New Blackfriars

DOI:10.1111/nbfr.12380

Truth in transition? Gender identity and Catholic anthropology

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Abstract

There is no high level Magisterial teaching directly on gender dysphoria nor on gender non-conformity in matters of dress. Nevertheless, the relationship of gender identity to biology raises profound theological questions. Transitioning between gender roles has been construed as an attempt "to alter what is unalterable" and "to establish a false identity in place of one's true identity". However, the anthropological reality of incongruent gender identity is complex. It has something in common with body dysmorphia, something in common with the feminist criticism of gender roles, something in common with being a eunuch or with having a divergence of sexual development and something in common with homosexuality, but in each case with important differences. This paper sets out a further analogy, between legal gender recognition and legal adoption. Intellectual humility is required to help develop more adequate concepts in this area. At the same time, practical considerations require that one comes to a provisional judgement, at least, concerning this phenomenon. The analogies from divergences of sexual development and from adoption demonstrate that it is possible in principle to affirm the incongruent gender identity without being untruthful or contradicting a sound Catholic anthropology that is adequate to this complex human reality.

Keywords

Gender identity, transgender, Catholic, theology, anthropology, analogy, adoption, transition

The focus of this paper

Are there circumstances in which a Catholic who experiences gender dysphoria may licitly adopt the role, the forms of dress and of address, and the social status and identity of the gender with which he or she identifies? Or, conversely, is it always untruthful, contrary to

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https://doi.org/10.1111/nbfr.12380 Published online by Cambridge University Press

a sound anthropology or contrary to Catholic theological principles for a person to undergo gender transition? Closely related to these questions is a third: Can addressing someone in accordance with his or her acquired gender also accord with a Catholic understanding of the truth of the situation?

The focus of this paper is specifically on the question of how transitioning to the opposite social gender role can be understood in relation to Catholic anthropology. The way the question is presented therefore abstracts from clinical,[1] medical-ethical,[2] legal,[3] canon-legal,[4] pastoral or political considerations of gender identity. It abstracts from issues of surgery, marriage and sacramental practice. It deliberately starts not with the body and body image but with social aspects of gender as not everyone who transitions undergoes surgery whereas gender reassignment surgery always presupposes transitioning to the opposite gender role.

The paper does not examine gender roles or identities outside the binary of male and female. It does not consider the possibility of neuter, nonbinary or gender fluid identities,[5] nor the phenomenon of transient gender dysphoria in childhood and adolescence.[6] Before considering further complexity, it is necessary to consider the central case of transition, which is from male to female or from female to male, in a competent adult who persistently, consistently, and insistently identifies with the gender opposite to that which is congruent with her or his natal (that is, biological) sex.

I am aware that the topic of this paper is existential for someone who experiences or has experienced gender dysphoria, for those who are close to that person and for those who accompany him or her

[1] World Professional Association for Transgender Health, *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People, Seventh Version* (WPATH, 2011), www.wpath.org; Kenneth J. Zucker, Anne A. Lawrence, and Baudewijntje P. C. Kreukels, 'Gender Dysphoria in Adults', *Annual Review of Clinical Psychology* 12 (2016), pp. 217-247.

[2] Benedict Ashley, Jean Deblois, and Kevin O'Rourke, *Health Care Ethics: A Catholic Theological Analysis, 5th ed.* (Washington, DC: Georgetown University, 2006), pp. 110-111; Becket Gremmels, 'Sex Reassignment Surgery and the Catholic Moral Tradition: Insight from Pope Pius XII on the Principle of Totality', *Health Care Ethics USA* 24.1 (2016) 6-10; E. Christian Brugger, 'Catholic Hospitals and Sex Reassignment Surgery: A Reply to Bayley and Gremmels', *National Catholic Bioethics Quarterly*, 16 (2016), pp. 587-597; Moira McQueen, 'Catholic Teaching on Transgender (Gender Dysphoria)', *Bioethics Matters*, 14 (2016), pp. 1-4. David Albert Jones, 'Gender reassignment surgery: a Catholic bioethical analysis', *Theological Studies* forthcoming.

[3] Julian Rivers, 'Law, Religion and Gender Equality', *Ecclesiastical Law Journal*, 9.1 (2007), pp. 24-52.

[4] Urbano Navarrete, 'Transsexualism and the Canonical Order', *National Catholic Bioethics Quarterly* 14 (2014), pp. 105-6.

[5] Christina Richards et al., 'Non-binary or genderqueer genders', *International Review of Psychiatry* 28.2 (2016) pp. 95-102.

[6] WPATH, Standards of Care, p. 17.

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pastorally or professionally. In practice it may well be that concrete clinical and pastoral considerations will shape, and perhaps determine, how best to act and how best to support someone in this situation. Nevertheless, this area is also one that raises fundamental questions of theology and addressing such questions is relevant to how one understands the clinical evidence and how one frames a pastoral response. There is merit in first considering the fundamental and in-principle question of whether it is possible to give an account of gender transitioning that is compatible with a Catholic anthropology.

Magisterial teaching on gender identity

There is no high level Magisterial teaching directly on the concept of gender identity nor is there authoritative teaching on the proper moral theological response to gender dysphoria.[7] This is not altogether surprising as the concept of gender identity was only developed in the second half of the twentieth century, legal accommodation of "transsexual" or "transgender" identity was minimal until the first decade of the twenty-first century[8] and the political and media profile of the issue did not attain its current prominence until the second decade of the twenty-first century.

