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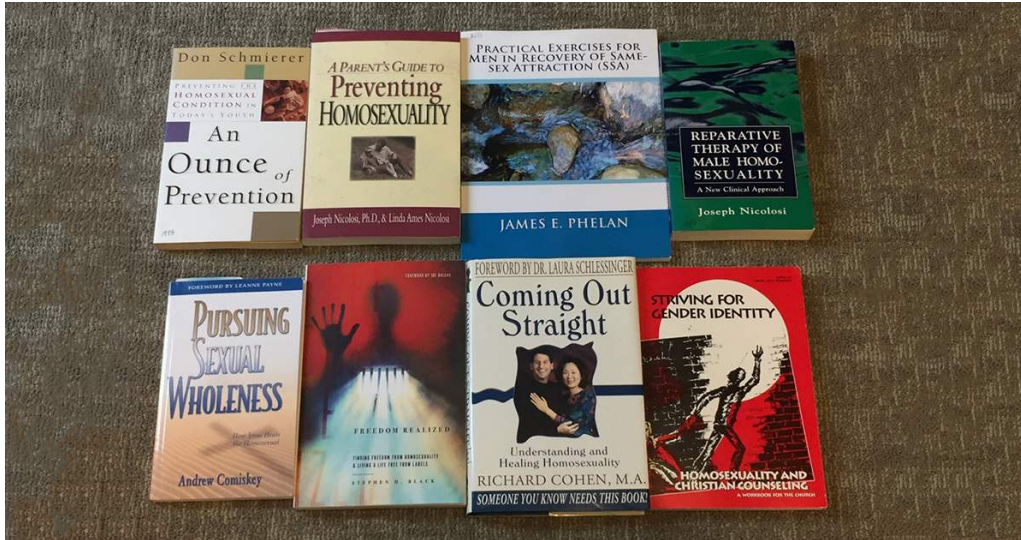
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Sponsors of California's AB 2943 Claim It Wouldn't Ban the Bible. Maybe. But What About These Books? (/2018/05/sponsors-californias-ab-2943-claim-it-wouldnt-ban-bible-maybe-what-about-these-books/)

by Peter Sprigg (/authors/peter-sprigg/)

May 10, 2018



It seems that we have gone from the culture wars to the “fact-check” wars. One has been underway in recent weeks over a bill making its way through the California legislature.

Put the words “California Bible ban” in a Google search and you will see what I mean.

The California Family Council (<http://www.californiafamily.org/oppose-ca-ab-2943-ab-1779-and-ab-2119-reference-materials/>) and Alliance Defending Freedom (<https://drive.google.com/file/d/0B9njBaZTrCfSMFJfRGMzX2ZQeFh0R0U3bFVMS2ZYWU11M2VF/view>) were among the first to raise the alarm that Assembly Bill 2943 (https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2943) could be interpreted to ban sales of the Bible. Snopes (<https://www.snopes.com/fact-check/california-bible-ban/>), FactCheck.org (<https://www.factcheck.org/2018/04/california-bill-wouldnt-ban-the-bible/>), and PolitiFact (<http://www.politifact.com/truth-o-meter/statements/2018/apr/26/oath-keepers/no-california-bill-would-not-ban-bible-sales/>) all tried to debunk the claim. The FactCheck piece reproduces an April 22 tweet from the bill’s sponsor, Assemblyman Evan Low, stating, “It does not ban bibles nor does it ban the basic sales of books as some would have you believe.” But a number of careful and thoughtful conservative writers—such as Michael Brown (<https://www.lifesitenews.com/blogs/californias-shocking-you-must-stay-gay-bill/>), David French (<https://www.nationalreview.com/2018/04/california-progressives-launch-another-attack-on-free-speech/>), Rod Dreher (http://www.theamericanconservative.com/dreher/christians-scared-away-from-california/?mc_cid=d1f6d7ef39&mc_eid=a50b525803), my colleague at Family Research Council Travis Weber (/2018/03/attacks-counseling-threaten-pastors-and-churches/), and Robert Gagnon (here (<https://www.catholicworldreport.com/2018/04/15/california-assembly-bill-2943-is-a-direct-assault-on-free-speech-truth-about-same-sex-attraction/>) and here (<http://thefederalist.com/2018/04/30/factcheck-org-wrong-californias-lgbt-therapy-ban-ban-bibles/>)) have continued to express alarm about the bill (albeit with slightly different emphases). Does Assembly Bill 2943 (https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2943) actually “ban the Bible” in California? In one sense, no—but in another sense, maybe. Sometimes, what is needed is a not a “fact-check” with a simple true or false answer, but a “perspective check,” explaining *why* some people make a particular argument and *what evidence* they cite to support it.

