

**In Central London Employment Tribunal**

**BETWEEN:**

**Seyi Omooba**

**Claimant**

**-v-**

**(1) Michael Garrett Associates Ltd (t/a Global Artists)**

**(2) Leicester Theatre Trust Ltd.**

**Respondents**

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**Expert report of Dr Martin Parsons**

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1. I, Dr Martin David Parsons have been instructed by Christian Legal Centre representing the claimant, to prepare an expert report.
2. My principal qualifications to act as an expert witness in this case include the following:  
A first class honours degree in Theology and a PhD in Biblical Theology and Missiology (Brunel University, 2005). I am also the author of a major academic book on Christology published in the USA. I have been elected as a member of the following learned societies: Tyndale Fellowship for Biblical Research and I am a Fellow of the Higher Education Academy (FHEA). I have been faculty member of the Oxford Centre for Religion and Public Life where I was involved in supervising postgraduate research in association with the University of Stellenbosch, South Africa. I have also previously been Head of Research and Director of Studies at the international headquarters of a Christian organisation specialising in freedom of religion or belief. I have previously been an expert witness for a number of cases in the UK court system. I have attached my CV as appendix 1.

3. I have been provided with the following material:
  - a) Letter of instruction.
  - b) Particulars of Claim against Leicester Theatre Trust Ltd.;
  - c) Particulars of Claim against Michael Garrett Associates (t/a Global Artists);
  - d) Ground of Resistance on behalf of Leicester Theatre Trust Ltd. Your attention is drawn, in particular, to paragraphs 38-42.
  - e) Amended Grounds of Resistance on behalf of Michael Garrett Associates. Your attention is drawn, in particular, to paragraphs 49-52.
  - f) The order of the Employment Tribunal dated 8 January 2020.
4. My instructions were to prepare an expert report on:
  - (1) The Christian doctrine in relation to homosexuality;
  - (2) In the context of my evidence on Issue (1), to comment on Miss Omooba's stated beliefs and the Respondents' pleadings in relation to those beliefs.

#### **Christian doctrine in relation to homosexuality**

- A) Biblical teaching on sexuality
5. The Bible begins with the story of creation which climaxes with the creation of man and woman. Genesis 1:26-27 who are stated to be, as male and female, made in the image of God:
6. <sup>26</sup> *"Then God said, 'Let us make mankind in our image, in our likeness, so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals, and over all the creatures that move along the ground.'*
- <sup>27</sup> ***So God created mankind in his own image,  
in the image of God he created them  
male and female he created them."***
7. Briefly, this is of enormous significance to the Christian faith because the Bible sets out a story of salvation history, whereby man is created in the image of God. Through man's rebellion against God sin enters the world as a powerful spiritual force and corrupts both the world generally and particularly human nature so that whilst man still reflects the image of God, this is now a broken and distorted image. God however, sets up a

plan of redemption which culminates in God himself becoming incarnate as Jesus Christ. The Bible describes Jesus as both fully God and also fully and indivisibly man, who like the first Adam before the fall reflects the uncorrupted image of God. After Jesus' death and resurrection he sent the Holy Spirit to those who chose to follow him to renew and transform them, so that they too are increasingly transformed back to reflect the image of God i.e. becoming man as God originally created man to be.<sup>1</sup>

8. As Professor Gordon Wenham observes this chapter and its themes are “*pervasive and its theology so fundamental to the Biblical worldview. Here we have the principle themes of Biblical theology displayed in epigrammatic brevity*”.<sup>2</sup>
9. The image of God is also central to Christian understanding of human uniqueness. Genesis 1:26-27 highlights three important aspects of this:
  - i. Man is the last of God's creatures to be brought into existence and the crown or peak of creation.
  - ii. Man alone is created in the image of God and in this crucial respect is unique among God's creatures.
  - iii. Man's creaturely supremacy and uniqueness find expression in the dominion which he alone is given, and which he alone is fitted to exercise, “over all the earth”.<sup>3</sup>

#### The nature of man as male and female in the Bible

10. Genesis 1:26-27 is foundational to understanding the concept of man being made in the image of God in both the Old Testament and New Testament. The Hebrew text of Genesis 1:27 exhibits a parallelism whereby the second and third lines expand on the meaning of the first lines.
11. “*So God created mankind in his own image,  
in the image of God he created them;  
male and female he created them.*”

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<sup>1</sup> Colossians 1:5-20; Romans 8:29; 1 Corinthians 15:49; 2 Corinthians 3:18; Colossians 3:10.

<sup>2</sup> Gordon J Wenham *Genesis 1-15 Word Biblical Commentary* (Milton Keynes:Word,1991):39. Professor Wenham was Professor of Old Testament at the University of Gloucestershire.

<sup>3</sup> Philip Edgcumbe Hughes *The True Image: the Origin and Destiny of Man in Christ* (Grand Rapids,Mi:Eerdmans/Leicester:IVP,1989):3. The author was Vice Principal of Tyndale Hall, Bristol.

12. By doing so, as Professor Wenham observes, it highlights *“the sexual distinctions within mankind”* and foreshadows the blessing of the marriage relationship between man and woman which occurs in the following verse.<sup>4</sup>
13. *“<sup>28</sup> God blessed them and said to them, ‘Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground.’”*
14. The Hebrew parallelism is also important because it points to the complementarity inherent in the marriage relationship between man and woman as reflecting something of the nature of God. The distinctiveness of male and female are therefore of fundamental importance to Biblical Theology. It is repeated again in Genesis 5:1-2:
15. *“This is the written account of Adam’s family line. When God created mankind, he made them in the likeness of God. <sup>2</sup> He created them male and female and blessed them. And he named them ‘Mankind’ when they were created.”*
16. The unequivocal distinctions between male and female are repeated throughout the Bible. Both the unequivocal distinction and complementarity of female and male are emphasised in Genesis 2:18 where God announces the creation of woman with the words:
17. *”<sup>18</sup>The LORD God said, “It is not good for the man to be alone. I will make a helper suitable for him.”*
18. In the New Testament the distinction and complementarity of male and female are similarly emphasised. Jesus’ response to a question about divorce presupposes that his hearers understand this and directly cites this understanding of Genesis 1:26-27: *“‘Haven’t you read’, he replied, ‘that at the beginning the Creator made them male and female...’”<sup>5</sup>*

#### The effect of the fall on sexuality

19. Both the Old Testament and New Testament portray sin as a powerful spiritual force which once allowed into the world corrupted all aspects of our human nature, including sexuality.