Though "sex change" surgery became established in Europe in the 1950s and in the USA in the 1960s, the numbers remained small and the practice received little attention from Catholic theologians and none from twentieth century popes or Vatican departments. It was not until 2000 that the Congregation for the Doctrine of the Faith offered guidance on canon-legal aspects of "transsexuality" and then only in a *sub secretum* document for national episcopal conferences, not in a public teaching document.[9] Much media attention was generated by a case in 2015, when a bishop in Spain refused permission for someone who had transitioned, undergone surgery, and married in the acquired gender to act as a godparent.[10] However, it should be noticed that this was a specific case decided by a local bishop. While the Congregation for the Doctrine of the Faith responded to the bishop supporting his decision, and the bishop quoted their reply in a press release, the Congregation itself has made no public pronouncement on this case nor on the issue more generally.

[7] Jones, 'Gender reassignment surgery'.

[8] For example, in the Gender Recognition Act 2004.

[9] This document is not in the public domain but seems to have been based on Navarette, 'Transsexualism and the Canonical Order'.

[10] 'Vatican says 'no' to transsexual godparents amid Spain controversy', *Catholic News Agency* 2 September 2017, http://www.catholicnewsagency.com/news/vatican-says-no-to-transsexual-godparents-amid-spain-controversy-54280/.

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It is only in the past five or six years that there has been any papal teaching in relation to gender identity, and typically this has been oblique. In 2012 Pope Benedict XVI warned of "a new philosophy of sexuality" according to which sex is "no longer a given element of nature" but is "a social role that we choose for ourselves".[11] This theme was taken up by Pope Francis in a series of addresses[12] and especially in the encyclical *Amoris Laetitia*:

> Yet another challenge is posed by the various forms of an ideology of gender that "denies the difference and reciprocity in nature of a man and a woman and envisages a society without sexual differences, thereby eliminating the anthropological basis of the family. This ideology leads to educational programs and legislative enactments that promote a personal identity and emotional intimacy radically separated from the biological difference between male and female. Consequently, human identity becomes the choice of the individual, one which can also change over time." ... It needs to be emphasized that "biological sex and the socio-cultural role of sex (gender) can be distinguished but not separated."[13]

Pope Francis thus identifies a bundle of errors that seem to be at work in some accounts of gender and in some advocacy of gender transition. These errors include the denial of sexual differences, the denial of the reciprocity between men and women, and accounts of gender that are "radically separated" from biological sex. Underlying these, the error that Pope Francis, following Pope Benedict, condemns most clearly and repeatedly is the claim that sexual identity is a matter of individual choice rather than something to be accepted from God as a given. However, papal teaching in this area focuses almost exclusively on certain erroneous theories of gender and the propagation of these errors by governments and by educational institutions. Only occasionally, and only in interviews rather than in authoritative documents, has Pope Francis addressed the phenomenon of gender dysphoria as a clinical and human reality for some people. There are people who experience a persistent, consistent and insistent sense of identity incongruent with their biological sex, as evident in their physiology, an incongruity which is not something they have chosen

[11] Benedict XVI, 'Address to the Roman Curia', (December 21, 2012), http://w2.vatican.va/content/benedict-xvi/en/speeches/2012/december/documents/hf_ben-xvi_spe_20121221_auguri-curia.html.

[12] Collated by the United States Conference of Catholic Bishops as '"Gender Theory" /"Gender Ideology" – Select Teaching Resources' (1 February 2017), http://www.usccb.org/issues-and-action/marriage-and-family/marriage/promotion-and-defense-of-marriage/upload/Gender-Ideology-Select-Teaching-Resources.pdf.

[13] Francis, *Amoris Laetitia* (19 March 2016), section 56. https://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia.html.

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but is often experienced precisely as a "given element" of their constitution.

More generally, it is also important to note that there are different forms of gender theory and that some distinction between gender and sex is compatible with Catholic teaching. This is implicit in the dictum, "biological sex and the socio-cultural role of sex (gender) can be distinguished but not separated." Gender is the socio-cultural role of sex and hence gender is conceptually related to sex and cannot be understood apart from the biological reality of sexual difference. On the other hand, gender is distinct from and is not to be reduced to biology. For, "the configuration of our own mode of being, whether as male or female, is not simply the result of biological or genetic factors, but of multiple elements having to do with temperament, family history, culture, experience, education, the influence of friends, family members and respected persons, as well as other formative situations".[14]

Rigid gender roles and gender non-conforming behaviour

While celebrating the differences between men and women, Pope Francis accepts that stereotyped gender roles can be and have been oppressive, especially to women, and that such roles need to be healed or revised where they restrict human flourishing.

> A rigid approach turns into an over-accentuation of the masculine or feminine and does not help children and young people to appreciate the genuine reciprocity incarnate in the real conditions of matrimony. Such rigidity, in turn, can hinder the development of an individual's abilities, to the point of leading him or her to think, for example, that it is not really masculine to cultivate art or dance, or not very feminine to exercise leadership. This, thank God, has changed, but in some places deficient notions still condition the legitimate freedom and hamper the authentic development of children's specific identity and potential.[15]

Drawing on his own experience, the Pope acknowledges that, "in the popular cultures of Catholic peoples, we can see deficiencies which need to be healed by the Gospel: machismo, alcoholism, domestic violence . . . "[16] He also recognizes that, "history is burdened by the excesses of patriarchal cultures that considered women inferior".[17] The Pope therefore accepts that feminism, and thus, implicitly, feminist accounts of gender, has played an important

[14] Francis, *Amoris Laetitia*, section 286.
[15] Francis, *Amoris Laetitia*, section 286.
[16] Francis, *Evangelii Gaudium* (24 November 2013), section 69.
[17] Francis, *Amoris Laetitia*, section 54.

