christians who are standing up to oppressive ideology and coercive governments and bureaucracies.

Williams: When I was 8 years old, I watched the first ‘legal’ television programme of its kind called Crown Court; a quintessentially English show with barristers in wigs and gowns in the Old Bailey. I said to my mother that when I grew up I wanted to be a barrister and nothing was going to change my mind.

And it didn’t.

I have a deep-rooted Christian faith, which has always been in me. I was taught to believe and have always believed. I can’t remember not believing. Therefore, I am passionate about God, passionate about people and their wellbeing and passionate about truth and justice. This is now why I am passionate to defend the personal and religious liberties of therapists to do their work to see the change in their clients.

Staver: After seminary, while a pastor in Kentucky, I was invited to watch a new documentary that was released in 1983 called *Assignment Life*. This documentary was about abortion. While I knew a lot about the Bible, including being able to read Greek, Hebrew, Aramaic, and Syriac, I knew nothing about abortion other than what I had briefly encountered in the media. Before watching this documentary, I did not realize that abortion involves the destruction of human life. I was shocked by what I saw on the documentary, which included fetal models, an actual first trimester abortion along with the assembly of body parts following the abortion to ensure all the parts

were removed from the uterus, and finally an overview of the 1973 Supreme Court abortion decision, *Roe v. Wade*.

I read everything I could on abortion, and I went to the University of Kentucky College of Law library to read *Roe v. Wade*. This is the first legal case I had ever read at that time. The case didn’t make sense because the information presented in the opinion did not support the conclusion that held abortion was a protected right somewhere in the Constitution, which the Court could not locate or specify. The conclusion that a constitutional right to abortion through all nine months of pregnancy for essentially any reason was contradicted by the body of the opinion. This experience caused me to see the importance of the intersection of faith, law, and policy. Arising out of that experience I entered law school at the University of Kentucky College of Law. My favorite courses in law school were constitutional law and moot court, which focused on legal research, writing, and oral advocacy.

What sorts of cases are you currently dealing with?

Steenhof: We assist Christians and other people of faith who are under attack for their beliefs in their workplace and in the public sphere. Details of our cases are on our website at www.hrla.org.au. Some examples of cases we are involved in are:

- HRLA successfully defended Katrina Tait, a Catholic mother, against a homosexual activist who sued her for vilification for saying Drag Queens are bad role models for kids and that Drag Queen Story Time is a bad idea.
- We ran a religious discrimination court case for Byron and Kiera Hordyk, Christian parents who were told by a foster care agency that they

were unsafe to foster infants and toddlers because they held orthodox Christian beliefs about homosexuality.

- We are currently fighting for GP Dr. Jereth Kok, a married father of two children, against the Medical Board suspending him from practicing medicine for being critical of gender-fluid ideology. He has been suspended for over 2 years without trial with no end in sight.
- We ran a successful case for Max (not his real name), a NSW Christian teacher who was fired for raising a conscientious objection to the transgenering of a vulnerable young girl at a school that he was teaching at. With our help, his termination was rescinded, he was given an apology and a letter of recommendation and was able to find work elsewhere.
- We helped Melissa (not her real name), a young university student, who was reported to their university disciplinary team for investigation because she had privately e-mailed her lecturer explaining that she was uncomfortable with her lecturer using class time to promote IDAHOBIT day (International Day Against Homophobia, Biphobia, Intersexism and Transphobia). With our help, Melissa successfully challenged the university discipline proceedings without sanction and was able to return to her studies without penalty.

Williams: Christian Legal Centre has been at the forefront of this issue in several ways, both directly and indirectly. We have very recently represented a Christian therapist accused by his professional body of conducting so-called ‘conversion therapy’, for which he was fully acquitted. The

therapist in question was brought before his professional body simply for recommending a link to another counselling group which engages in change exploring therapies. The Complainant, when providing testimony during the hearing, admitted having been in touch with activists. The case against the therapist quickly fell apart as it became clear that the complaint was campaign motivated and lacked any real substance. Sadly, the case is representative of the lengths activists will go in trying to destroy careers.

We have also successfully represented a number of therapists and pastors who were made subject to disciplinary procedures simply for having signed a public letter against the government adopting a new criminal law prohibition of ‘conversion therapy’. We have also challenged a counselling provider for discriminating against a counsellor in the belief that he performed ‘conversion therapy’. There was a positive settlement in the case. We have now expanded our efforts to challenge other counselling providers seeking to discriminate against change exploring therapists. We have also been actively challenging transgender affirming policies and practices in several schools through the courts. We were the first organisation in the UK to have done so.