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<sup>4</sup> Gordon J Wenham *Genesis 1-15 Word Biblical Commentary* (Milton Keynes:Word,1991):32-33.

<sup>5</sup> Matthew 19:4 cf also Mark 10:6.

20. While Genesis 1-2 portrays a perfect relationship between one man and one woman, the effect of sin is to shatter that relationship. The third chapter of Genesis portrays this relationship as descending into mutual recrimination and blame as well as shame at their own nakedness.
21. By Genesis 4:19 the monogamous relationship of Genesis 2 is depicted as having now become degraded into polygamy.<sup>6</sup>
22. By the time of the Exodus it is clear that a whole range of sexual practices have emerged – all of which God instructs his people are wholly contrary to his intention for human relationships. These include sexual relationships with animals<sup>7</sup> and same sex sexual relationships.<sup>8</sup> For example:
23. Leviticus 18:22-23 instructs men among the people of God  
*“Do not lie with a man as one lies with a woman, it detestable.”*
24. While the following verse instructs women  
*“Do not have sexual relations with an animal and defile yourself with it. A woman must not present herself to an animal to have sexual relations with it; that is a perversion.”*
25. Is important to note that the Biblical text does not indicate either i) that such practices did not exist, nor does it imply ii) that people would not have desires to carry out such sexual acts.
26. Rather, it indicates that engaging in such acts is a perversion of the sexual relationships which the God created for husband and wife to enjoy within the context of marriage. The Biblical text therefore urges the people of God to exercise moral restraint and not give into the temptation to give free reign to sexual desires in other contexts.
27. This is clear from the opening verses of Leviticus chapter 18 which implies that such practices were far from rare both in Egypt, which the Israelites had just left and in Canaan, where they were heading.

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<sup>6</sup> J.A. Thompson ‘Marriage’ in J.D. Douglas, N. Hillyer, F.F. Bruce, D. Guthrie, A.R. Millard, J.I. Packer and D.J. Wiseman (eds) *New Bible Dictionary* (Leicester:IVP, 2<sup>nd</sup> edn,1992):742-46. The author was Reader in Middle Eastern Studies at the University of Melbourne, Australia.

<sup>7</sup> Exodus 22:19; Leviticus 18:23; 20:15-16; Deuteronomy 27:21.

<sup>8</sup> Leviticus 18:22; 20:13.

28. *“<sup>1</sup>The LORD said to Moses, <sup>2</sup> ‘Speak to the Israelites and say to them: I am the LORD your God. <sup>3</sup> You must not do as they do in Egypt, where you used to live, and you must not do as they do in the land of Canaan, where I am bringing you. Do not follow their practices. <sup>4</sup> You must obey my laws and be careful to follow my decrees. I am the LORD your God. <sup>5</sup> Keep my decrees and laws, for the person who obeys them will live by them. I am the LORD.’”*

29. There then follows a long list of sexual relationships which whilst the Israelites might be tempted to engage in, but towards which they are nonetheless exhorted to exercise moral restraint when they experience these sexual desires.

30. These illicit sexual relationships include:

- a) Sexual relationships with close blood relatives (Leviticus 18:6-14)
- b) Sexual relationships with non-blood close relatives such as one’s daughter in law (Leviticus 18:15-16)
- c) Sexual relationships with two persons who themselves have a blood relationship (Leviticus 18:17-18)
- d) Sexual relationships during a woman’s menstrual period (Leviticus 18:19)
- e) Sexual relationships with another man’s wife i.e. adultery (Leviticus 18:20)
- f) Sexual relationships between a man and a man (Leviticus 18:22)
- g) Sexual relationships between a woman and an animal (Leviticus 18:23)

31. The text concludes with a strongly worded statement that all such acts both a) defile the individuals who engage in them b) lead to the judgement of God i.e. they are sinful:

*<sup>24</sup> “‘Do not defile yourselves in any of these ways, because this is how the nations that I am going to drive out before you became defiled. <sup>25</sup> Even the land was defiled; so I punished it for its sin, and the land vomited out its inhabitants. <sup>26</sup> But you must keep my decrees and my laws. The native-born and the foreigners residing among you must not do any of these detestable things, <sup>27</sup> for all these things were done by the people who lived in the land before you, and the land became defiled. <sup>28</sup> And if you defile the land, it will vomit you out as it vomited out the nations that were before you.*

32. It then goes on to state that these acts are therefore fundamentally incompatible with being part of God’s people who are called to be a holy people (Exodus 19:6), different

from those around them. As such anyone who habitually engages in such acts must be excluded from the people of God:

<sup>29</sup> “‘Everyone who does any of these detestable things—such persons must be cut off from their people. <sup>30</sup> Keep my requirements and do not follow any of the detestable customs that were practiced before you came and do not defile yourselves with them. I am the LORD your God.’

<sup>19:1</sup> The LORD said to Moses, <sup>2</sup> “Speak to the entire assembly of Israel and say to them: ‘Be holy because I, the LORD your God, am holy.’”