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role in disclosing the equal dignity of women. "If certain forms of feminism have arisen which we must consider inadequate, we must nonetheless see in the women's movement the working of the Spirit for a clearer recognition of the dignity and rights of women".[18]

One of the most obvious cultural markers of gender is outward attire. Men and women typically wear different clothes. There may be some practical garments that are worn by men and women but in virtually all places and times there will be clothes associated with one or other gender. Dressing in the clothes of the opposite gender transgresses a common conventional standard of decency and easily gives offence, especially if it is done or is perceived to be done out of sexual motive. Nevertheless, there is no mention of cross-dressing in the Catechism nor in any other vehicle of contemporary Magisterial teaching and theological discussion of this issue has tended to be pragmatic.

The book of Deuteronomy prohibits the practice: "A woman shall not wear anything that pertains to a man, nor shall a man put on a woman's garment; for whoever does these things is an abomination to the Lord your God."[19] However, it is unclear in context whether this is understood as a moral transgression, perhaps associated with sexual misconduct or idolatrous rituals, or whether it is part of the customary or ritual law, and expresses a concern to keep behaviour within ordered categories. It is noteworthy that later in the same passage the law prohibits sowing mixed seed or wearing mixed fabrics "You shall not sow your vineyard with two kinds of seed... You shall not wear a mingled stuff, wool and linen together."[20] These prohibitions seek to express and to maintain a sense of order but, clearly, they are culturally specific and not enduring elements of the moral law.

Ambrose, in a work in praise of virginity, tells of a soldier who changes clothes with a virgin so that she can escape from a house of ill-repute.[21] Both subsequently embrace martyrdom. Ambrose uses this story to reflect on the virgin martyr as a soldier and the soldier who embraces Christianity as being clothed by virgin purity. Ambrose thus presents one of the bystanders as saying, "A maiden entered, now a man is to be seen here... in truth a virgin [has] become a soldier. I had heard but believed not that Christ changed water into wine; now He has begun also to change the sexes."[22] What are changed

[18] Francis, *Amoris Laetitia*, section 54.
[19] Deuteronomy 22:5.
[20] Deuteronomy 22:9, 22:11.
[21] Ambrose, 'Concerning Virginity' II.4.
[22] Ambrose, 'Concerning Virginity' II.4 (31) translation from *Nicene and Post-Nicene Fathers* II.10.

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here are not the biological sexes but the stereotyped gender roles, the virgin and the soldier taking something from one another.

Perhaps the most famous of gender non-conforming saints was Joan of Arc who donned not only a soldier's attire but also the role of military strategist in the French campaign against the English. Having been captured, she was tried for heresy, partly on the basis of her unorthodox manner of dress. Her trial and execution were crude examples of victor's justice, a travesty of due process even by the standards of the day. After the war, Pope Callixtus III took the unusual step of authorizing a posthumous retrial. This second trial not only vindicated Joan's innocence but also presented a more nuanced theologically account of the possibility of wearing clothes of the opposite gender. According to Thomas Aquinas, the virtue of dressing appropriately to one's role or status is "referable to the virtue of truthfulness".[23] Cross-dressing is thus sinful because it contradicts customary expressions of social status, but also "since this may be a cause of sensuous pleasure".[24] Nevertheless, it may be done without sin "on account of some necessity, either in order to hide oneself from enemies, or through lack of other clothes, or for some similar motive".[25] There are thus various contexts that may necessitate wearing clothes associated with the opposite gender.

In the context of gender dysphoria, the primary motive for dressing as the opposite gender is not "sensuous pleasure" but is to ameliorate great distress and to express a sense of identity. Furthermore, the possible consequences of this distress, if not ameliorated, and especially the possibility of serious self-harm, constitutes a "necessity" for dressing in this manner without sin. The life of the body is more important than how it is clothed (Luke 12.23).

In the mid twentieth century it was sometimes thought scandalous for a woman to wear trousers and it seems that Cardinal Siri, Archbishop of Genoa, spoke out against the practice in a notification of 1960.[26] However, Elizabeth Anscombe, perhaps the greatest Catholic philosopher of the twentieth century and well known for her defence of the Church's teaching on marriage and family life,

[23] '*possunt reduci ad virtutem veritatis*' see Thomas Aquinas *Summa Theologiae* IIa IIae 169 art. 1 ad 3.

[24] Aquinas, *Summa Theologiae* IIa IIae 169 art. 2 ad 3.

[25] Aquinas, *Summa Theologiae* IIa IIae 169 art. 2 ad 3.

[26] If this was promulgated at the time it had little impact, but a translation dated 1997 which appeared in the traditionalist work by Rita Davidson *Immodesty: Satan's Virtue*, (McDonalds Corners, ON, Canada: Little Flowers Family Press, 2003), pp. 127-134 has since been shared widely in the Catholic media and social media. See, for example, Francis Phillips, 'In 1960 Cardinal Siri urged women not to wear trousers. I think he may have had a point', *Catholic Herald blog* 5 December 2011. http://www.catholicherald.co.uk/commentandblogs/2011/12/05/in-1960-cardinal-siri-urged-women-not-to-wear-trousers-he-may-seem-like-a-blimp-now-but-i-suspect-he-had-a-point/.