What AB 2943 Does *Not* Do

Let me state a couple things that are definitely *not* true about AB 2943 and the Bible, which some of the more sensational headlines about “California wants to ban the Bible” might be misinterpreted to imply.

First of all, “banning the Bible” is definitely *not* the main *purpose* of AB 2943. Its *purpose* is to greatly expand an existing restriction (the first in the nation when enacted in 2012 (<http://latimesblogs.latimes.com/california-politics/2012/09/governor-jerry-brown-gay-therapy-minors.html>)) upon the practice of “sexual orientation change efforts” (SOCE), now routinely referred to by critics (but rarely by practitioners) as “conversion therapy.” I have had concerns about some of the “Bible ban” talk, if only because the core issue—a ban on therapy for those with unwanted same-sex attractions—has sometimes been almost forgotten.

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It is a fact that some people with same-sex attractions experience those feelings as unwanted; some of those have sought therapy or counseling to overcome those attractions; and some of those have testified to the success of such therapy in helping them overcome those attractions, and now identify as “ex-gay.” LGBT activists are offended that some people with same-sex attractions don’t want to be “gay,” so they are attempting to eliminate that option by claiming that such therapy is ineffective, as well as harmful to those who undertake it. (Family Research Council disputes (<https://downloads.frc.org/EF/EF14C40.pdf>) those claims.) California’s 2012 law (https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201102120SB1172) prohibited SOCE only for clients who are minors, and only when conducted by licensed mental health providers. AB 2943 would expand the ban to apply to clients of *any* age (including consenting adults), and *any* type of counselor (including religious ones), as long as there is an exchange of money for the service.

Secondly, there is no legislative language in AB 2943 that refers specifically to the Bible. As Snopes (<https://www.snopes.com/fact-check/california-bible-ban/>) explained in its article debunking the supposed “Bible ban” claim, “California Assembly Bill 2943 does not mention the Bible, Christianity, or religion at all.” That sentence—with the key word being “mention”—is correct. (That does not mean it would not *affect* them, however.)

Thirdly, even if AB 2943 could have an effect upon the Bible, it would only be upon the *sale* of the Bible. The bill is in the form of an amendment to the state’s consumer fraud laws, so there must be some commercial transaction (involving an exchange of money) to trigger its provisions. The bill does *not* prohibit the possession, reading, publication, teaching, or *free* distribution of the Bible.

How Could AB 2943 Ban Sales of the Bible?

The concern that AB 2943 could be used to ban sales of the Bible is an inference from, rather than an explicit statement in, the language of the bill. However, the bill is thirteen pages long, most of which is just a recapitulation of the existing consumer fraud law. To understand the *change* that is being proposed, one has to search and extract the substantive language from the bill. Here are the key segments, with ellipses (. . .) where text has been omitted. First is the bill’s definition of “sexual orientation change efforts” (emphasis mine):

(i) (1) “Sexual orientation change efforts” means any practices that seek to change an individual’s sexual orientation. This includes efforts to change *behaviors* or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.

Here is the actual language prohibiting SOCE:

1770. (a) The following unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or that results in the sale or lease of *goods* or services to any consumer are unlawful:

. . . .
(28) Advertising, offering to engage in, or engaging in sexual orientation change efforts with an individual.

Key Words: “Behaviors” and “Goods”

How does this apply to the Bible? Likely through two key words, highlighted in the bill text above.

The first of these is “behaviors.” When most people think of “sexual orientation change efforts,” they probably think of the second part of the bill’s definition: efforts “to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.” LGBT activists claim that such “attractions or feelings” are innate and immutable. The same, of course, cannot be said about “behaviors,” which can be changed at will. I suspect, however, that those activists worried that if therapy to help people change their “behaviors” were permitted, it would constitute a loophole that would allow SOCE to continue.

