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## Trans-Affirming Policy Potential: A Case Study of a Canadian Catholic School

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**Background:** *Mainstream media is increasingly reporting on the relationships between Catholic and trans identities in parochial schools, particularly with regard to gendered restroom use. With greater numbers of trans youth coming out at younger ages, significant educational policy changes are being considered around how Catholic schools can or should include trans youth.* **Method:** *This study applies trans and queer theologies to Critical Discourse Analysis (CDA) in investigating the Wilson case, which was the first known instance of a Catholic school including some affirming policy provisions for trans youth. The authors additionally collected and coded 12 news articles from a variety of platforms to discern and discuss the theological arguments in the public square against more fulsome trans student inclusion in Catholic schools.* **Results:** *The authors found two related theological arguments against full inclusion, namely the notion that (1) Gender is God-given and therefore cannot be chosen or changed, and (2) That transgressive bodies are not sacred parts of the divine gender plan.* **Conclusion:** *Trans theology allowed the authors to disrupt both of the theological claims advanced by the Catholic educators quoted in the Wilson case. This created rich, imaginative space in which to reconsider the relationships between Catholic and trans identities, namely by not arranging them in a binary. Significance for policy-making in parochial schools is discussed.*

### Keywords

Policy, Canadian Catholic school, Restroom use, LGBTQI, Transgender, Queer theology

Respect for transgender equality rights in public education is a timely issue. This is especially true in Canada where Bill C-16 was adopted in 2017, adding protections for gender identity and expression to the Canadian Human Rights Code and the Criminal Code. With increasing numbers of school-age youth identifying as transgender (hereafter referred to as trans), all schools must now grapple with how they enforce, dismantle, or otherwise

engage with the dominant conception of gender as a binary, and the common (but incorrect) belief that sex and gender are the same. Unfortunately, most publicized cases of trans children asking for gender identity accommodations (including use of a gendered restroom) end with the child being withdrawn from the faith-based school, and the school making little or no trans-affirming policy changes (Capous-Desyllas & Barron, 2017; Gologowski, 2017). We, the authors, see this as unfortunate because as members of lesbian, gay, bisexual, transgender, queer, intersex (LGBTQI) communities,<sup>1</sup> we would like to see a more integrative approach to trans youth in Catholic schools.

The current practice of having trans children and their families withdraw from Catholic schooling is untenable, and as we will argue, antithetical to many of the distinctly Catholic aims of Catholic schooling. Rather than *balancing* Catholic religious rights with LGBTQI rights—a zero-sum enterprise that seems to position Catholicism and trans-ness in opposition to each other—we map out imaginative theoretical spaces within which trans inclusion and affirmation are seen as fully *integrated* in the moral and theological dimensions of Catholic schools. We do so by viewing the theological purposes of Catholic schooling through the lenses of queer and trans theology, which are transgressive theoretical and methodological perspectives that re-interpret traditional theological claims in light of LGBTQI lived experiences (Cheng, 2011).

We introduce the possibilities of trans theology through a case study analysis of the first known, documented instance of a trans child's publicly funded Catholic school making trans-affirming policy changes. The child in question, Tru Wilson, wanted to be recognized as a girl at her school—Sacred Heart elementary, a semi-private Catholic school within the Catholic Independent Schools of the Vancouver Archdiocese (CISVA) on Canada's Pacific coast. One of the results of the Wilson case was that CISVA was required to develop a new policy called the "CISVA Elementary School Policy regarding Gender Expression and Gender Dysphoria" (CISVA, 2014), which provides direction for parents of transgender students to request accommodation for their child in terms of the use of proper pronouns, restrooms, names, and uniforms on a case-by-case basis. Although these first policy changes leave

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1 LGBTQI is a necessarily imperfect umbrella term to capture non-cisgender and non-heterosexual identities. Like all umbrella terms, it imagines an allyship and solidarity that overlooks the tensions within and between its' constituent identity categories. While we acknowledge the multiple layers of dissent within queer theories and theologies, we have nonetheless chosen to use this acronym as a starting point to refer to and discuss gendered and sexual minority perspectives.

room for improvement (further revisions should use the term “transgender,” for example, and include more explicit support for trans student’s gendered restroom use), they also signal a way forward wherein Catholicism and trans-affirmation need not be incompatible with one another.

Although Wilson eventually withdrew from the school, this precedent-setting case demonstrates that Catholic schools can use doctrinally-informed perspectives to create more supportive policies for trans students. After reviewing the literature on trans and queer theologies and how these relate to some of the distinctly Catholic purposes of Catholic education, we return to the Wilson case, asking:

1. What were the Catholic, faith-based arguments against the full inclusion of trans students that circulated in media accounts of the Wilson case?
2. Using queer theology, is there space within Catholic thought for faith-based and doctrinally sound full inclusion of trans youth in Catholic schools?