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was also notorious for her disregard for conventional gender norms in manners and in dress. She kept her maiden name, smoked cigars, frequently sported a monocle, and habitually wore trousers.[27]

Gender non-conformity in matters of manners and dress is clearly not a moral absolute. Thankfully, the sanest view in this area is also the most authoritative coming from Pope Nicholas I in a letter seeking union with the Bulgars:

> We [do not] desire to know what you are wearing except Christ — for however many of you have been baptized in Christ, have put on Christ . . . in our books, pants (*femoralia*) are ordered to be made, not in order that women may use them, but that men may . . . but really do what you please. For whether you or your women wear or do not wear pants (*femoralia*) neither impedes your salvation nor leads to any increase of your virtue.[28]

There are virtues associated with dressing appropriately and vices associated with dressing inappropriately, but it is clear that such virtues and vices are context dependent. More fundamentally, these virtues are subordinate to the ruling virtues of faith, hope and charity by which we "put on Christ" (Galatians 3:27). Gender non-conformity in matters of dress is thus compatible with Catholic doctrine where it is in conformity with faith, hope and charity.

The *prima facie* anthropological problem

A good case can be made that gender non-conformity in matters of dress is justifiable in exceptional circumstances and that the suffering caused by gender dysphoria might constitute such a circumstance. However, the project of transitioning to the opposite gender role is much more than a matter of outward dress. It is a matter of social identity. The person who transitions does so in order better to express his or her sense of identity. Whether or not there are legal provisions that facilitate or recognize this social change, the key element of transition is the acknowledgement by others of this new public gender identity.

It is the question of identity, and the relationship of biology and gender identity that raises the most profound theological questions. It

[27] David Albert Jones, 'Portrait of a Catholic philosopher', *Pastoral Review* 2.3 (May/June 2006), pp. 51-55. 'There is a story that once, entering a smart restaurant in Boston, she was told that ladies were not admitted in trousers. She proceeded to take them off.' http://www.bioethics.org.uk/page/about_us/about_elizabeth_anscombe.

[28] The Responses of Pope Nicholas I to the Questions of the Bulgars A.D. 866 (Letter 99)Translated by W. L. North (1998) from the edition of Ernest Perels, in MGH *Epistolae* VI, Berlin, 1925, pp. 568-600. Internet Medieval Source Book. https://sourcebooks.fordham.edu/basis/866nicholas-bulgar.asp.

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is not difficult to justify gender non-conforming behavior, in specific contexts and for specific reasons. It is much more difficult to see how a person's true gender identity could be divergent from a person's biological sex. Biological sex is a feature of the human body, given at birth.[29] The socio-culture gender roles assigned to men and women can be oppressive, and are in constant need of revision, but the very possibility of distinguishing individuals as male and female reflects an underlying feature of human biology. The concept of gender role, while distinct from biological sex, thus seems to require the biological concept as an anchor. Severing the ties between gender and sex would leave "gender identity" entirely subjective, cut off from the body and without clear or stable meaning.

Catholic doctrine places limits on how one understands sex, gender and the human body. In the light of authoritative Catholic teaching, no anthropology is theologically adequate that denies the goodness of the human body[30] or that denies that the human soul is the form of the human body (*forma corporis*).[31] Someone who is biologically male but "contends that he has a female mind or soul"[32] thus holds a view of the soul that is at odds with Catholic dogma. On a Catholic view, it seems, the person is male or female in virtue of having a male or female body, and the soul is male or female due to its relationship with the body.[33] Purely spiritual being, such as that of angels or the Divine nature, is neither male nor female.

Drawing on the Catholic understanding of body and soul, and the teaching of Pope Francis that human identity is not a matter of "the choice of the individual"[34] some Catholic theologians have therefore argued that gender transition is impermissible because it necessarily

[29] It can readily be admitted that there are people whose biological sex is ambiguous or uncertain due to a physiological divergence of sexual development (also known as an "intersex" condition). In most cases of divergences of sexual development either male or female characteristics predominate but in very rare cases of ovotestes it may even be the case that the person is neither male nor female, biologically speaking. Nicanor Austriaco, 'The Specification of Sex/Gender in Human Beings: A Thomistic Analysis', *New Blackfriars* 94 (2013), pp. 701-715. Nevertheless, gender dysphoria is not generally coincident with an overt physiological divergence of sexual development. Typically, the dysphoric person appears unambiguous physiologically but experiences a sense of gender identity incongruent with his or her natal biological sex. The analogy between gender dysphoria and divergences of sexual development is explored later in this paper.

[30] *Catechism of the Catholic Church* paragraph 364; *Gaudium et Spes* section 14; Creed of Lateran IV (1215).

[31] *Catechism of the Catholic Church* paragraph 365; Council of Vienne (1312).

[32] Edwin F. Healy, *Medical Ethics* (Chicago: Loyola University Press, 1956), p. 135.

[33] Elliott L. Bedford and Jason T. Eberl, 'Is the Soul Sexed? Anthropology, Transgenderism, and Disorders of Sex Development', *Health Care Ethics USA* 24.3 (Summer 2016), pp. 18–33; Edward J. Furton, 'The Soul Is Not Sexed', *Ethics and Medics* 41.11 (November 2016), pp. 3–4; Elliott L. Bedford and Jason T. Eberl, 'Actual Human Persons Are Sexed, Unified Beings', *Ethics and Medics* 42.10 (October 2017), pp. 1-3.

[34] Francis, *Amoris Laetitia*, section 56.