The problem with outlawing “efforts to change behaviors,” however, is that almost all moral and religious teaching about how we should live involves “efforts to change behaviors.” “Don’t lie.” “Don’t steal.” “Treat your father and mother with respect.” There are all sorts of religiously-rooted assertions directing people to modify “behavior.” Let us not forget the age-old admonition: “Behave!” When Leviticus 18:22 (<https://www.biblegateway.com/passage/?search=Leviticus+18%3A22&version=NASB>) cites God telling Moses, “You shall not lie with a male as one lies with a female” (NASB), that clearly seems to be an “effort to change behaviors.”

The second key word is “goods.” As noted above, the main purpose of the bill is to outlaw a certain type (or more accurately, a *goal*) of therapy, which would generally be considered a “service.” However, the ban on change efforts applies to any “transaction intended to result or that results in the sale or lease of *goods* or services to any consumer.” Although one bill critic has suggested (<http://www.thepublicdiscourse.com/2018/04/21395/>) that the language about “the sale or lease of goods” does not apply to SOCE, the term “any practices” in the definition of SOCE appears to be broad enough to encompass the practice of selling books.

No, the text of AB 2943 does not mention the Bible. But since the “sale . . . of goods” could include the sale of books (such as the Bible), and since the moral teachings of the Bible include “efforts to change behaviors” (such as homosexual behavior), critics of AB 2943 have warned that it could, at least theoretically, be used to ban the sale of Bibles in California.

Possible vs. Likely

Now, if AB 2943 is enacted, is California *likely* to leap directly to banning sales of the Bible? Perhaps not, for several reasons. As noted above, banning Bible sales is not the main *purpose* of the bill, and while the Bible supports sexual orientation change (see 1 Corinthians 6:9-11 (<https://www.biblegateway.com/passage/?search=1+Corinthians+6%3A9->

(<https://www.biblegateway.com/passage/?search=1+Corinthians+6%3A9-11>))

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- June 2018 ([/2018/06/](https://www.biblegateway.com/passage/?search=1+Corinthians+6%3A9-11))
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- February 2018 ([/2018/02/](https://www.biblegateway.com/passage/?search=1+Corinthians+6%3A9-11))
- January 2018 ([/2018/01/](https://www.biblegateway.com/passage/?search=1+Corinthians+6%3A9-11))
- December 2017 ([/2017/12/](https://www.biblegateway.com/passage/?search=1+Corinthians+6%3A9-11))
- November 2017 ([/2017/11/](https://www.biblegateway.com/passage/?search=1+Corinthians+6%3A9-11))
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11&version=NASB)), that is hardly its main theme. At least initially, a prosecutor would likely seek an easier target, and one more directly relevant to sexual orientation change efforts. In addition, it is likely that the Supreme Court (at least in 2018, as currently constituted) would strike down any effort to ban sales of the Bible.

Still, the argument that AB 2943 could, even theoretically, be used to ban sales of the Bible is an important one, if only because it demonstrates how sweeping and poorly written the bill is. That should be reason enough for California legislators to oppose it.

While the Bible *may* be safe in the short run, I have less confidence in the long run. Zack Ford is a homosexual activist and writer with *ThinkProgress* who wrote a piece (<https://thinkprogress.org/ex-gay-therapy-bible-ban-5edb911a36a6/>) claiming it is “nonsense” that AB 2943 would “ban the Bible.” Yet ironically, that same piece links to a 2016 article (<https://thinkprogress.org/what-happens-when-gay-people-are-told-that-homosexuality-is-a-sin-f2963a84d65b/>) Ford wrote asserting that “When Gay People Are Told That Homosexuality Is A Sin,” that “message alone is harmful.” The assertion that a piece of moral teaching from the Bible is not merely incorrect, but is tangibly “harmful,” seems like a way of laying the groundwork for legal restrictions upon that very biblical teaching.

Which Books *Would* Be Banned?

Even if sales of the Bible in California continue unhindered (for now), what about other books? As I have already stated, I think the argument is strong that AB 2943 could be used, generally, to ban the sale of certain books.