We have also published an expert Legal Opinion condemning any proposed criminal law on conversion therapy and promoted that report in the *Times* and elsewhere. Work related to challenging violations and threats to the right of counsellors to engage in change exploring therapies makes up about 10% of our current workload. Historically, we were also responsible for setting an important legal precedent in the area of change exploring therapy, that being the recognition of ex-gay as a protected characteristic in equality law.

The Christian Legal Centre was also part of the European Court precedent setting victory in *Eweida and Others v the United Kingdom*, the first ever finding by the

European Court against the United Kingdom for violating religious freedom. One of the clients we represented in that case was Gary McFarlane, a relationships counsellor who was terminated from his job at Relate (a relationships counselling organization) for gross misconduct simply for asking the trainer a hypothetical question in a training session about whether it would be permissible not to engage in giving sex therapy to same-sex couples.

Staver: On May 2, we won a 9–0 victory at the U.S. Supreme Court in the case called *Shurtleff v. City of Boston*. This involves free speech in which the City of Boston unconstitutionally censored the Christian viewpoint of Hal Shurtleff and his organization, Camp Constitution. We have multiple cases involving the COVID shot mandates. We led the nation challenging the COVID restrictions on places of worship, and we received two victories at the U.S. Supreme Court, including a 5–4 and a 6–5 decision in our favor. We have filed several class action lawsuits on behalf of members of the military and various health care workers challenging the COVID shot mandates. We represent Sandra Merritt who through undercover investigation and videos exposed Planned Parenthood and other organ supply companies harvesting baby body parts. These are just a few of our many cases.

What is the current legal landscape for therapists, pastors, and other religious traditionalists in your country?

Steenhof: Australia is increasingly hostile for Christians. Over the past two years we have seen the rapid introduction of ‘conversion therapy’ laws in three of our seven States—Queensland, the Australian Capital Territory and Victoria. These laws were rushed through in each jurisdiction with little scrutiny or submissions.

The Victorian ‘conversion therapy’ law is particularly concerning. It is the worst of its kind in the world. The Victorian law introduced criminal sanctions for anyone trying to ‘change’ or ‘suppress’ someone’s sexuality or gender identity. For example, a pastor could be criminally prosecuted in Victoria if one of their congregants told them that they were struggling with same-sex attraction, asking them to pray with them to help them stand up under temptation. If that pastor followed through with counsel and prayer, they could be criminally charged. Counsellors and therapists also face possible prosecution if they have a child come to them who tells them they know they are a girl, and the therapist prescribes a ‘watchful waiting’ approach or seeks to explore underlying comorbidities or alternative therapies other than enthusiastic affirmation of a child’s rejection of biological reality.

There has also been an ongoing campaign to introduce a Religious Discrimination Bill into Australian Federal law. Australia does not have anything like a Bill of rights at a federal level, so the only way that important freedoms and human rights are protected are in anti-discrimination acts where activity that discriminates against someone because of their sex, race or religious belief is deemed unlawful. The Bill was subjected to a vociferous disinformation campaign that turned the conversation into how the legislation affected LGBT rights. This campaign succeeded and the Bill failed to pass the Parliament. The fact that the Bill failed shows that the culture and society in Australia has so shifted that religious Australians cannot even be given equal protection and treatment at law compared to other minority rights.

Williams: Poor. The UK has a Memorandum of Understanding (MOU) signed by all the main professional therapy bodies, and other organizations. This MOU essentially

prescribes a professional ban on engaging in ‘conversion therapy’. It is currently in its second version and now includes banning therapy for gender identity. The wording is overly broad and the consequences to counsellors who, in good faith, wish to provide Christian or secular counselling for people who genuinely and with legal capacity, wish to move away from same-sex attraction or gender incongruity has been significant.

The UK government has also carried out a public consultation on drafting a criminal law to ban so-called ‘conversion therapy’. The government was surprised by the level of opposition to the bill and appeared to understand the freedoms that would be put at risk should a ban be introduced. Their opposition to the ban was leaked to the press by an activist and the Prime Minister U-turned on his position within a couple of hours. On the occasion of the Queen’s Speech, which happened on 11 May 2022, the government set out its legislative proposal for a criminal ban. While the statute is yet to be drafted, it appears that it will allow some forms of talking therapy, but with cumbersome and unworkable consent requirements. We are monitoring this closely and, on the basis of what we have told will be its contents, intend to judicially review any forthcoming legislation.