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involves the adoption of a false identity. According to this view "if I relate to or affirm a man as a woman because he is under the impression that he is a woman, then I relate to him according to a falsity".[35] Transitioning is thus construed as an attempt "to alter what is unalterable, to establish a false identity in place of one's true identity, and so to deny and contradict one's own authentic human existence as a male or female body–soul unity".[36]

Sed contra: understanding requires an adequate conception of gender identity

Wittgenstein once remarked "That I am a man and not a woman can be verified, but if I were to say I was a woman, and then tried to explain the error by saying I hadn't checked the statement, the explanation would not be accepted".[37] There is no evidence that Wittgenstein had any interest in, or was even aware of, the phenomenon of gender dysphoria. The remark is not intended as a serious reflection on how or why someone who appears physiologically male could identify as a woman. The example is chosen for the opposite reason: Wittgenstein took the question of whether someone is a man or is a woman to be something about which the person could not make a mistake, or at least could not make a simple mistake due to not having checked.

That someone can know, without having to check, that he is a man or that she is a woman, is so fundamental a belief that it shapes one's frame of reference, one's whole world view. However, the fact that some beliefs are basic in this way does not mean that they are necessarily true or well-grounded nor that someone could not come to question them. It is rather that changing one's belief on such matters requires a kind of intellectual conversion by which one is "brought to look at the world in a different way".[38]

The key anthropological question, set out above, is whether someone could not only honestly but also *truthfully* identify as the gender incongruent with their sex at birth. Truth was defined by William of Auvergne as *adaequatio intellectus ad rem*.[39] Another way to frame this question is thus whether our current understanding of

[35] Brugger, 'Catholic Hospitals', p. 590.

[36] National Catholic Bioethics Center (NCBC), 'Brief Statement on Transgenderism', *National Catholic Bioethics Quarterly* 16 (2016) pp. 599-603, at p. 601.

[37] Ludwig Wittgenstein *On Certainty* section 79.

[38] Wittgenstein, *On Certainty* section 92.

[39] Aquinas preferred the definition *adaequatio intellectus et rei* (for example *Summa Theologiae* I, qu. 16, art. 1) and it is arguable that these formulations do not differ in content. The formulation of William of Auvergne is cited here in part on account of its historical precedence but also because of its similarity to the English idiom ('adequate to').

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gender identity conforms with reality. More particularly, the question is whether we have concepts that are adequate to the phenomena of incongruent gender identities.

Multiple analogies

It seems clear that many accounts of incongruent gender identity are inadequate, and that such inadequacy frequently stems from relying too much on a partial analogy. For example, gender dysphoria is sometimes regarded as a form of body dysmorphia. Facilitating gender transition has thus been compared with giving an anorexic liposuction[40] or with amputating a health limb for someone who desires to have only one arm.[41] However, this analogy fails in a least two respects. In the first place, the state which is desired in anorexia or in those who seek amputation is objectively less healthy, whereas the person who transitions typically desires to have the healthy body of the opposite sex (even if this desire cannot be fulfilled in practice). In the second place the analogy neglects to address the *reason* for the dissatisfaction with the body. The condition of *gender* dysphoria concerns first the question of gender identity and only secondarily, and not in all cases, a subsequent dissatisfaction with the body.

All analogies limp, and an analogy, even if apt, is apt only in certain respects. Nevertheless, analogies offer a way to gain some understanding of a reality by reference to cases that are understood better. What is needed is not the eschewing of all analogies, nor the search for a perfect analogy that will be apt in all respects. What is needed is, rather, an exploration of different analogies that help to correct or complement one another.[42] The analogy with body dysmorphia can thus be accepted, up to a point, for gender dysphoria frequently involves distress over bodily appearance. It could be said that gender dysphoria has something in common with some forms of body dysmorphia but there is also difference and more complexity (in that gender dysphoria cannot be understood without reference to the concept of "gender").

[40] Paul McHugh, 'Transgender surgery isn't the solution', *Wall Street Journal*. 12 June 2014.

[41] E. Christian Brugger, 'Catholic Hospitals and Sex Reassignment Surgery: A Reply to Bayley and Gremmels', *National Catholic Bioethics Quarterly*, 16 (2016), pp. 587-597 or, more sympathetically, Robert Song, 'Body Integrity Identity Disorder and the Ethics of Mutilation', *Studies in Christian Ethics* 26 (2013), pp. 487-503.

[42] The method adopted here draws on that which Aquinas applies to divine truths (see especially *Summa Theologiae* I, qu. 1 a.9; q.13, a.5, see also Herbert McCabe, 'Appendix 4: analogy' in Thomas Aquinas, *Summa Theologiae: volume 3 - knowing andnaming God, (1a. 12-13)*. (London: Eyre & Spottiswoode, 1964), pp. 106–7).

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Contemporary discussions of the concept of gender have their roots in late twentieth century feminism. It was feminists, seeking to highlight the contingent relation between sexual characteristics and the divergent social roles given to men and women, who helped shape the now familiar distinction between (biological) sex and (socio-cultural) gender. A common starting point for such reflection is the remark of Simone de Beauvoir that "one is not born, but rather becomes, a woman".[43] Beauvoir was not denying that there are innate biological differences between the sexes but was drawing attention to the extent to which the understanding and expectations of what it is to be a woman (or a man) are socially conditioned. Accounts of gender identity that accommodate identities incongruous with the body have something in common with such feminist accounts of gender. There is an analogy here but there is also difference[44] and more complexity (in that the phenomena of incongruent gender identities concern not only gender roles but the more fundamental question of identity).