Take a look, for instance, at the books in the photo at the beginning of this post. This is just a sample of the books I pulled off my bookshelf, from the library I have accumulated in 17 years at Family Research Council. The books pictured are not just ones that deal generally with Christian moral teaching on sexuality. Unlike the Bible, these eight books are specifically and entirely about sexual orientation change efforts.

There can be no question that the sponsors of AB 2943 would prefer that books like this did not exist. Could the bill be used to ban their sale?

Some supporters of therapy bans (a number of which have been enacted in the wake of California’s action in 2012) have argued that they do not prevent someone from expressing the *opinion* that homosexuality is undesirable, or expressing the *opinion* that it can change, or even expressing the *opinion* that therapy can facilitate such change. All they ban is someone actually *undertaking* such efforts. So maybe a few of these books would escape California’s new censors.

But what about James E. Phelan’s *Practical Exercises for Men in Recovery of Same-Sex Attraction* (SSA)? This book appears to have no purpose *other* than actually bringing about sexual orientation change in the men who read it. Under AB 2943, how could California allow “any practice” that includes the “sale of” this particular “good?”

Banning Books is Totalitarian

In the past few weeks, Christians have been shocked by the possibility of a state banning the sale of the Bible.

But shouldn’t every *American* be shocked at the thought of a state banning the sale of *any* books based on their philosophical, religious, or moral viewpoint?

Banning books because one doesn’t like their message?

In the *United States of America*?

In this country, you can sell all kinds of books.

You can sell *Mein Kampf*, and *The Communist Manifesto*. Bookstores sell the celebration of sado-masochism of *Fifty Shades of Grey*, and the celebration of sodomy in Allen Ginsberg’s *Howl*.

But now, California might ban the sale of *Practical Exercises for Men in Recovery of Same-Sex Attraction*? Or ban *Coming Out Straight*—just because it says that for “those who struggle with their own same-sex attractions,” it will “open the door to a new, happier, and fulfilling heterosexual life”?

The idea of banning books—any books—because the authorities don’t like their message is totalitarian. In the United States of America, it should be unthinkable. California legislators should affirm that it is unthinkable—by voting “No” on AB 2943.

Banning Therapy is Totalitarian, Too

While the prospect of the Bible—or any books—being “banned” from sale has focused attention on AB 2943, I hope it will also bring people’s attention to the central issue:

Banning a client-chosen goal of therapy is just as totalitarian.

By framing their assault upon the freedom of therapists and clients as an exercise of the state’s power to regulate health care or (in the case of AB 2943) to prevent “consumer fraud,” LGBT activists have masked how unprecedented these therapy bans are in the history of American law or counseling.

Note that what these bills seek to outlaw is not a particular therapeutic technique. While advocates will tell stories (some of them far-fetched (<http://www.wnd.com/2013/03/transgendered-woman-lies-about-therapy-torture/>)) about being victims of “aversion therapy” techniques that have not been used in 40 or 50 years, the prohibition is not limited to “aversion therapy.” When pressed, sponsors must admit that they seek to outlaw ordinary talk therapy as well. What these laws and bills target is nothing more or less than a *goal*: “to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.” This is extraordinary.

Supporters of the bans will also imply that people are “coerced” into undertaking SOCE. That problem (if it exists) could be resolved by requiring “informed consent” before therapy. The prohibitionists reject that, insisting on banning *all* therapy, even if the client desperately wants it. (Can you imagine the outcry from some of these same activists on the Left if

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- August 2012 (/2012/08/)
- July 2012 (/2012/07/)
- June 2012 (/2012/06/)
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- April 2012 (/2012/04/)
- March 2012 (/2012/03/)
- February 2012 (/2012/02/)
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- March 2008 (/2008/03/)
- February 2008 (/2008/02/)
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conservatives argued, "Because some women are coerced into having abortions, the only solution is to prohibit any women from obtaining them"?)

Therapy bans violate freedom of speech for therapists, freedom of religion for clients and therapists, and the privacy of the therapist-client relationship.

They should outrage every freedom-loving American, and should be opposed by every legislator.

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