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Philosophy and Theology: Transgender Issues

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Philosophy and theology

The US Supreme Court case Bostock v. Clayton County and essays in the journals of philosophy, theology, and bioethics prompt continued reflection on transgender issues. In her essay "Sexual Identity, Gender, and Human Fulfillment," Melissa Moschella engages those who do not deny the reality of biological sex but also believe that there is an incongruence between their biological sex and their gender identity. She writes, "As I understand them, approaches like that of [Melinda] Selmys try to mark out a middle way between the sexual liberationists—who deny that there is any innate purpose to human sexuality or any norms beyond consent that govern its use—and a more traditional Christian approach that sees sex and gender as inseparable and human sexuality as ordered to marriage understood as a permanent and sexually exclusive union of one man and one woman intrinsically ordered to procreation and family life."[1]

Moschella aptly summarizes Aquinas's hylomorphic anthropology and contrasts his view with body–self dualism, according to which I am my thoughts, beliefs, and memories, while my body is akin to a vehicle that I inhabit—a tool of the conscious self. Mochella writes, "Thus, for dualists, the widely agreed-upon Kantian principle requiring that persons always be respected as ends in themselves, never used as mere means to an end in which they do not share, does not apply to the body as such. If the body is just a tool of the conscious self, then persons may use their own bodies however they like for the production of desired mental states. Likewise, as long as there is genuine consent on the part of all involved, one may also use the bodies of others as one wishes."[2] On this point, she echoes the thought of many Catholic writers, but she also goes beyond them with the insight that we

1. Melissa Moschella, "Sexual Identity, Gender, and Human Fulfillment: Analyzing the 'Middle Way' Between Liberal and Traditionalist Approaches," *Christian Bioethics* 25.2 (August 2019): 193, doi: 10.1093/cb/cbz005.
2. Moschella, "Sexual Identity," 195.

should consider transgender issues within the context of how we resolve other cases in which there is an incongruity between inner perception and outer reality. We resolve such cases, she argues, by considering the goods at issue. For example, if someone sees two cherries (inner perception) when in fact there is only one (outer reality), we consider the good of knowledge and try to adjust the perception to the reality. Or if we have excessive anger (inner perception) at a trivial injustice (outer reality), we try to adjust our anger in consideration of the good of harmonious social interactions. What then is the good at stake when considering transgender issues?

Moschella appeals to the good of marriage as understood by Sherif Girgis, Ryan Anderson, and Robert George to help resolve these issues.[3] The trouble of course is that this view of marriage is deeply controversial, so it probably will not be very helpful in resolving another deeply controversial matter. But the strategy may indeed work when engaging with the target audience of Moschelle's remarks, namely, those who accept certain basic Catholic teachings of anthropology and marriage.

Moschella's view will certainly encounter criticism in the following proposition: "I have described gender phenomenologically as a person's psychological self-perception as male or female."[4] But *gender* as the gender theorists describe it is not limited to just the binary of male or female, but includes some fifty-eight options—at least as available on Facebook—such as

> Agender, Androgyne, Androgynous, Bigender, Cis, Cisgender, Cis Female, Cis Male, Cis Man, Cis Woman, Cisgender Female, Cisgender Male, Cisgender Man, Cisgender Woman, Female to Male, FTM, Gender Fluid, Gender Nonconforming, Gender Questioning, Gender Variant, Genderqueer, Intersex, Male to Female, MTF, Neither, Neutrois, Non-binary, Other, Pangender, Trans, Trans*, Trans Female, Trans* Female, Trans Male, Trans* Male, Trans Man, Trans* Man, Trans Person, Trans* Person, Trans Woman, Trans* Woman, Transfeminine, Transgender, Transgender Female, Transgender Male, Transgender Man, Transgender Person, Transgender Woman, Transmasculine, Transsexual, Transsexual Female, Transsexual Male, Transsexual Man, Transsexual Person, Transsexual Woman, Two-Spirit.[5]

I am not sure this list is exhaustive—almost surely it is not—but it is indicative of the fact that according to many, *gender* is not limited to male and female. But in defense of Moschella's view, perhaps she is trying to engage with only those who hold that there are two genders.