A striking example of the cultural accommodation of a gender role and identity for people of incongruent gender is that of eunuchs in the ancient world or hijra in contemporary India. There are a number of references to eunuchs within the Scriptures, perhaps the most memorable being the saying of Jesus that, "there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven" (Matthew 19.12). The context of this saying is not a particular concern with eunuchs in a physical sense but is the analogy they provide for Christians who renounce marriage for religious reasons. Nevertheless, if taking on the role of a eunuch can be a virtue, those who are eunuchs from birth or made so by men are at least to be included within the community. In the law of Moses, eunuchs were excluded from the assembly of the Lord (Deuteronomy 23.1, Leviticus 21.20). In contrast Philip baptizes the Ethiopian eunuch showing how the gospel transcends the existing limits of the community (Acts 8.26-40). This clearly has implications for the acceptance within the Church of those who experience gender incongruence. Nevertheless, care is needed in the interpretation of

[43] Simone de Beauvoir, *The Second Sex* (New York: Vintage Books, 1973), p. 301.

[44] Indeed, this difference is such that there is a significant strand of radical feminist thought that considers transition between genders to contradict the fundamental insight of Simone de Beauvoir. Janice Raymond in *The Transsexual Empire: The Making of the She-Male* (New York: Teachers College Press, 1979) argued that the transition for male to female social and legal gender status presupposes and thus reinforces received conceptions of gender and of gender roles. It is outside the scope of this paper to engage with these subtle and tradition-specific arguments, but it is important to highlight the fact that there are different theories of gender within modern culture and the concept of incongruent gender identity is in tension with the gender theory developed by prominent twentieth-century feminists.

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cultural categories separated in time and place from modern Western society. Furthermore, even inasmuch as these cultural forms provide a place in society for males who feel alienated from their natal sex and assigned gender, this is not by allowing transition to the opposite gender role. Rather, as the hijra show very vividly, they constitute a third cultural possibility, a caste that is neither recognized as male nor as female. There is an analogy between these cultural forms and gender incongruence but also difference and more complexity.

The reference to those who are eunuchs "from birth" points to another analogy, that between transgender identity and physiological divergences of sexual development. The existence of such conditions demonstrates that the biological distinction between the sexes is not exemplified in a straightforward way in all individuals. Some people possess both male or female biological characteristics, and, in some cases, it is not clear which characteristics are predominant. People with gender dysphoria typically do not show the physiological ambiguities present in divergences of sexual development. Nevertheless, the question remains as to whether there is an *analogy* between the overt physiological divergences and the psychological divergences of gender incongruence, where these are persistent, consistent and insistent. In matters of psychology there is always an interplay of nature and nurture. Psychological development presupposes the presence of innate dispositions or inclinations, or the developmental potential for such dispositions and inclinations. Science in this area is controversial but the consensus is that gender identity reflects both biological and environmental factors.[45] Inasmuch, therefore, as gender dysphoria results from innate or very early environmental factors (including the environment in utero) there seems to be something in common between incongruent gender identity and divergences of sexual development but there are also differences and more complexity (for the biological aspects of gender identity do not take the form of simple or well-defined genetic or physiological features).

The analogy which is perhaps most frequently invoked to situate gender identity is that with sexual orientation. This analogy is evident in the initialism LGBT, which reflects not only an ad hoc political coalition but also an analogous divergence from the heteronormative model of marriage as a union of male and female, understood in biological terms. However, a problem with the analogy with sexual orientation is that it seems to imply that gender incongruence is primarily a matter of sexual desire or sexual activity, rather than a matter of identity. Similarly, it seems misleading to conflate cross

[45] Gönül Öçal, 'Current concepts in disorders of sexual development', *Journal of Clinical Research in Pediatric Endocrinology*, 3.3 (2011), pp. 105–114 see also Kenneth J. Zucker, Anne A. Lawrence, and Baudewijntje P. C. Kreukels, 'Gender Dysphoria in Adults', *Annual Review of Clinical Psychology* 12 (2016), pp. 217-247.

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dressing where this is a cultural expression of homosexuality with the manner of dress of someone who wishes thereby to express his or her gender identity. Where someone who has transitioned wishes to marry in their acquired gender, the question arises as to whether this is, or is analogous to, same-sex marriage and thus to moral and political reflection on sexual orientation, but there are also significant differences here, and more complexity. Gender identity does not imply any disposition towards sexual activity.

One of the differences between diversity in sexual orientation and diversity in gender identity is that the former does not imply any dissatisfaction with one's body of a kind that might be alleviated by medical or surgical interventions. The analogy with homosexuality is sometimes invoked by people who wish to "depathologize" diverse gender identity. However, while the medical model of gender dysphoria may be only one aspect of a complex human reality, it is widely accepted that gender dysphoria does affect someone's healthcare needs and desires. In contrast, in the case sexual orientation there is no analogy to the desire for hormone therapy or for gender reassignment surgery. The current paper is not concerned with the ethics of such interventions, but it might be noted that in discussion of these interventions it is common to invoke the analogy with cosmetic surgery and the analogy with elective sterilization for contraceptive purposes. In the light of the considerations developed here it should be acknowledged that such analogies are partial and further argument is necessary to assess how far they are apt and what moral conclusions might follow.[46]

A further analogy

Consider the fundamental biological relationship of parenthood and of being the offspring of parents. Relationships of biological origin are unalterable and constitutive elements of a person's identity. People are identified, and identify themselves, by refence to their parents and grandparents. Some people may choose to trace their ancestry back further and people can suffer if they are denied access to knowledge about their ancestry or their biological origins.[47] The very idea of parental roles and responsibilities is founded on a biological relationship. Concomitantly, children have a fundamental human right to know and be cared for by their natural parents as far as this is possible.[48] This is very widely accepted legal and moral principle. These

[46] On the ethics of surgery see Jones, 'Gender reassignment surgery'.