It is hugely undermining that LGBT activists have infiltrated the church and taken leading positions within the infrastructure of various denominations. They are vocal and visible, muddying the Christian message on this issue. They are labelling talking therapy, pastoral care, preaching and prayer ministry which speaks of the possibility and hope of change for alleviating same-sex attraction or gender incongruity as ‘spiritual abuse’.

‘Sting journalism’ has also been rampant for well over a decade with activist journalists trying to ‘out’ ‘conversion therapists’. The media has largely joined in

the campaign for a ‘conversion therapy’ ban, creating inaccurate imagery of electroshock treatments, exorcisms and torture and shutting down the legitimacy of current talk therapy and testimonies of those who have left LGBT lifestyles.

Staver: Therapists are being targeted by unprecedented and unconstitutional laws that attempt to interfere with the client’s autonomy and right of self-determination to choose a counselor or therapist and set the objective of the counseling engagement. The fundamental rights of the client and counselor are under attack by laws in some states and local jurisdictions that seek to prevent a client from receiving, and a counselor from providing, any counsel regarding change of unwanted same-sex attractions, behavior, or identity confusion.

We filed the first two challenges to such laws in California and New Jersey. Both Courts of Appeals upheld the laws but for different reasons. The Supreme Court declined review. But then in 2018, the Supreme Court in a case involving California crisis pregnancy centers, which included one of our cases before the High Court, abrogated both the California and New Jersey cases based on the same arguments we made in those cases, namely that such a restriction is viewpoint-based and violates the First Amendment Free Speech Clause. We then secured two legal victories in Florida, including a decision at the Eleventh Circuit Court of Appeals, which struck down a counseling ban law passed in Boca Raton and Palm Beach Counties based on the First Amendment Free Speech Clause. We are working to get one of the cases to the Supreme Court to strike down these speech-restrictive laws across the country. There are now efforts being made by some who advocate these counseling bans to extend them beyond minors to all ages and beyond licensed therapists to unlicensed counselors.

At this time, the laws that are in existence apply to minors seeking such counsel by licensed therapists.

I believe it is good practice to understand how those you disagree with see the issue from their perspective. What is your sense of how those who want to ban speech-based counseling view their actions?

Steenhof: In my view, the proponents of laws to ban ‘conversion therapy’ have convinced themselves of spurious harm arguments—that anything short of enthusiastic affirmation of LGBT ideology causes severe and long-term mental health issues for vulnerable youth and adults who are same-sex attracted or gender-confused. Most conversion laws in Australia cite the Preventing Harm Promoting Justice report, as setting the basis for the laws. This report includes the following philosophical foundation for ‘conversion therapy’ laws including:

- Sexual orientation and gender identity are an immutable part of human identity and experience;
- Sexual orientation and gender identity are one of, if not the most, important part of what it means to be human and is the central aspect of someone’s identity;
- Sexual orientation and gender identity are more important to someone’s wellbeing and sense of self than religious belief;
- Any restraint on someone’s liberty to act on their sexual appetites or self-ideation about gender can be, and most likely will be, harmful to their mental health; and
- Anything short of complete affirmation of someone’s sexual orientation and gender identity can be harmful to them and is a direct assault

on their human dignity. It is the moral equivalent of racism.

These beliefs mean that banning speech, prayer, teaching and counselling practices is a way of protecting a vulnerable class of people from harm. The speech is harmful, the prayer is harmful, the biblical teaching is viewed as harmful. That’s why it must be eradicated.

Williams: Some of the leading forces for a ban come from people who call themselves Christians but believe that homosexual relationships and transgender identities are fully endorsed by God. Some, like Jayne Ozanne, on the General Synod of the Church of England, claim that they were pressured by the Church into trying to live a heterosexual life, that change was impossible and that attempts to do so were harmful. In their view, their LGBT identity is unchangeable and righteous.

Therefore, the existence of people who have seen change in their sexual desires or feelings of gender is a threat to their deeply held beliefs about themselves. The idea that there are people who are willing to help people pursue that change is perceived as an attack on who they are, their very identity. Even the desire to seek that change, or someone teaching the traditional Christian view is seen to be attacking who they are at a fundamental level. They take it all very personally. They view those that say change is possible as unkind and immoral when in fact, our motivation is always the opposite.

It is not surprising that many, though certainly not all, wish to radically change existing Christian doctrine to affirm their sexual attractions/behaviour or perceived gender identity. And they have had some measure of success in this. Anything that suggests that change is possible or might be desirable is assumed to be harmful.