### **Background: Queer and Trans Theologies**

Queer and trans theologies are both methodologies and theoretical perspectives. Growing out of poststructural feminism and queer theory, they are premised on the belief that LGBTQI people have existed throughout time and space, including in ancient, sacred texts such as the Bible. Although the first scholarly queer theological works were Biblically based (see Althaus-Reid, 2001; Cheng, 2011; Goss, 1994), queer theology has been extended to other faiths and traditions (Goh, 2012). Queer and trans theologies take queer bodies, lives, and stories as their central foci (Browne, 2010; Wilson, 2009). Trans theology in particular emphasizes embodiment as an essential component of the self. Like trans theory, it rejects the notion that gender is foundationally a socially constructed male/female binary, with fluidity in between, and instead embraces embodied gender pluralism as its starting point (Nagoshi & Brzuzy, 2010). Trans theorists and theologians alike are skeptical of approaching gender identity as entirely socially constructed. They instead combine the socially constructed dimensions of gender identity and gender expression with lived, biological experiences of having a gendered body (Nagoshi & Brzuzy, 2010; see also Monro, 2000; Tauschert, 2002).

Although they share theoretical antecedents and many of the same orientations, this prioritization of embodiment is one of the distinctions between queer and trans theologies. In interviewing trans Christian and Muslim

participants, for example, Goh (2012) saw the narratives themselves as “rare, sacred texts... [and] that sacredness resides in bodies that know and trust themselves, but which are constantly vilified and execrated as indecent, sinful bodies” (pp. 222, 228). Goh’s approach illustrates how trans theology can open new possibilities for theological language, reflection, prayer, creativity, and action (Jantzen, 1995) by creating what bisexual feminist theologian Marcella Althaus-Reid (2001) terms “alternative imaginaries” (p. 241).

While there are plenty of positive and spiritually healing findings from within queer and trans theologies, they are not universally empowering. Tonstad (2016), for example, is critical of the relationship between Christian queer inclusivity and the exclusive other; how destabilizing one binary does not necessarily destabilize a hierarchical or unjust symbolic system as a whole. Zeroing in on trans considerations, Mann (2015) suggests “... that reading Psalm 139 through a trans lens produces a text that is simultaneously double—holding both liberative and creative possibilities, as well as possibilities damaging to trans-Christian subjectivities” (p. 218). Indeed, Mann’s analysis reveals that Psalm 139 can have complicated implications for trans passing, and the possible “duplicity” of being “stealth.” Tonstad (2018) recently dismissed what she calls “queer apologetics”—the arguments that re-interpret holy claims as being affirming of queer persons, as having little theological value because they are often *ex post facto*, meaning that they are convincing only to people who already hold the same views. In essence, apologists do not convince people to re-evaluate their views of LGBTQI people, but rather provide solace to those whose views have, for whatever reasons, previously shifted towards acceptance.

Tonstad introduces important nuances to mainstream queer theology, inviting readers to see practical value in the application of what she calls “apologetics” to real world scenarios, and a useful tool to facilitate spiritual justice in the everyday gendered and sexual experiences of faith. Just as nineteenth-century African American educator Anna Julia Cooper (1892) likened including black women’s perspectives in theology to “the whole body... see[ing] a circle where before it saw a segment” (p. 134), we similarly approach queer and trans theologies as another segment that, when intersected with other marginalized positions, helps link into a fuller, more inclusive circle. In other words, we approach queer and trans theologies as contributing to theology as a whole and for all people, regardless of sex, sexuality, or gender identity. Herself a transgender woman and practicing Catholic, Howes (2014) opines that “... transgender people have a spiritual story, a story that, when shared,

can help heal what is broken about gender for the church and what is broken about the church for queer people” (p. 49). This application of queer theology is therefore meant to be accessible and informative beyond questions of gender.

We also apply Schüssler’s (2011) guiding admonition that feminist theologies

... must ask again and again what kind of G\_d Christian religion proclaims, how the divine is imagined, to what ends the name of G\_d is misused, and what its accountability is for the kyriarchal exploitation and colonial injustices of our world” (p. 20 [spelling of G\_d in the original]).

Eschewing characterizations of God that facilitate or condone injustices, we are bound by Schüssler’s directive to perpetually interrogate how actors present the nature of God. Mann (2015) makes these principles specific to trans inclusion when she asserts that trans theology “... entails reading classic spiritual texts subversively by being alert to performative and constructed dimensions of gendered and sexual subjectivities” (p. 218).

### Trans Biblical Readings

Multiple authors make the convincing case that, while Biblical communities did not share our contemporary conceptions of gender and sexuality, neither did they see maleness and femaleness as always separate, fixed, dichotomous, or otherwise mutually exclusive (Browne, 2010; Coakley, 2002; Cornwall, 2009; Nausner, 2002). Sophia, the Goddess of Wisdom, for example, was variously described as female, male, neuter, neither fully female nor fully male, and de-gendered in sacred texts, namely the *Wisdom of Solomon*, and from our post-modern perspective could be identified as transgender (Webster, 1998). These conceptions of Sophia as the embodiment of a both/neither gender identity are illustrative of how trans theology expands gender fluidity beyond a male/female binary.