[47] Evident, for example, in the title of the volume edited by Alexina McWhinnie *Who am I?: Experiences of Donor Conception* (Lemington Spa: Idreos Education Trust, 2006).

[48] United Nations Convention on the Rights of the Child Article 7.1.

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relationships are not chosen, and are not always easy, but they are the constitutive unchosen relationships through which people come to know themselves.

Fully acknowledging the central human importance of these biological relationships, there are circumstances in which children are orphaned or their parents are not able to care for them. In these circumstances a child may be adopted to become, for most practical purposes, the son or daughter of the adopting parents. Once a child has been adopted it will be *true* to say, "this is my son" or "this is my daughter" (not by equivocation but by a real though partial analogy). Such acquisition of familial identity is indeed the very point and meaning of adoption. The child will also acquire an identity within the extended family as niece or nephew, cousin, grandchild. Adoption relates to social and personal identity and children who have been adopted may have difficulty negotiating adolescence and may seek to know more about their biological parents. Even where they develop happily and securely they will remain aware of a double identity, adoptive and biological. Nevertheless, the adopted identity is not a false identity. It has its own social reality and authenticity. Someone who has been raised within a family as their own son or daughter *is* their son or daughter, notwithstanding that the child also has a distinct natal, biological basis of identity.[49]

The example of adopted identity provides a potential analogy for gender transition. There are of course many differences between these social and legal institutions and the needs they exist to address, and this analogy needs to be taken together with the analogies set out above, and perhaps with others. Nevertheless, this analogy seems apt in this respect – that in both cases a social identity is recognized that is distinct from the natal identity. Legal identity is reassigned, not with the intention of denying biological reality or erasing personal history but to address the needs of an individual who, for some reason, cannot flourish with the identity assigned at birth.

Clearly adoptive parenthood is modelled on the prior biological relationship. For this reason, the institution of adoption does not render terms such as "son" and "daughter" meaningless or radically subjective. The link between biological parenthood and parental roles comes first, but then these roles can be adopted in cases where a child's natural parents are not able to fulfil them. In an analogous way, there is a prior relationship between gender identity and biological sex which anchors the concept of gender. Nevertheless, this essential and conceptual link does not prevent the social gender identity being reassigned, for certain purposes, in exceptional circumstances.

[49] Adoption, and the reality of the new identity it creates, also provides an analogy for the life of grace which is a true participation in the life of the Holy Trinity (for example in Galatians 4:4-5; Romans 8:14-17; John 1:12-13).

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A tentative conclusion

This paper has attempted to address the need for a Catholic theological analysis of gender identity in the case of persons who experience persistent, consistent and insistent gender dysphoria. The experience of gender dysphoria may not be new, but it has only very recently been the subject of theological reflection and there is little if any direct Magisterial teaching on this issue.

Recent papal teaching on "gender theory" or "gender ideology" addresses certain philosophical or educational errors about sex and gender but does not consider the situation of the person with persistent gender dysphoria. In general and for the most part the Magisterium acts by settling, or by setting limits to, debates among the faithful and its pronouncements thus presuppose an ongoing theological discourse. In relation to gender identity, however, such a discourse scarcely exists. There is an urgent need therefore for further theological reflection on this issue in order to inform future development of doctrine in this area.

The present paper is a contribution to this reflection and it is anticipated that others will find and criticize weak points in the argument or assumptions that require further justification. My hope is that this paper will catalyze a broader discussion and encourage others to develop their own accounts. The account offered here must be tested by theological debate and where errors are identified, whether in debate or by action of the Magisterium, then I hope this too will be a contribution. Nothing in the present paper should be interpreted as encouragement to depart from the Catholic tradition or the past, present or future authoritative teaching of the Magisterium.

In relation to gender-specific modes of dress, the Catholic tradition is flexible and pragmatic in a way that provides scope for social gender transitioning. What is more problematic is the question of whether expressions of incongruent gender identity could truthfully express the anthropological reality.

In the case of persons with a sense of identity that is incongruent with their sex at birth and the gender in which they have been reared, it is essential to recognize that the anthropological reality is complex. Incongruent gender identity has something in common with body dysmorphia (but also important differences), something in common with the feminist criticism of gender roles (but also important differences), something in common with being a eunuch or with having a divergence of sexual development (but also important differences) and something in common with homosexuality (but also with important differences). It has been argued here that transition of gender role and legal gender recognition also has something in common with legal adoption, though clearly there are important differences here too. Gender identity thus relates to, but adds further

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complexity to, all these issues and thus demands intellectual humility so that one can acknowledge the need for further study and the need for the development of more adequate concepts in this area. Nevertheless, for practical, pastoral and political reasons it is necessary to come to a judgement about the phenomenon, even if tentative and provisional. Such a conclusion will be based on a combination of analogies.

The possibility of construing gender dysmorphia as a divergence of sexual development was raised forty years ago by the theologian Albert Moraczewski: "if the biological interpretation of transsexuality is correct to any considerable degree, then there might be a basis for saying that... a sex change operation would be corrective and be similar to other operations which seek to compensate for, or overcome, a difficulty that is genetic or embryological in origin."[50] In this context it is useful to consider the reflections of Benedict Ashley, Jean Deblois and Kevin O'Rourke on divergences of sexual development. They considered the case of children who had come to reject and resent the hormonal and surgical interventions made to their bodies before they could consent.