We now see various ‘mainstream’ denominations blessing ‘same sex marriages’, not first because of theological arguments but because they talk of being a “welcoming”, “affirming”, “pastoral” church. They say that to do otherwise would be hateful or unwelcoming. This is happening, in practice, although not yet officially, within the Church of England. It is happening officially in the Church of Scotland, Church of Wales, the Methodist Church and various others. Within Conservative evangelical circles a strong narrative has emerged promoting the idea of ‘celibacy’; that people are ‘gay’ but choose to live a celibate life. A large part of the church that is faithful tends to just stay silent.

Staver: The historical practice of counseling, the law, and the research do not support these laws. Those who argue in support of these laws argue that change counsel, or what they erroneously refer to as “conversion therapy,” are harmed by any counseling that might help the client change or overcome or manage unwanted same-sex attraction, behavior or identity confusion. They use broad statements and rely on some statements from a task force report produced by the American Psychological Association, which when read in its totality does not support this position. In fact, the task force report states that there are no studies involving minors and thus no studies documenting harm to minors. The task force calls for study in this area and also reaffirms the core foundation of counseling, namely that the client has the right to self-determination.

How would you counter that point of view?

Steenhof: There are no legitimate clinical studies that support this view. The research used to support ‘conversion therapy’ laws is methodologically faulty, comes from

recruitment studies, relies mainly on anecdotes, and has a very limited sample size and no real longitudinal analysis. In short, the clinical evidence is awful.

In Australia, proponents of ‘conversion therapy’ laws completely ignored the multiple stories of vulnerable people who benefitted richly from spiritual and counselling therapy to help manage and, in some cases, overcome unwanted same-sex attraction and gender confusion. Advocates for freedom established a website called www.freetochange.org which documented dozens of stories of ex-gay and ex-trans identifying people. All these stories were ignored.

In 2017, after the same-sex-marriage vote here in Australia, the Government commissioned a review into the state of religious freedom in Australia. The result was the *Expert Panel Report: Religious Freedom Review*, also known as the ‘Ruddock Review’. This was an extremely important report, as it found that religious freedoms were not adequately protected in Australia.

The report made some key recommendations as to how State and Territory governments could better protect religious freedoms going forward:

- All human rights are equal, and no human right should be subordinated to another;
- New laws that affect religious freedoms should be drafted with regard to the *Siracusa Principles*.

The *Siracusa Principles* are a set of interpretive principles established by international legal experts, recognised by the UN. They specifically give guidance on the interpretation of the *International Covenant on Civil and Political Rights (ICCPR)*, which is a lynch-pin international treaty on human rights laws.

The ICCPR establishes that rights to religious belief and religious activity are extremely important rights. They cannot be detracted from, only religious activity can be qualified when necessary to do so in exceptional circumstances, such as to protect public safety. New ‘conversion therapy’ laws that suppress speech and important medical practice do not adequately balance or protect the rights of religious Australians. ‘Conversion therapy’ laws do not respect, nor follow, international legal norms set out in the ICCPR and the *Siracusa Principles*.

We need to push back on the overwhelming imbalance that these news laws introduce to human rights in Australia.

Williams: As a Christian Organization we believe that the truth sets us free. Since prominent campaigners for a conversion therapy ban are within the Church, significant effort needs to be aimed at other Christians to help them see how strange it is to believe that God can do anything, but not change our sexual desires or gender confusion. It is also important to teach and educate Christians to understand this issue; not to fear it and to speak about it.

In wider society, many people don’t believe in such a God. But most people do believe that anyone should be free to live their life the way they want to; including being able to talk to a counsellor or therapist to achieve their goals. So, our challenge is first to correct public perception about what so called ‘conversion therapy’ is; what a ‘conversion therapy ban’ would achieve—that painful and degrading treatments aren’t practiced anyway and that a ban would only restrict conversations.

And second, it is to point out the many fundamental human rights that a ban would break. Support for a ban is based mostly on feelings, not facts; if people realize they are being emotionally manipulated into

supporting a harmful policy, I hope the tide can turn.

Staver: These laws unconstitutionally restrict only one viewpoint (change) on the subject matter of same-sex attractions, behavior or identity. The U.S. Supreme Court has never upheld viewpoint discrimination. In fact, in a case involving viewpoint discrimination, we won a 9–0 victory at the U.S. Supreme Court in our case, *Shurtleff v. City of Boston* on May 2, 2022. Such viewpoint discrimination violates both First Amendment rights of the client and the counselor.