33. The claim has been made by a number of scholars in recent years that OT injunctions against homosexuality relate solely to homosexual acts conducted in the context of pagan idolatry. Whilst, idolatry clearly does form part of the context for these injunctions, it is far from clear that these injunctions were limited to this. Indeed, the wide ranging nature of such injunctions implies that all sexual activity outside of the context of heterosexual marriage is a corruption of the God’s intention in creating men and women as sexual beings.

34. This theme of sin corrupting human nature including sexuality leading to a variety of sexual practices which deviate from the creator’s intention for humanity continues in the New Testament.<sup>9</sup>

35. The first chapter of the Apostle Paul’s letter to the Romans in fact develops the theme of sin corrupting human nature further by saying that this abandoning of the Creator’s plan for human sexuality leads to a people suppressing their moral consciences when they engage in such acts and persuading themselves that they are morally good.

<sup>18</sup> The wrath of God is being revealed from heaven against all the godlessness and wickedness of people, who suppress the truth by their wickedness, <sup>19</sup> since what may be known about God is plain to them, because God has made it plain to them.

<sup>20</sup> For since the creation of the world God’s invisible qualities—his eternal power and divine nature—have been clearly seen, being understood from what has been made, so that people are without excuse.

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<sup>9</sup> Romans 1:21-32; 1 Corinthians 6:9.

*<sup>21</sup> For although they knew God, they neither glorified him as God nor gave thanks to him, but their thinking became futile and their foolish hearts were darkened.*

*<sup>22</sup> Although they claimed to be wise, they became fools*

*<sup>23</sup> and exchanged the glory of the immortal God for images made to look like a mortal human being and birds and animals and reptiles.*

*<sup>24</sup> Therefore God gave them over in the sinful desires of their hearts to sexual impurity for the degrading of their bodies with one another.*

*<sup>25</sup> They exchanged the truth about God for a lie, and worshiped and served created things rather than the Creator—who is forever praised. Amen.*

*<sup>26</sup> Because of this, God gave them over to shameful lusts. Even their women exchanged natural sexual relations for unnatural ones. <sup>27</sup> In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed shameful acts with other men, and received in themselves the due penalty for their error.*

*<sup>28</sup> Furthermore, just as they did not think it worthwhile to retain the knowledge of God, so God gave them over to a depraved mind, so that they do what ought not to be done.*

*<sup>29</sup> They have become filled with every kind of wickedness, evil, greed and depravity. They are full of envy, murder, strife, deceit and malice. They are gossips, <sup>30</sup> slanderers, God-haters, insolent, arrogant and boastful; they invent ways of doing evil; they disobey their parents;*

*<sup>31</sup> they have no understanding, no fidelity, no love, no mercy.*

*<sup>32</sup> Although they know God's righteous decree that those who do such things deserve death, they not only continue to do these very things but also approve of those who practice them."*

36. The Biblical text makes clear that homosexual acts are in themselves sinful, whether or not they are associated with idolatry. As J.D. Douglas observes:

*"In Rom. 1 Paul condemns homosexual acts, lesbian as well as male, in the same breath as idolatry (vv.23-27), but his theological canvass is broader than that of Lev. [i.e. Leviticus]. Instead of treating homosexual behaviour as an expression of idolatrous worship, he traces both to the bad 'exchange' fallen man has made in departing from his Creator's intention (vv.25ff). Seen from this angle every homosexual act is unnatural*



*(para physin v.26), not because it cuts across the individual's natural sexual orientation (which, of course it may not) or infringes OT law (contra McNeill), but because it flies in the face of God's creation scheme for human sexual expression.*"<sup>10</sup>

37. 1 Corinthians 6:9-21 states:

*"<sup>9</sup> Or do you not know that wrongdoers will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor men who have sex with men<sup>[a]</sup> <sup>10</sup> nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God. <sup>11</sup> And that is what some of you were. 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.*

*<sup>12</sup> "I have the right to do anything," you say—but not everything is beneficial. "I have the right to do anything"—but I will not be mastered by anything. <sup>13</sup> You say, "Food for the stomach and the stomach for food, and God will destroy them both." The body, however, is not meant for sexual immorality but for the Lord, and the Lord for the body. <sup>14</sup> By his power God raised the Lord from the dead, and he will raise us also. <sup>15</sup> Do you not know that your bodies are members of Christ himself? Shall I then take the members of Christ and unite them with a prostitute? Never! <sup>16</sup> Do you not know that he who unites himself with a prostitute is one with her in body? For it is said, "The two will become one flesh."<sup>[b]</sup> <sup>17</sup> But whoever is united with the Lord is one with him in spirit."<sup>[c]</sup>*

*<sup>18</sup> Flee from sexual immorality. All other sins a person commits are outside the body, but whoever sins sexually, sins against their own body. <sup>19</sup> Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own; <sup>20</sup> you were bought at a price. Therefore honour God with your bodies.*

38. 1 Timothy 1:9-10

*<sup>9</sup> We also know that the law is made not for the righteous but for lawbreakers and rebels, the ungodly and sinful, the unholy and irreligious, for those who kill their fathers or mothers, for murderers, <sup>10</sup>for the sexually immoral, for those practicing*

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<sup>10</sup> J.D. Douglas 'Homosexuality' in J.D. Douglas, N. Hillyer, F.F. Bruce, D. Guthrie, A.R. Millard, J.I. Packer and D.J. Wiseman (eds) *New Bible Dictionary* (Leicester:IVP, 2<sup>nd</sup> edn,1992):488. Dr Douglas lectured at Singapore Bible College and was the author or editor of more than 30 major theological books. The *contra* reference is to J.J. McNeill *The Church and the Homosexual* (Kansas: Andrews and McMeel (1976).