I also do not think the typical gender theorist will accept Moschella's claim that gender is "the outward expression, mediated through social norms and expectations, of one's sexual identity," especially when sexual identity (as articulated by Moschella) is male or female.[6] Indeed, the leading gender theorist Judith Butler is famous for holding that male and female are themselves social constructions that

3. Sherif Girgis, Ryan T. Anderson, and Robert P. George, *What Is Marriage? Man and Woman: A Defense* (New York: Encounter Books, 2012).
4. Moschella, "Sexual Identity," 198.
5. Russell Goldman, "Here's a List of 58 Gender Options for Facebook Users," ABC News, February 13, 2014, https://abcnews.go.com/blogs/headlines/2014/02/heres-a-list-of-58-gender-options-for-facebook-users.
6. Moschella, "Sexual Identity," 199.

are as ambiguous as is gender.[7] I should hasten to add that Butler's views have been incredibly influential in universities, despite, or perhaps in part because of, the abstruse way she expresses herself.[8]

Resisting this move to render utterly ambiguous both sex and gender, the American Psychiatric Association in the *Diagnostic and Statistical Manual of Mental Disorders* (*DSM-5*) defines gender dysphoria in adults by means of at least two of the following conditions:

1. "A marked incongruence between one's experienced/expressed gender and primary and/or secondary sex characteristics,"
2. "A strong desire to be rid of one's primary and/or secondary sex characteristics,"
3. "A strong desire for the primary and/or secondary sex characteristics of the other gender,"
4. "A strong desire to be of the other gender,"
5. "A strong desire to be treated as the other gender," and
6. "A strong conviction that one has the typical feelings and reactions of the other gender."[9]

Note that the *DSM-5* defines gender dysphoria in a way that is in tension both with Facebook's gender options and Judith Butler's erasure of sex as male and female. Contrary to Facebook's conception of fifty-eight genders, the *DSM-5* suggests a gender binary by speaking of "the other gender." Contrary to Butler, the *DSM-5* suggests that gender and sex are stable categories that are related. Persons experiencing gender dysphoria have dissatisfaction with their own primary or secondary sex characteristics and have a strong desire for the primary or secondary sex characteristics of the other gender. Indeed, I see no significant difference between the *DSM-5* and Moschella's characterization of gender dysphoria. So, although Moschelle's way of characterizing the debate may be rejected by gender theory professors, it may be better received in the medical community. Given this

7. Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), 144–150.
8. The journal *Philosophy and Literature* awarded the following sentence from Butler's essay "Further Reflections on the Conversations of Our Time" first prize in its bad writing competition. Butler wrote, "The move from a structuralist account in which capital is understood to structure social relations in relatively homologous ways to a view of hegemony in which power relations are subject to repetition, convergence, and rearticulation brought the question of temporality into the thinking of structure, and marked a shift from a form of Althusserian theory that takes structural totalities as theoretical objects to one in which the insights into the contingent possibility of structure inaugurate a renewed conception of hegemony as bound up with the contingent sites and strategies of the rearticulation of power." See "The World's Worst Writing," *The Guardian*, December 24, 1999, https://www.theguardian.com/books/1999/dec/24/news; and Judith Butler, "Further Reflections on Conversations of Our Time," *Diacritics* 27.1 (Spring 1997): 13.
9. American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. (Arlington, VA: American Psychiatric Publishing, 2013), 451.

understanding of gender dysphoria, Moschella writes, "The biological male with gender dysphoria is a man psychologically inclined toward behaviors that society defines as typically female. That's just who this particular man is. It may not be typical of his sex to have a psychology like his, but so what? He is who he is, psychologically and biologically. Maybe his unique identity will lead him to choose a life path that does not include marriage. Maybe not."[10]

If we consider a characteristic like height, the average man is taller than the average woman. But that fact is fully compatible with the fact that a particular woman—say, former WNBA star Lauren Jackson who is six feet, five inches tall—is taller than 99 percent of men. Of course, her statistically unusual height does not make her "really" a man. Just as there are differences on average between men and women in terms of physical height, so too there are differences in terms of psychological inclination. As Steven Pinker points out in his book *The Blank Slate*, more men than women are likely to compete violently, to desire sex with multiple partners, to want to make lots of money, and to be willing to live far from family.[11] But a particular woman may surpass 99 percent of men in all these characteristics and still be no less a woman for these facts. Moschelle's point, if I understand her correctly, is that psychological facts that are atypical for an individual male are not evidence that this individual is actually female (or transgender) in any way.