To determine if the targeted speech is banned, the government must decide which viewpoint is expressed. If the viewpoint affirms that which the client rejects (when the client does not want affirmation of such unwanted attractions or behaviors or opposite sex identity), the speech is permitted. But if the viewpoint expressed is one of change (which the client has determined is the objective of the counseling engagement) regarding these unwanted attractions or behaviors or identity, the speech is banned.

To deny a client the right of self-determination is both unconstitutional and dangerous. Under such laws, a counselor must either tell the client (1) such change counsel the client seeks is not permitted, or (2) even though the client wants to change the counselor by law must override the client’s decision to change and counsel the client to accept such unwanted attractions or behaviors or identity. Either option is unprecedented in the field of counseling. Moreover, the research does not support these counseling bans. There are many stories of people who have benefited from such counsel. In fact, significant harm occurs when a client who is experiencing gender dysphoria is given only one biased view of the subject.

Do most politicians really believe in these bans or are many of them simply too afraid to or too ignorant to oppose them?

Steenhof: It is a mix in Australia. Members of more progressive political parties support these laws. Some members of our most conservative party are ‘moderates’ and are in support of these laws. Others are too afraid to oppose them for the political damage that it would do to them. Most of the time, the decision to support these laws (or not oppose them) is purely in deference to a powerful LGBT lobby.

Williams: Both. Sadly, politicians who hear the term ‘conversion therapy’ have a wrong understanding of it and are ignorant to the fact that peer regulated ethically frameworked counselling is what is actually taking place. But the flip-flopping the government has done over proposing criminal legislation does at least show that activists are playing an incredibly strong role in driving this. The consultation document, for example, relies on self-reported data, which is so subject to error and tampering that it is rarely ever used for justification to pass criminal legislation. In fact, I cannot recall any other instance where self-reported data has been the sole basis for passing criminal restrictions.

Our Parliament is made up of politicians in all parties who are mainly socially liberal, including the Conservative party. This means that the activists in all parties dominate this discourse; the rest do not really understand it and are in fear of standing against the might of the cultural tide.

Staver: Some politicians are ideologues and believe in these laws. Most who support them are completely uniformed and are frequently intimidated by the advocates of such laws.

I have heard some observers say the end goal of this movement to legally prohibit change-exploring therapies is the ultimate destruction of a Judeo-Christian sexual ethic. Would you agree with that? What is your sense of where this all is heading?

Steenhof: Yes. That seems to be the ultimate end point (whether or not all those involved in carrying it forward are expressly aware of it). The Apostle Paul said, “For who among men knows the thoughts of man except his own spirit within him?” I don’t think that all who support these laws are malignant and antagonistic, wanting to destroy the Judeo-Christian sexual ethic. Though there would be some who genuinely want to see the Judeo-Christian sexual ethic, and related Christian morality, expunged from the public sphere.

The opening introduction to “Preventing Harm, Promoting Justice” says,

This report addresses the vexed problem of the religious LGBT conversion therapy movement. Conversion therapy emerged in Australian conservative Christian communities in the early 1970s, and has been practiced in these and other communities ever since.

It is grounded in the belief that all people are born with the potential to develop into the heterosexual people whose gender identity accords with that assigned to them at birth. It views lesbian, gay, bisexual and transgender people as suffering from ‘sexual brokenness’, which can be cured. Full membership of faith communities can depend on the same-sex attracted and gender diverse people committing to live celibate lives and seeking ‘healing’ for their sexual brokenness.

There are many aspects of this perspective that are completely at odds with a Christian, biblically informed worldview. If this is a battle between competing beliefs about sex, sexuality and identity, the perspective represented by “Preventing Harm, Promoting Justice” is the moral, ethical and theological opposite of the Christian worldview.

This ethic cannot exist alongside a Judeo-Christian one. If society at large wants to embrace this new ethic, it will not be able to hold onto a Judeo-Christian one.

Williams: The impact of such a ban is the destruction of the Judeo-Christian ethic, which is catastrophic for the well-being of society. Such destruction has been happening incrementally as we have weakened laws on marriage and divorce, cohabitation, redefining of family and how to have children through fostering, adoption and fertility methods. It hugely damages our children, and we are seeing this played out certainly by some LGBT school curriculum providers, most notably ‘No Outsiders’ who have been public about their desire to ‘smash’ heteronormativity through the primary school classroom.

These goals were first mainstreamed in the Gay Liberation Front Manifesto, and some of those same activists, like Peter Tatchell, have become prevalent public figures in the UK. Campaigning groups like Stonewall, the UK’s largest and most influential LGBT campaigning organization, have actively sought to change religious attitudes towards Judeo-Christian sexual ethics. Their efforts have been mainstreamed in schools, businesses and government bodies (including law enforcement and Parliament) and are heavily funded by corporations and government.