*homosexuality, for slave traders and liars and perjurers—and for whatever else is contrary to the sound doctrine <sup>11</sup> that conforms to the gospel concerning the glory of the blessed God, which he entrusted to me.*

39. New Testament scholars have drawn attention to the parallels between this list and the 10 commandments (Exodus 20:1-17) and in particular, to the fact that they appear to expand on general principles set out in the 10 commandments.
40. Donald Guthrie, one of the twentieth century's leading New Testament scholars, comments on 1 Timothy 1:9 (NIV *Neither the sexually immoral nor idolaters nor adulterers nor men who have sex with men*) NB quotations below are from the King James Version (KJV), Revised Standard Version (RSV) and the Greek New Testament.  
*"Whoremongers (RSV 'immoral persons') and them that defile themselves with mankind (arsenokoitai, RSV 'sodomites') are perhaps similarly regarded as extreme violations of the command not to commit adultery."*<sup>11</sup>
41. Similarly, Hebrews 13:4 *"Marriage should be honoured by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral."*
42. The New Testament also emphasises the OT teaching noted above (s.22-28) that habitually engaging in sexual practices outside of heterosexual marriage is incompatible with membership of the covenant people of God, which in the New Testament has become the church.
43. The New Testament requirement that members of the church seek to live according to the basic teachings of the Gospel, central to which is repentance from habitual sin is rooted in the teaching of Jesus recorded in Matthew 18:15-17 that his followers should not associate with anyone (here termed a Christian 'brother' or 'sister') who

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<sup>11</sup> Donald Guthrie *The Pastoral Epistles: An Introduction and Commentary* (London: Tyndale Press, 1957): 61-61. Dr Guthrie's obituary in the *Independent* 18 September 1992 <<https://www.independent.co.uk/news/people/obituary-donald-guthrie-1552013.html>> [accessed 20 February 2020] began by stating: "There can be very few New Testament scholars today who are not in one way or another indebted to and influenced by the numerous writings, spread across some 36 years, of Donald Guthrie" and continued "To scholars, Guthrie is best known for his magisterial *New Testament Introduction*, initially published in three volumes, beginning in 1960. This established itself as the standard work on the subject, accepted as such by New Testament scholars of all persuasions. The fourth, revised, edition appeared as recently as 1990. In 1981 appeared his *New Testament Theology*, a massive 1,000 pages of condensed learning, representing the fruit of 30 years of teaching theology to undergraduates. He wrote commentaries on the *Pastoral Epistles* and *Hebrews* in the Tyndale New Testament series and on *Galatians* for the Century Bible. In 1982 was honoured with a *Festschrift* to mark his retirement."

claims to be a follower of Christ, but habitually practices sin which they are unwilling to repent of.

44. *“<sup>15</sup> If your brother or sister sins go and point out their fault, just between the two of you. If they listen to you, you have won them over. <sup>16</sup> But if they will not listen, take one or two others along, so that ‘every matter may be established by the testimony of two or three witnesses.’<sup>17</sup> If they still refuse to listen, tell it to the church; and if they refuse to listen even to the church, treat them as you would a pagan or a tax collector.*
45. In the New Testament this is by no means limited to sexual ethics, but also includes for example a lifestyle characterised by greed, laziness and refusal to work creating factions or not accepting basic Christian doctrine such as Jesus Christ having come in the flesh.<sup>12</sup> However, even then, it is emphasised that the suspension of that person from the membership of the church is not to be regarded as a punitive action, but to be treated as an act of pastoral care to bring them back to repentance. As Paul in 2 Thessalonians 3:15 concludes *“Yet do not regard him as an enemy but warn him as a brother.”*
46. However, it is important to emphasise that the New Testament does not at any point suggest or imply that Christians should distance themselves from non-Christians who engage in such practices. Indeed, 1 Corinthians 5 is emphatic that these injunctions apply in this life **solely** to Christians who have effectively abandoned the central aspect of the Christian faith i.e. repentance from sin.
47. *“It is actually reported that there is sexual immorality among you, and of a kind that even pagans do not tolerate: A man is sleeping with his father’s wife. <sup>2</sup> And you are proud! Shouldn’t you rather have gone into mourning and have put out of your fellowship the man who has been doing this? <sup>3</sup> For my part, even though I am not physically present, I am with you in spirit. As one who is present with you in this way, I have already passed judgment in the name of our Lord Jesus on the one who has been doing this. <sup>4</sup> So when you are assembled and I am with you in spirit, and the power of our Lord Jesus is present, <sup>5</sup> hand this man over to Satan for the destruction of the flesh,<sup>[a]/[b]</sup> so that his spirit may be saved on the day of the Lord.*
- <sup>6</sup> Your boasting is not good. Don’t you know that a little yeast leavens the whole batch of dough? <sup>7</sup> Get rid of the old yeast, so that you may be a new unleavened batch—as*

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<sup>12</sup> 2 Thessalonians 3:6-15; Titus 3:10; 2 John 7-10.

*you really are. For Christ, our Passover lamb, has been sacrificed. <sup>8</sup> Therefore let us keep the Festival, not with the old bread leavened with malice and wickedness, but with the unleavened bread of sincerity and truth.*

*<sup>9</sup> I wrote to you in my letter not to associate with sexually immoral people—<sup>10</sup> not at all meaning the people of this world who are immoral, or the greedy and swindlers, or idolaters. In that case you would have to leave this world. <sup>11</sup> But now I am writing to you that you must not associate with anyone who claims to be a brother or sister<sup>[e]</sup> but is sexually immoral or greedy, an idolater or slanderer, a drunkard or swindler. Do not even eat with such people.*

*<sup>12</sup> What business is it of mine to judge those outside the church? Are you not to judge those inside? <sup>13</sup> God will judge those outside. “Expel the wicked person from among you.”<sup>[d]</sup>*

48. This is in effect saying little more than that in order to belong to the church, one must accept and live by the basic teaching of the church. In that sense it is little different from any organisation with a specific ethos (such as for example those campaigning on animal welfare, or the rights of particular groups of people), requiring its members to have lifestyles compatible with the ethos of those organisations in order to continue in membership.