If we are to treat the issue of gender dysphoria, it is important to have some sense of the term *gender*, a term which lends itself to ambiguous uses. In his essay "Gender Identity in Scripture," David Albert Jones offers a promising definition: "Gender is the social and cultural expression of a sexual identity that is given biologically." This understanding of gender is not binary and does capture a common understanding of the word. He writes, "The approach developed here addresses the issue from the perspective of Catholic Christians who seek to be faithful to the tradition and the official teaching of the Church as expressed by the Pope and other authorities but without prejudging issues that have not been defined or even seriously considered."[12] To approach transgender questions, Jones looks at the opening chapters of Genesis as interpreted by Jesus. Jones argues, "If the Genesis text is interpreted in the light of the words of Christ, the binary division of the sexes, while ordained by God and the basis for a vocation to marry and procreate, admits of exceptions both natural and supernatural."[13] Within this interpretation of Genesis, Jones argues, is found room for those who are atypical.

Jones quotes Martin Davie who says, "The eunuchs referred to in the Bible were not transgendered," which seems entirely right. Unlike *man* or *woman*, a precise equivalent for the English word *transgender* is not found in any ancient language or *Denkform*. The first reference of which I am aware was in 1965 by

10. Moschella, "Sexual Identity," 202.
11. Steven Pinker, *The Blank Slate: The Modern Denial of Human Nature*. (New York: Penguin Books, 2003), 337–372.
12. David Albert Jones, "Gender Identity in Scripture: Indissoluble Marriage and Exceptional Eunuchs," *Studies in Christian Ethics* (February 2020): 3, 11, doi: 10.1177/0953946820909745.
13. Jones, "Gender Identity in Scripture," 2.

psychiatrist John Oliven of Columbia University in his book *Sexual Hygiene and Pathology*.[14] Looking for self-consciously transgender persons in the Bible is like looking for references to iPhones or automobiles in the sacred text. As Jones notes, "Modern culture is so different from ancient culture that the role of the castrated slave or functionary in the ancient Near East cannot be taken as a helpful analogy for contemporary reflection on gender identity."[15]

But although history does not shed direct light on all the questions at hand, it also does not leave us without resources and cases that may be analogous. Jones discusses a discipline of the Church, promulgated at the Council of Nicaea, which seems relevant to the discussion of the ethics of surgeries aimed at gender transitioning: "If anyone in sickness has been subjected by physicians to a surgical operation, or if he has been castrated by barbarians, let him remain among the clergy; but, if any one in sound health has castrated himself, it behoves that such an one, if [already] enrolled among the clergy, should cease [from his ministry], and that from henceforth no such person should be promoted."[16]

The motivation for self-castration was, it appears, to resolve the inner conflicts of those struggling with sexual sin. One way of resolving this conflict—castration of the healthy sexual organs—was excluded by Nicaea. The advocate for transgender surgery could reply that it is precisely to try to *achieve* mental health that the transgender surgery would be undertaken, not to undermine health. But would not those advocating for castration at the time of Nicaea say that they undertook castration precisely to try to achieve spiritual health?

In her essay "Gender Transition: The Moral Meaning of Bodily and Social Presentation," Helen Watt writes about the claim that a transgender person is like an adoptive mother.[17] In an earlier essay, Jones had argued that in both cases, there is a legal and social recognition of an individual as belonging to a category to which the person does not belong according to biology.[18] Just as a particular individual is recognized as the mother socially and legally by adoption though the individual is not biologically the mother, so too a particular individual could be recognized as female socially and legally though the individual is not biologically female.

In response to this analogy, Watt focuses first on adoption: "An adoptive mother," Watt writes, "while she is not the biological mother of her child—a fact she may have no wish to deny—is indeed a genuine mother of the child and should not be otherwise described. It would be incorrect, as well as ill-mannered, to call her a 'non-parent,' since for most practical purposes she is no less a parent than

14. Wikipedia, s.v. "Transgender," last modified November 7, 2020, https://en.wikipedia.org/wiki/Transgender.
15. Jones, "Gender Identity in Scripture," 8.
16. Council of Nicaea, canon 1, in *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church: Second Series. The Seven Encumenical Councils*, ed. Philip Schaff and Henry Wace (New York: Christian Literature Company, 1900), 8, cited in Jones, "Gender Identity in Scripture," 8.
17. Helen Watt, "Gender Transition: The Moral Meaning of Bodily and Social Presentation," *New Blackfriars* 101.1094 (July 2020): 456–477, doi: 10.1111/nbfr.12465.
18. David Albert Jones, "Truth in Transition? Gender Identity and Catholic Anthropology," *New Blackfriars* 99.1084 (November 2018): 756–774, doi:10.1111/nbfr.12380.

a genetic and/or gestational mother." This seems entirely correct. Watt continues, "In the same way (it is claimed) while there is a conceptual connection between the gender with which one identifies and the biological sex associated with that gender, for most or many purposes one can truthfully identify with the gender even in the absence of the associated biological sex."[19] Watt believes this connection is not properly justified.