These groups provide so called anti-discrimination training in schools and the Pride Flag flies across almost all public buildings during ‘Pride’ month in June. The

impact can now be seen on our children; their lived experience of confusion on gender, sexuality, identity and relationships.

Staver: I absolutely agree that the ultimate goal of this movement is to prohibit change-exploring therapies and counsel and to abolish the Judeo-Christian ethic regarding human sexuality and even the very understanding of God. None of this is new. This objective originated with Alfred Kinsey who promoted the false notion that human beings are sexual from birth and sought to abolish all moral norms, which included the abolition of gender.

A few years back the activists began to attach the T (transgender) to the LGB in their legislative bans. Did that make your task easier, harder, or have no impact? Why was that?

Steenhof: In many ways this change made the environment for Christians even more difficult and has accelerated the legislative changes we have been discussing. We noticed an increase in inquiries from parents whose children have been taken from them or are being influenced by transgender activists trying to transgenderise their children. We have even had people contact us saying that schools have allowed their child to socially transition at school without telling them, effectively going behind the backs of parents to achieve the transgendering of their child.

The inclusion of the T has also accelerated the difficulties for Christian schooling. Christian schools have had to come up with appropriate policy responses to the growing social contagion of children with gender dysphoria. This has presented a significant challenge for schools who hold to biblically orthodox teaching on sex and gender. It has exposed these schools to a new kind of discrimination claim under State laws that have included transgender identity as a

protected attribute. Christian schools are slowly being painted into a legislative corner where it will soon be unlawful to maintain a Christian stance on gender dysphoria in schools.

Williams: Until recently in Britain, many people were more willing to go along with people identifying as trans. Our culture prefers not to cause a fuss where possible. But within the last ten years, things changed.

Once same-sex marriage passed through parliament, campaigning LGBT groups lost much of their purpose. Stonewall, chief among them, quickly pivoted to focus nearly exclusively on trans rights and the idea that ‘trans women are women’. People were no longer being asked simply to tolerate and play along with someone’s trans identity but to believe that someone really is their acquired identity.

Meanwhile, the meteoric rise in child referrals to gender clinics showed the impact of these ideas as they were being taught and spread in schools. Gender confusion was everywhere, and very young children were being encouraged to go down life-changing, physically permanent treatment pathways. Nigel and Sally Rowe, clients of Christian Concern, were the first parents to publicly challenge transgender ideology and practices in schools (2017). They were met with significant hostility by the media back then. The very well publicized case of Kiera Bell helped as well, which involved a young woman with transgender regret suing the NHS and Tavistock for allowing her to go through the process of gender reassignment before she was old enough to really appreciate the consequences.

People also started to see the knock-on effects on people who didn’t believe in transgender identities. Teacher Joshua Sutcliffe was penalized for saying “well done girls” to a group of students that included a female who identified as a male. Similarly,

Dr David Mackereth lost his position as a medical assessor for the Department of Work and Pensions after stating that he would refuse to identify a hypothetical client by their chosen gender instead of their biological sex. We are currently awaiting judgment on this significant compelled speech case.

These cases helped Christians see the problems, but also led many others to embrace the gender critical movement which has exposed and opposed some of the worst excesses of the trans movement. Including the T element in the UK ban therefore engaged many of these politically active groups to oppose the ban. To some degree, politicians were able to see that a ban wasn’t the simple, uncontroversial and financially cheap vote winner it expected. Nevertheless, it was probably not enough, and with the government announcing that it will not seek to legislate on ‘gender identity conversion therapy’, it will be easier for a misguided ban to go through.

Staver: The transgender issue adds to our argument that the government must not censor the viewpoint of any subject matter the client wishes to receive and what the counselor or therapist may provide. It makes no sense that a person can think and therefore be the opposite, both, or neither sex, and that it is not harmful to take puberty blockers, opposite sex hormones, or undergo life-changing surgeries; but yet, it is harmful to assist a person in learning about the causes of gender confusion or dysphoria and becoming comfortable with the person’s birth sex. In fact, at least 80 percent or more who experience gender confusion or dysphoria as a minor come to accept and embrace their birth sex. Puberty blockers, opposite sex hormones, and reconstructive surgery that removes healthy body parts are fraught with significant physical and mental risks. Johns Hopkins University was the first institution in America to perform so-called sex

reassignment surgery. After determining that such surgery provided no benefit, and, in fact, that many of the patients continue to have significant stress with some even committing suicide following the surgeries, Johns Hopkins University ceased performing these surgeries. We don't give liposuction to an anorexic, so why remove healthy body parts from a person distressed over body image?