#### Biblical teaching on homosexual practice and orientation

49. It is important to understand that the central theme of the Bible is God’s plan of salvation whereby he rescues man from the effects of his rebellion and sin by Christ’s redemptive death on the cross and sending of the Holy Spirit to renew and transform mankind from the corrupting effects of sin back into being man as God originally created man to be, in the image of God. The Bible does not therefore seek to present a systematic treatise on other subjects, but does refer to other subjects in relation to this story of salvation history. In particular, it draws attention to specific acts which are sinful, amongst which are homosexual sexual acts.

50. As such, the Bible only specifically addresses the issue of homosexual actions. It does not directly address the question of homosexual orientation. As Dr J.D. Douglas comments:

*“The Bible says nothing specifically about the homosexual condition (despite the rather misleading RSV translation of 1 Corinthians 6:9), but its condemnations of homosexual conduct are explicit.”*<sup>13</sup>

51. However, the Bible makes a clear distinction between temptation and sin. Put simply, temptation is not sin. The Bible states that everyone is tempted – including even Jesus.<sup>14</sup> Hebrews 4:15 specifically states that Jesus was “*tempted in every way, just as we are—yet he did not sin.*”

### **Miss Omooba’s stated beliefs and the Respondents’ pleadings in relation to those beliefs**

#### The claimant’s citation of biblical teaching on sexuality and specifically homosexuality

52. I have examined the statement made by the claimant as a 20 year old student on 18 September 2014 (para 20 of particulars of claim). They constitute a fair and reasonable expression of Christian beliefs, as those beliefs have historically been held by the overwhelming majority of the Christian church throughout history.

53. I have also examined the statement made in October 2019 on the *Today* programme (s.18 revised Grounds of Resistance) which claims that her beliefs represent Biblical beliefs

*“Oh yes, I most definitely stand by those comments...I definitely stand by the word of God.”*

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<sup>13</sup> J.D. Douglas ‘Homosexuality’ .in J.D. Douglas, N. Hillyer, F.F. Bruce, D. Guthrie, A.R. Millard, J.I. Packer and D.J. Wiseman (eds) *New Bible Dictionary* (Leicester:IVP, 2<sup>nd</sup> edn,1992):488. Dr Douglas lectured at Singapore Bible College and was the author or editor of more than 30 major theological books.

<sup>14</sup> 1 Corinthians 10:13.

Again, I find the claimant's statement to be a fair and reasonable expression by an ordinary Christian (i.e. without formal theological training) of what the Bible teaches on marriage, sexuality and homosexuality.

54. The claimant cited two particular sections of the Bible as well as other aspects of Biblical teaching. I will deal with these in the order in which they appear in the Facebook post made by the claimant on 18 September 2014 (Particulars of Claim s.2):

*"Some Christians have completely misconceived the issue of Homosexuality, they have begun to twist the word of God. It is clearly evident in 1 Corinthians 6:9-11 what the Bible says on this matter. I do not believe you can be born gay, and I do not believe homosexuality is right, though the law of this land has made it legal doesn't mean it is right. I do believe that everyone sins and falls into temptation but it's by the asking of forgiveness, repentance and the grace of God that we overcome and live how God ordained us to. Which is that a man should leave his father and mother and be joined to his wife, and they shall become one flesh. Genesis 2:24. God loves everyone, just because He doesn't agree with your decisions doesn't mean He doesn't love you. Christians we need to step up and love but also tell the truth of God's word. I am tired of lukewarm Christianity, be inspired to stand up for what you believe and the truth #our God is three in one #God (Father) #Jesus Christ (Son) #Holy Spirit."*

- a) 1 Corinthians 6:9-11

55. 1 Corinthians 6:9-11 states

*<sup>9</sup> "Or do you not know that wrongdoers will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor men who have sex with men<sup>[a]</sup> <sup>10</sup> nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God. <sup>11</sup> And that is what some of you were. 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."*

56. The basic meaning of this verse is that only those who have repented of their sins and evidenced that by seeking to exercise moral restraint in the face of temptation, will enter the Kingdom of God. This central aspect of New Testament teaching is then illustrated with specific examples:
57. *“Neither the sexually immoral nor idolaters”*: the word πόρνοι (*pornoi*) is a general term for those who are sexually immoral. It refers to any sexual relationship outside of heterosexual marriage. It is used for example, in the Septuagint (Greek translation of the Old Testament that was current at the time the New Testament was written) in Hosea 5:4 to refer to prostitution. It designates any sexual activity outside of marriage.
58. *“Nor adulterers nor men who have sex with men.”* The first word μοιχοὶ (*moichoi*) refers to adulterers i.e. it reinforces the earlier statement that no one who habitually seeks to engage in sexual activity outside of marriage will enter the kingdom of God. It is an habitual, unrepentant attitude to sin which is in view.
59. The final two examples μαλακοὶ (*malakoi*) and ἀρσενικοῖται (*arsenokoitai*) need to be understood together. There has been some debate about the meaning of these terms. That debate centres around i) how their usage in the New Testament relates to their usage in other ancient Greek literature; ii) in recent years there has been an attempt to claim that the condemnation of homosexual acts in the New Testament only refers to pederasty (i.e. sexual relations with boys).
60. In relation to the first: It is important to understand these words in their New testament context, rather than in relation to their etymology or their usage elsewhere as it is a fundamental principle of biblical exegesis that the meaning of a word is determined by its context. Thus, although μαλακοὶ (*malakoi*) may possibly be used in some other ancient Greek literature to mean “effeminate”, the text of 1 Corinthians 6:9 clearly focuses on those habitually engaging in certain acts. Professor C.K. Barrett translates this verse as

*“fornicators’ (to be taken broadly), idolaters, adulterers, catamites, sodomites (the passive and active partners respectively in male homosexual relations)”*.<sup>15</sup>