Watt gives the analogy of a woman about to adopt a baby who tries her best to take on the appearance of a pregnant woman using both clothes and pharmaceutical means. She writes, "Although not intrinsically immoral, there would seem to be a fairly strong onus against this way of acting: it is not merely likely to lead to outright verbal falsehoods but itself 'falsifies' what should be a reliable social sign of something important: the gestation by, and birth of a child to, the woman who, as biological mother, has first responsibility for the child."[20] On Watt's view, there is value in presenting oneself in accordance with the reality of one's biological sex. This value is seen in terms of dating and relationships undertaken with the goal of having a one-flesh union ordered to starting a family. Similarly, "turning to the area of role models, many will want role models of their own biological sex as well as social gender, whose experience of growing up and living as a male or female is not too diverse from their own."[21] More generally, to present ourselves to others as male or as female facilitates their freedom to react to us as male or female.

This point about communicating truthfully finds support in St. Thomas Aquinas who says, "It belongs to the virtue of truth to show oneself outwardly by outward signs to be such as one is. Now outward signs are not only words, but also deeds. Accordingly, just as it is contrary to truth to signify by words something different from that which is in one's mind, so also is it contrary to truth to employ signs of deeds or things to signify the contrary of what is in oneself, and this is what is properly denoted by dissimulation. Consequently, dissimulation is properly a lie told by the signs of outward deeds."[22]

But in reply, transgender persons might say that it is *not* manifesting themselves as transgender that would be the lie. In the words of one person cited by Watt,

> Hiding the fact that you're transgender is hard, in lots of ways. I hid it from absolutely everybody (often including myself) for 50 years, and from nearly everybody for 33 years. This gave me more or less permanent imposter syndrome; I was just waiting to be found out and disgraced. And, I felt, when it happened, it would serve me right. This waiting-to-be-exposed mindset still comes naturally today. Almost always I felt that I was being dishonest, two-faced and deceptive with everybody around me. (Sometimes I was. But not as often as my brain was telling me.) I had to work full time to keep such a big thing hidden. Such work was both exhausting and profoundly dispiriting.[23]

So, is it dissimulation for a biological male to attempt to appear female?

19. Watt, "Gender Transition," 457.
20. Watt, "Gender Transition," 460.
21. Watt, "Gender Transition," 463.
22. Thomas Aquinas, *Summa theologiae* (*ST*) II-II.111.1 corpus.
23. Watt, "Gender Transition," 465.

Jones thinks not and replies directly to the critiques given by Watt. Rather than attempting to adjudicate the disagreement between Watt and Jones, I wish to highlight where they agree; namely, "it is not intrinsically wrong to use pronouns that do not belong to a person's biological sex and the associated social gender."[24] There is, on their views, nothing wrong with referring to a male human being as a woman and using pronouns such as, *she*, *her*, or *hers* to refer to a male human being.

Although Watt and Jones agree, I am not sure Augustine and Aquinas would. Of course, they never directly addressed the issue of transgender pronouns, but Augustine and Aquinas explicitly hold that lying is always wrong, an intrinsically evil act.[25] Moreover, Augustine and Aquinas understood *mulier*, or *woman*, to mean an "adult female human being." This definition of woman is still found in dictionaries, but recently others have proposed rival definitions. In her essay "She Who Must Not Be Named," Helen Joyce critiques proposed alternative definitions of *woman*, arguing that they fail because they are circular or rely on feelings, subjective identification, or stereotypes.[26] If it is always wrong to lie, and if someone believes that a woman is an adult female human being, then Augustine and Aquinas would say it is intrinsically evil for someone to call an adult male human being a *woman* and also wrong to refer to this individual by the pronouns *she*, *her*, or *hers*.

Christopher Kaczor

24. David Albert Jones, "Gender Identity, Analogy and Virtue: A Response Newton and Watt," *New Blackfriars* 101.1094 (July 2020): 487, doi: 10.1111/nbfr.12548.
25. See, Augustine, *De mendacio* and *Contra mendacium*; Aquinas, *ST* II-II.110. 3; and Christopher Kaczor, "Can It Be Morally Permissible to Assert a Falsehood for a Good Cause?," *American Catholic Philosophical Quarterly* 86.1 (Winter 2012): 97–109, doi: 10.5840/acpq_2012_5.
26. Helen Joyce, "She Who Must Not Be Named," Quillette, June 20, 2020, https://quillette.com/2020/06/20/she-who-must-not-be-named/.