Many who go the route of medication and surgery later regret their decision. At this point they feel trapped because they are shunned by the community that encouraged them rather than counseled them. This shunning combined with having made an irreversible decision combined with the continuing health complications caused by these medications and surgeries increases the stress. To direct a minor down this path without raising red flags when the minor otherwise would naturally grow out of gender dysphoria is dangerous and wrong.

Since about 2019 there has been an emerging research literature that largely undercuts the narratives that have been developed to justify banning change exploring therapies. The problem we face is getting this information in front of the public, which can be quite difficult. Would you have any recommendations on how we can get the word out when we generally have neither the deep pockets of gay activist organizations nor the megaphone of the media?

Steenhof: This is a question that is better directed to political lobbyists rather than lawyers. Though, one of the things we have found important in raising awareness about religious freedom issues and religious discrimination cases is telling the real stories. We have a collection of our own cases that we share on our website: www.hrla.org.au/our-cases, as well as an

Australian Religious Freedom Cases website, www.australiawatch.com.au.

Real stories are compelling and are what capture people's attention. We suggest telling positive stories of people who have 'de-transitioned' or changed their sexual behavior, and how their lives have been changed for the better. As previously mentioned, <https://www.freetochange.org/>, documents stories of those who benefitted from therapeutic counselling. But these stories get little traction with legacy media and amongst politicians.

Williams: This is a difficult obstacle, primarily because new academic studies which prove the counter cultural arguments are rarely ever considered newsworthy. To place it with the media, there would need to be a hook to a live story (a legal case or public incident that would be of interest to readers).

In academia and public policy, there is such institutional bias at the moment that any new study will be viewed as suspicious and written off before anyone in a decision-making capacity has the opportunity to review its substance. Repetition of citation in academic work, op-eds, blogs, etc. is one way of getting the study into the collective conscience—albeit a tedious one which takes time. We must not grow weary of continuing it.

Active lobbying can also work, so long as you can highlight why the study is different, what makes it special and show its authenticity. Finding effective forums to do so is important. If the study is only being presented at events where the audience has significant buy-in, it will be difficult to grow it anywhere else beyond our existing supporter base.

Staver: Groups like the APA have abandoned science and have instead adopted and is blinded by a radical ideology. The censorship from the APA and social media

undermines the ability of people to obtain information and make informed decisions. However, there are many emerging social media platforms that do not censor viewpoints and which provide good opportunities to communicate with the public. I am confident that litigation will eventually doom these counseling bans. Our goal is to take one of our cases back to the Supreme Court and strike down these counseling bans across the country. Other forms of litigation will be necessary to protect counselors. And finally, legislation is needed to protect the rights of counselors and clients seeking counsel. Liberty Counsel is working in both the legal and the legislative policy arenas to accomplish this objective.

My impression is that the faith community was largely on the sidelines during the initial stages of the bans on therapy, perhaps not thinking it was particularly relevant to their mission. Do you agree and does that seem to be changing now?

Steenhof: This is partially true. Some faith communities have been alive to these issues from the beginning. The Australian Christian Lobby here in Australia has always been live to these issues, understanding that moves to change marriage laws were only the beginning.

On the other hand, many Christian churches and communities here in Australia are politically and legally illiterate and have not been aware of these changes. They also have not understood that the introduction of ‘conversion therapy’ laws, which seems to only be targeted at harmful aversion therapy practices, has changed tack, and started to target what these laws were really about all along, the suppression of Christian doctrine and practices concerning sexuality and gender identity.

Williams: Sadly, yes. This was also the case with same-sex marriage, which had churches intervened publicly, perhaps never would have passed into law.

We often have too small a view of the gospel and its place in public life. The Church has too often been ready to concede space in the public sphere. We have permitted our faith to be privatized when its truth and the moral truth that flows from it is public truth. Too many churches are worried about reputation and offending others, and so couch their reticence to preaching a genuine gospel and standing up for Christian doctrine by saying that it would hurt their overall evangelism efforts. They have also viewed these issues as ‘secondary’.

With the possible criminal ban on change-exploring therapy, and the knock-on effect that might have on churches and ministries, we have seen a much more active front among orthodox churches and congregations.

This is very late in the game, however.

I have hope because there is a young generation who are living with the fruit of generations who have abandoned the Christian ethic. They understand how so-called sexual liberation, exploration and freedom has caused so much destruction. They are looking for identity, purpose, beauty and peace. They are more radical and outspoken. They need and believe in change. I’m right by their side believing we will see the change.