61. While pederasty appears to have been common in the ancient world it is clear from other parts of Paul’s New Testament epistles that: i) any sexual relationships outside of marriage (which is exclusively understood in heterosexual terms in both the Old Testament and the New Testament) is illicit; ii) that this includes any form of homosexual acts.
62. It should be noted that the Bible makes a distinction between the temptation or inclination to do a particular act and the act itself. It is only engaging in the act itself which is sinful. The temptation itself is not sinful and is regarded as part of the human condition.
63. It is important to note that the emphasis here is that temptation can be resisted – even though all do sin. For whilst as Romans 3:22-23 puts it *“without distinction all have sinned and fall short of the glory of God”*, we do so by choice and the New Testament emphasises God’s help (“grace”) is available to resist giving into temptation<sup>16</sup> i.e. the Bible does not suggest that anyone is born with an uncontrollable urge to commit a particular sin, that they are incapable of resisting.
64. Rather, as James 1:14-15 puts it, sin happens when one entertains temptation and gives in to it.

*“each person is tempted when they are dragged away by their own evil desire and enticed. <sup>15</sup> Then, after desire has conceived, it gives birth to sin; and sin, when it is full-grown, gives birth to death.”*

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<sup>15</sup> C.K. Barrett *The First Epistle to the Corinthians* (London: A & C Black, 1971):140. C.K. Barrett DD, FBA was Professor of Divinity at Durham University.

<sup>16</sup> 1 Corinthians 10:13.



65. The claimant's Facebook statement "*I do believe that everyone sins and falls into temptation but it's by the asking of forgiveness, repentance and the grace of God that we overcome and live how God ordained us to*" is a reasonable and fair statement of this aspect of biblical teaching and Christian belief.

66. Verse 11 is of particular significance. "*And that is what some of you were. 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.*"

The clear implication of this is that some of the Christians in the church at Corinth were previously habitually practising the things listed in verses 9-10 of which sexual immorality, including both adultery and men having sex with other men are given as examples.

67. The Apostle Paul states that although some of the Corinthian Christians used to habitually engage in such practices, not only had they ceased to do so, but as a result of their turning to Christ they "*were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.*".

68. This is a central aspect of Christian teaching commonly referred to as the doctrine of sanctification. It means that the Holy Spirit works in the Christian's life to both i) negatively to undo the corruption caused by sin and ii) positively to incrementally, but increasingly transform the Christian into being the true humanity that God originally created man to be. As Professor Louis Berkhof observed "It is essentially a work of God, though insofar as he employs means, man can and is expected to cooperate with those means."<sup>17</sup>

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<sup>17</sup> Louis Berkhoff *Systematic Theology* (Edinburgh: Banner of Truth, 1949):532. The author was Professor at Calvin Seminary, Grand Rapids, Michigan. The book cited is widely regarded as a standard work of Reformed Christian Theology around the world.

b) Genesis 2:24

69. The claimant's Facebook post stated: *I do believe that everyone sins and falls into temptation but it's by the asking of forgiveness, repentance and the grace of God that we overcome and live how God ordained us to. Which is that a man should leave his father and mother and be joined to his wife, and they shall become one flesh. Genesis 2:24.*

70. It is helpful to set these verses in the context of the preceding verses (Genesis 2:20-24):

*"But for Adam<sup>[f]</sup> no suitable helper was found. <sup>21</sup> So the LORD God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs<sup>[g]</sup> and then closed up the place with flesh. <sup>22</sup> Then the LORD God made a woman from the rib<sup>[h]</sup> he had taken out of the man, and he brought her to the man. <sup>23</sup> The man said, 'This is now bone of my bones and flesh of my flesh; she shall be called "woman," for she was taken out of man. <sup>24</sup> That is why a man leaves his father and mother and is united to his wife, and they become one flesh."*

71. Professor Gordon Wenham describes verse 24 as the biblical text "*applying the principles of the first marriage to every marriage*".<sup>18</sup>

72. Similarly, Derek Kidner comments on the central importance of these verses: "*the New Testament draws much of its teaching on the sexes from this crowning paragraph of the chapter...the sexes are complimentary: the true partnership is expounded by the terms that are used (a helper fit for him, 18,20 RSV; literally a help as opposite him)*".<sup>19</sup>

73. I therefore conclude that the claimant's Facebook post cited above is a fair and reasonable statement of biblical teaching on sexuality.

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<sup>18</sup> Gordon J Wenham *Genesis 1-15 Word Biblical Commentary* (Milton Keynes:Word,1991):70. Professor Wenham lectures in Old Testament at Trinity College, Bristol and was Professor of Old Testament at the University of Gloucestershire. He is widely recognised as a leading international authority on the Pentateuch.

<sup>19</sup> Derek Kidner *Genesis: An Introduction and Commentary* (Leicester:IVP,1967):65. The author was formerly warden of Tyndale House, Cambridge.

The claimant's statement: "I do not believe you can be born gay and I do not believe homosexuality is right, though the law of this land has made it legal doesn't mean it is right."

74. I take the claimant's statement that she does not believe you can be born gay to be a statement of her belief as a Bible believing Christian for the reasons set out below:

75. In Romans Chapter 1 the Apostle Paul makes clear that homosexuality was not how God created man, but is a corruption of human nature:

76. "Therefore God gave them over in the sinful desires of their hearts for the degrading of their bodies with one another...because of this God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones. In the same way, the men also abandoned natural relations with women and were inflamed with lust for one another..." (Romans 1:24-27).