> The victims themselves need counseling that will enable them to accept their actual condition or, if they prudently decide that their parents made a mistake, assume the gender that is most appropriate and practical. If surgical or medical treatment, cosmetics, or clothing that enables them to assume the chosen gender role is feasible, it is ethically justified but they must remain celibate if their condition makes... marriage impractical.[51]

It has not been argued here that gender dysphoria *is* a divergence of sexual development (for in some ways these diagnoses are quite distinct). What has been argued is that these conditions are *analogous* in certain morally relevant respects. From a moral-theological perspective the key question is not whether gender identity is predominantly shaped by genetics or the environment in utero, or whether it is shaped more by the early psychological environment or by later experiences. The key question is whether gender identity represents a stable and deep-rooted aspect of personality that is not chosen but experienced as a given and, while it may change over time, is not changeable by therapy or by acts of the will.

The analogy with divergences of sexual development reminds us that there are individuals who, for developmental reasons, do not fit

[50] Albert S. Moraczewski, '"Sex Change" Operations', *Ethics & Medics* 2 (1977), pp. 4-5 at 5.

[51] Ashley, Deblois, and O'Rourke, *Health Care Ethics*, pp. 112-113. Though it should be noted that, on the basis of their reading of the clinical evidence, Ashley, Deblois and O'Rourke argue against reassignment surgery for people with gender dysphoria.

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easily into the sexual binary of male and female. The distinction between male and female is an aspect of human nature is good and created by God, and it finds its perfection in the relationship of marriage.[52] It is this fundamental orientation at the level of human nature that grounds sexual ethics and the theology of marriage. Nevertheless, if human beings, as male and female, are oriented to the good of marriage this does not imply that every human being is so oriented, in the sense of being called to marriage or even of being able to marry. There are some who are eunuchs by birth. The injunction to all to acknowledge and accept one's sexual nature[53] does not imply the denial of physiological divergences of sexual development and should not imply the denial of divergences in psychological dispositions or incongruent gender identity.

Far from a failure of self-acceptance, the recognition of gender incongruence can be an honest acknowledgement of dispositions that are real and deep-rooted aspects of a person's character. In a particular case, someone who transitions may fail to acknowledge his or her history and biology and most will wish to be discreet about how, when or if to disclose it to others. Nevertheless, in itself, gender transition need not involve any deception or dishonesty. It can be an honest expression of a persona.

The analogy with adoption, sketched out in this article, offers a complementary insight which focuses not on the individual and biological but on the social and cultural reality of gender identity. Gender identity is related conceptually and necessarily to the biological distinction between the sexes. Analogously adoptive parenthood is related conceptually and necessarily to the biological relationship of parent and offspring. Nevertheless, the cultural and legal concept derived from the biological identity and attendant relationships, can be extended or re-applied by society.

In relation to the central anthropological question raised above, it should be noted that adoption is not an attempt "to alter what is unalterable, [or] to establish a false identity in place of one's true identity".[54] It need not deny or contradict "one's own authentic human existence" as a child of biological parents. If I "relate to or affirm" a man as a child of someone, when he is the adopted rather than the biological child of that person, I do not "relate to him according to a falsity".[55] In the same way, affirming of acquired gender need

[52] *Catechism of the Catholic Church* paragraph 2333. Pope John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. Michael Waldstein (Boston: Pauline Books & Media, 2006) No. 9:3.

[53] *Catechism of the Catholic Church* paragraphs 2333, 2393; Francis *Laudato Si'* (24 March 2015), section 155.

[54] NCBC, 'Brief Statement' p. 601.

[55] Brugger, 'Catholic Hospitals', p. 590.

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not involve any untruthfulness, it is just that the truth will have a different and more complex basis.

It should also be noted that there can be cases where the adopted child is also biological kin (for example the child of a deceased relative). It is even possible to imagine a case in which a person who adopts is also the biological parent, though this is not recognized in law (for example, due to how the law deals with assisted reproductive technology) and so the person is led to adopt his or her own biological child. That social identity can be recognized by legal process does not imply that the legal assignment of identity is arbitrary. In the case of gender recognition, it is an attempt to provide for persons with gender dysphoria, a complex phenomenon which, in some people, if not certainly innate, is certainly persistent, consistent and insistent.

In an interview Pope Francis once referred to receiving a letter "from a Spanish man [who]... was born a female, a girl".[56] The Pope was quite conscious of acknowledging the man's acquired gender, referring to "he, who had been she, but is he".[57] This use of language, sanctioned by the Pope, is not untruthful nor does it contradict a sound Catholic anthropology that is adequate to this complex human reality.[58]

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[56] Francis, 'In-flight press conference of His Holiness Pope Francis from Azerbaijan to Rome' 2 October 2016, https://w2.vatican.va/content/francesco/en/speeches/2016/october/documents/papa-francesco_20161002_georgia-azerbaijan-conferenza-stampa.html.

[57] Ibid.

[58] This conclusion relates to the compatibility *in principle* of gender transition with Catholic faith and morals. It does not imply that transition would be appropriate in a particular case still less does it imply endorsement of any or every possible medical or surgical intervention. Nevertheless, the point of principle is significant in its own right and opens up the further questions of whether transition might be appropriate in this or that particular case and whether this or that cosmetic, hormonal or surgical procedure might then be justified in these circumstances.

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