Staver: Many in the faith community, particularly clergy, were on the sidelines in the early phase of this issue. However, that is beginning to change as more people begin to see and experience the coercive, mean and destructive LGBTQ agenda. Moreover, many people are now sharing horrible stories about the damage they experienced undergoing puberty blockers, opposite sex hormones, and surgery. Others are sharing experiences being

raised in a same-sex household. Children do best when they are raised with a mother and a father. Same-sex parenting not only permanently deprives a child of opposite sex parents but also the child is raised with a negative view of the missing gender in the family dynamic. The more these stories are told the more people will begin to see behind the veneer of the carefully crafted rhetoric.

What, if anything, can therapists, religious counselors, and everyday people do to make a difference in pushing back against this juggernaut?

Steenhof: Legally, we encourage therapists and religious counselors to obtain our advice on how they can be faithful to scripture, provide life-giving services to vulnerable people and avoid breaking these laws. We also stand ready to defend the liberty of vulnerable people to access the therapeutic services they want and need.

Advocacy is also necessary. Therapists, religious counselors and everyday people should make themselves heard to their local representatives and to the political process. Churches should be helping politicians understand the disastrous affects that these laws will have on their lives as communities of biblically faithful believers. Therapists and counsellors need to speak up about how these laws severely limit their ability to practice medicine and proactively seek what is best for their patient.

Williams: First, speak up. Do not be shamed into silence. It can be intimidating standing up as activists (often in the guise of ‘anonymous complainants’) who will seek to have you brought before your professional bodies, disciplined by your diocese or fired from your jobs. In every one of those instances where the Christian Legal Center (CLC) has assisted the individuals involved, we have been able to save their jobs and

careers each time. More importantly, the more people who speak up, the harder it will be to silence their voice and any complaints or threats will eventually become harmless.

Second, know what you are talking about. Have strong, coherent and reasonable messaging ready when you are challenged. Messaging like: “every person who wants to move away from same-sex attraction for their own personal reasons should have the same rights as everyone else to access quality counselling” or “do you really believe in banning talking therapy?”

Third, educate yourself. Read materials which will educate you on what the law says and what practices are actually taking place. CLC has recently published a helpful analysis of this kind which we highly recommend:

https://issuu.com/christianconcern/docs/cc_conversion-therapy-ban_report-artwork-220411

Staver: Therapists need to become informed and be ready to challenge these laws. Liberty Counsel is here to help. Clergy must become informed and address the issues of human sexuality, LGBTQ, and these laws. Clergy must undertake efforts to ensure that the community is taught about these critical issues of human sexuality. Churches can be a great resource providing help, guidance, and support.

Finally, do you have any encouragement you would like to leave with our readers?

Steenhof: Religious freedom and freedom of speech, thought and conscience are foundational human rights and crucial for a functioning and healthy liberal democracy. These new ‘conversion therapy’ laws are directly opposed to these fundamental rights, which are good for everyone.

We would encourage people who live in jurisdictions that don't yet have these laws to be vigilant and to speak up to their own political representatives, to contribute to the conversation about these inappropriate laws. In Australia, Christians are rapidly losing the opportunity to do this. Other countries still have time to see what is coming and be proactive. We would encourage you to do this and to get the lawyers, lobbyists, academics, teachers, preachers, politicians and mercy ministry people in your communities active and engaged on this issue.

We also would encourage you to approach this task with humility, kindness and gentleness. Though this can feel like an inherently combative situation, Christians should stand up for God's truth in love and work for His purposes with patience.

Christ is king, and His is the victory. We face challenges now, as he promised we would. But all authority in heaven and the cosmos is his. He will in the Father's timing judge all evil in perfect righteousness. We must not lose heart.

Williams: Have faith. Never give up. Keep speaking the truth. There's a new generation who want something different.

The gospel story is one where, at the darkest point, when Jesus had been handed over by the religious and legal authorities to a humiliating death, abandoned by his friends all looked lost, until the resurrection came.

Society has been working out the abandonment of the Christian sexual ethic for sixty or more years. The confusion we see right now is 'end stage' culture and brokenness. The new generation, grown in its midst, is looking for a resurrection dawn.

I'm praying it will come.

Staver: We will win these battles. I take comfort in the stories of the Bible where against all odds, God intervened and turned adversity into opportunity. We read about the heroic exploits of Moses, Esther, Daniel, and, of course, Jesus. History does not remember cowards. We know and can be assured that with God, ALL things are possible!