77. The text of the Greek New Testament here is particularly emphatic that this is not the natural state of humanity, as God created them to be. As Dr Leon Morris comments: "Paul's word for 'abandoned' is a rather strong one...Paul is saying in strong terms that men were burned up with a powerful but unnatural passion."<sup>20</sup>

78. Dr Morris is also emphatic that the Apostle Paul's assertion that homosexuality is an 'unnatural passion' is NOT derived from first century culture or worldview, but was in many respects diametrically opposed to it, adding that "This is sharply different from the general attitude among Greeks and Romans of the day, for they preferred this kind of love to heterosexual love."<sup>21</sup>

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<sup>20</sup> Leon Morris *The Epistle to the Romans* (Leicester:IVP/Grand Rapids,Mi:Eerdmans,1988):92-93 on Romans 1:27. The author was Principal of Ridley College, Melbourne, Australia, visiting Professor of New Testament at Trinity Evangelical Divinity School, helped produce the NIV and ESV translations of the Bible, authored or co-authored over fifty books and was the editor of the *Tyndale New Testament Commentary* series.

<sup>21</sup> Leon Morris *The Epistle to the Romans* (Leicester:IVP/Grand Rapids,Mi:Eerdmans,1988):93 on Romans 1:27.

79. Similarly, Professor David F Wright whilst acknowledging that some of the conceptual categories relating to homosexuality are extremely recent in origin, was emphatic that the Apostle Paul regarded homosexual activity as contrary to how God had created man to be:
80. “Certainly Paul could not have envisaged some facets of contemporary debates, such as ‘monogamous’ same-sex relationships between persons of homosexual preference. It is nevertheless a safe conclusion that, whatever might be said about individual orientations or dispositions, Paul could only have regarded all homosexual erotic and genital behaviour as contrary to the creator’s plan for human life, to be abandoned on conversion.”<sup>22</sup>
81. It is therefore clear that the claimant’s Facebook statement “*I do not believe you can be born gay, and I do not believe homosexuality is right, though the law of this land has made it legal doesn’t mean it is right.*” is a statement of the claimant’s Christian beliefs, which are based on the teaching of the Bible that a) homosexual sexual acts are sinful; and/or b) more broadly, rejecting the idea of there being any moral equivalence between heterosexual marriage and same sex relationships.

#### The Christian doctrine of the Bible – the truth of the Bible

82. The particulars of claim s.3 state that the Facebook post the claimant made in 2014 represent her “deeply held religious beliefs. In summary these are:
- a. Her belief in the truth of the Bible, in particular Genesis 2 v 24 and 1 Corinthians 6 v 9-11.
  - b. Her belief that although God loves all mankind, He does not love all mankind’s acts, in particular she believes that Homosexual practice (as distinct from homosexual desires) is sinful/morally wrong.

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<sup>22</sup> David F Wright ‘Homosexuality’ in Gerald F Hawthorne, Ralph P Martin and Daniel G Reid (eds) *Dictionary of Paul and His Letters* (Downers Grove, IL/Leicester: IVP, 1993):413-15. The author was Professor of Patristic & Reformed Christianity at the University of Edinburgh.

- c. Her belief that not to speak out in defence of these beliefs, would be sinful/contrary to her beliefs. “

83. The claimant’s 2014 Facebook post concludes by stating

*“I am tired of lukewarm Christianity, be inspired to stand up for what you believe and the truth #our God is three in one #God (Father) #Jesus Christ (Son) #Holy Spirit.””*

84. In s.38 of the original Grounds of Resistance the respondents state: *“It is admitted that the claimant held beliefs set out in paragraphs 3a and 3b. The claimant is however invited to clarify the sense in which she uses the word truth in paragraph 3a.”*

85. The biblical understanding of truth is that God is truth i.e. the ultimate source and authority for all truth. However, God has revealed himself to man by revelation, in particular by the incarnation by which God, as Jesus. This is exemplified in Jesus’ statement in John 14:6

*“I am the way the Truth and the Life, No one comes to the Father except through me.”*

86. However, God has also revealed himself in the Bible, with Jesus’ prayer for his disciples Jesus in John 17:16-18 specifically referring to God’s word as “truth”

*“They are not of the world, even as I am not of it. <sup>17</sup> Sanctify them by the truth; your word is truth. <sup>18</sup> As you sent me into the world, I have sent them into the world.”*

87. In Christian theology biblical truth is authoritative because it is divine revelation. As Professor J.I Packer puts it:

*“Scripture expresses and mediates the authority of God, which means, formally, his right to be believed when he speaks and obeyed when he commands.”*

Adding that at the reformation

*“The Reformers coined the slogan **sola Scriptura**: Scripture alone....the Bible remains the decisive and final authority, the norm by which all teaching of tradition and the church is to be tested.”*<sup>23</sup>

88. Biblical truth therefore represents the word of an all knowing, infallible God. It is therefore understood to be of a wholly different order to human knowledge derived from other sources.

89. Attitudes to “biblical truth” in the western church today can broadly be categorised as either:

- a) Evangelical – holding to the reformation emphasis on *sola Scriptura* i.e. believing that the Bible is the inspired word of God and the sole ultimate source of authority.
- b) Catholic – broadly speaking, holding both the Bible and a particular tradition of interpretation as authoritative.
- c) Liberal – which rejects the ultimate authority of the Bible, while still self-identifying as Christian. Professor J.I. Packer describes Liberalism as *“A purpose of adapting the substance of faith, however conceived to current naturalistic and anthropocentric viewpoints, abandoning traditional dogmas when necessary.”*<sup>24</sup>

90. Whilst liberals have sought to persuade some denominations to adopt positions that positively affirm same sex relationships, it would be wholly wrong to conclude that this position represents either: i) the teaching of the Bible; ii) the historic understanding of Christian sexual ethics held by Christians for the overwhelming majority of church history; or iii) the majority opinion of the global Christian church today.

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<sup>23</sup> J.I. Packer ‘Scripture’ in Sinclair B Ferguson, David Wright and J.I. Packer (eds) *New Dictionary of Theology* (Leicester:IVP,1988):627-31. J.I. Packer was Professor of Systematic Theology at Regent College, Vancouver.

<sup>24</sup> J.I. Packer ‘Liberalism and Conservatism in Theology’ in Sinclair B Ferguson, David Wright and J.I. Packer (eds) *New Dictionary of Theology* (Leicester:IVP,1988):384-86.

91. The claimant's Facebook post and her subsequent affirmation of it suggests that she is an Evangelical Christian and adopting a position that is at least broadly consistent with historic Christian understanding of marriage and sexual ethics.

### Lukewarm Christianity

92. The claimant's Facebook post ended by stating: "*Christians we need to step up and love but also tell the truth of God's word. I am tired of lukewarm Christianity, be inspired to stand up for what you believe and the truth #our God is three in one #God (Father) #Jesus Christ (Son) #Holy Spirit.*"

93. The phrase 'lukewarm Christianity' appears to reflect the condemnation of the Laodicean church in the book of Revelation (the final book of the Bible):

94. "<sup>14</sup>To the angel of the church in Laodicea write:

*These are the words of the Amen, the faithful and true witness, the ruler of God's creation. <sup>15</sup> I know your deeds, that you are neither cold nor hot. I wish you were either one or the other! <sup>16</sup> So, **because you are lukewarm**—neither hot nor cold—I am about to spit you out of my mouth. <sup>17</sup> You say, 'I am rich; I have acquired wealth and do not need a thing.' But you do not realize that you are wretched, pitiful, poor, blind and naked. <sup>18</sup> I counsel you to buy from me gold refined in the fire, so you can become rich; and white clothes to wear, so you can cover your shameful nakedness; and salve to put on your eyes, so you can see.*

*<sup>19</sup> Those whom I love I rebuke and discipline. So be earnest and repent. <sup>20</sup> Here I am! I stand at the door and knock. If anyone hears my voice and opens the door, I will come in and eat with that person, and they with me.*"

95. The passage has been well known among Christians as exhorting them not to be lukewarm, but rather fervent in their faith. It has also had a wider impact on both the English language and British culture more generally, particularly through William

Holman Hunt's famous painting depicting v.20 which currently hangs in Keble College, Oxford, St Paul's Cathedral and Manchester Art Gallery.<sup>25</sup>

96. Whilst the New Testament condemns 'lukewarm' Christianity, the opposite has often been the case historically with Evangelicals, such as for example, John Wesley condemned by other members of the church, as "enthusiasts", who on a number of occasions actively sought to persecute him and his followers.<sup>26</sup>

97. As such it would be wholly wrong to conclude that because a number of liberal Christians have sought to persuade some denominations to adopt positions that positively affirm same sex relationships, that this in any sense absolves other Christians from following the teaching of the Bible in respect of sexual ethics.

The claimant's statement that not to speak out in defence of these beliefs, would be sinful/contrary to her beliefs.

98. I confirm that the claimant's belief that the Christian faith requires her to speak out about her beliefs and not seek to hide her beliefs is biblically based. This is clearly set out in the teaching of Jesus. For example, in Matthew 12:14-16:

99. "You are the light of the world. A town built on a hill cannot be hidden. <sup>15</sup> Neither do people light a lamp and put it under a bowl. Instead they put it on its stand, and it gives light to everyone in the house. <sup>16</sup> In the same way, let your light shine before others, that they may see your good deeds and glorify your Father in heaven.

100. Similarly, Luke 12:8-11 records the words of Jesus that:

"I tell you, whoever publicly acknowledges me before others, the Son of Man will also acknowledge before the angels of God. <sup>9</sup> But whoever disowns me before others

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<sup>25</sup> < <https://www.keble.ox.ac.uk/about/chapel/light-of-the-world/> > [accessed 14 March 2020].

<sup>26</sup> A. Skevington Wood *The Burning Heart: John Wesley: Evangelist* (Minneapolis: Bethany, 1967/Exeter: Paternoster, 1978): 171-73 describes a number of incidents where Anglican clergy either incited mob violence against them or where the clergyman was also a magistrate denied his followers justice.



will be disowned before the angels of God...<sup>11</sup> ‘When you are brought before synagogues, rulers and authorities, do not worry about how you will defend yourselves or what you will say,’

## **Conclusions**

101. Both the original Facebook Post made by the claimant some years prior to her employment and her subsequent affirmation of it are consistent with and expressions of a biblical understanding of marriage, sexuality and sexual ethics as these have historically been understood throughout the majority of Christian history.
102. I would also draw the Tribunal’s attention to the fact, that as outlined in s.46-50 above, whilst it is incumbent on Christians to themselves follow biblical teaching on sexual ethics in their own lives and in the church, the New Testament does not instruct Christians to act in a prejudicial manner towards members of the LGBT community in the workplace or wider society.

## EXPERT DECLARATION

I, Dr Martin Parsons, declare the following:

1. That I understand that my duty in providing written reports and giving evidence is to help the tribunal, and that this duty overrides any obligations to the party by whom I am engaged or the person who has paid or I liable to pay me. I confirm that I have complied and will continue to comply with my duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. I will advise the party by whom I am instructed if, between the date of my report and the hearing, there is any change in circumstances which affect my answers to points 3 and 4 above.
6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
11. I understand that
  - 11.1 My report will form evidence to be given under oath or affirmation.
  - 11.2 Questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;
  - 11.3 The tribunal may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties.
  - 11.4 The tribunal may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing.
  - 11.5 I may be required to attend tribunal to be cross examined on my report by a cross-examiner assisted by an expert;
  - 11.6 I am likely to be the subject of public adverse criticism by the judge if the tribunal concludes that I have not taken reasonable care in trying to meet the standards set out above.
12. I have read Part 35 of the Civil Procedure Rules, the accompanying practice direction and the Guidance for the instruction of experts in civil claims and I have complied with their requirements.
13. I am aware of the practice direction on pre-action conduct. I have acted in accordance with the Code of Practice for Experts.



Dr Martin Parsons

11<sup>th</sup> May 2020