Contributions from intersex perspectives further complicate any straightforward ideas about Biblical gender identity and gender expression. Beginning with Genesis, Plaut (1974) for instance, interpreted Adam as originally an undivided man and woman, and therefore the first intersexual, meaning that “... from this perspective, intersexuals are not only part of God’s original plan, they are primarily so!” (Mollenkott, 2007, p. 98, original empha-

sis). Tribble (1973) applied queer theory to the same passages and arrives at a dramatically different reading. Rather than being intersexual, Adam was sexually undifferentiated, who was neither male, nor female, nor a combination of both. Given how Genesis 1:26–27 refers to Adam being made in God’s image, Mollenkott (2007) argues that this opens imaginative space for God to be similarly read as intersex, androgynous, or trans (Mollenkott, 2007). Regardless of their conclusions, these readings construct an “alternate imaginary” where it is plausible that the first human, created in God’s image, was a gender outlaw of some variety.

Moving to the New Testament, one of the more provocative and compelling arguments supporting the sacredness of gender outlaws hinges on Kessel’s (1983) biological conclusions about the Virgin Birth, itself a central tenet of Christianity, and especially Roman Catholicism. In his estimation, Jesus’s conception, gestation, and birth were parthenogenetic. Similar to previous interpretations of Adam’s sex and gender identity being not wholly cisgender while simultaneously perfect and made in God’s image, Kessel’s claims allow us to alternately imagine Christ, through the body of Jesus, as possibly not cisgender and also the perfect human. Or, as Mollenkott (2007) puts it, “a chromosomally female, phenotypically male Jesus would come as close as a human body could come to a perfect image of...God” (p. 116). Jesuit authors Geller and Mullin (2017) recently wrote that they found Kessel’s theory of Jesus’s double X karyotype “perfectly orthodox,” and opine that “Jesus does not only dissolve divine and social boundaries, but moves beyond the binary, and dissolves all sexual and gender boundaries” (p. 79).

This assessment of Jesus’s transgressive body is congruent with the symbolic significance traditionally attached to Biblical descriptions of his body at birth and at death. Rather than being born to a married, high status, and economically secure family, as might befit a messiah; the Son of God was instead deliberately born amongst farm animals, to an unmarried young woman, and her fiancé, who was not the child’s father. This already vulnerable newborn was made even more so by embodying multiple intersecting social marginalizations. His public humiliation, torture, and crucifixion similarly personified how the divine is imbued in even the most outcast. Recognizing the divine in the bodies of the vulnerable is a core teaching of the Gospels, such as in the oft-cited Judgement of Nations, “just as you did it to one of the least of my brothers, you did it to me” (Matthew 25:40), wherein “it” takes the form of feeding, clothing, visiting, and caring for the vulnerable.

Assessing the evidence of the multiple ways in which Jesus's body took the form of the socially excluded, it is therefore at least plausible that the chromosomal composition of his body was similarly transgressive, and might not have been an XY karyotype. Beyond genetic composition, Jesus's body performed further acts of gender transgression, such as by taking on the traditionally female labors of cooking for the disciples and washing their feet (Mollenkott, 2007). It is with a certain irony that Mollenkott (2007) notes the Catholic church's consistent condemnation of fluid gender expressions occur in an institution where the all-male priesthood wears full-length gowns, can be literally "defrocked," and like Jesus, take on the feminized tasks of preparing and serving communion. In addition to his body, Jesus's teachings, and those from the Old Testament that came before him, have been found to be supportive of (gender) transitions and trans people. Of the many teachings that have been interpreted with trans theology, we focus here on examples from the Nicene Creed and Galatians 3:28.

Returning to the perspective of a Catholic transgender woman, Howes (2014) writes:

Hearing and saying the Nicene Creed each week, I came to understand that my path followed that of Christ, who, we would say, "suffered, died, and was buried." As a transgender person, I suffered alienation, died of shame, and was buried in guilt. Through transition, I rose again in accordance with God's will for me and am now leading a transgender life. (p. 48)

Here Howes provides a powerful metaphor for one of the ways in which queer/trans theology can open up new or deeper meanings for all people regardless of gender identity. The theological significance of the crucifixion is of perennial importance, and Howes, through her trans reading of it, creates alternative imaginaries from which to better understand this infinitely complex aspect of Christianity.

Queer interpretations of Galatians 3:28 yield a similarly rich imaginative space to illuminate the wisdom of Scripture. In it, Paul writes "[t]here is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus." Kahl (1999) provides two interpretations of this passage that are relevant for our purposes. Firstly, she explicates that Paul "... consciously or subconsciously constructs gender and other identities by confusing them" (p. 73). In so doing, rather than codifying



identity boundaries as static, Paul creates an imaginative third space where these differences are indeed united. In so doing, however, Kahl does not posit that Paul erases difference by emphasizing sameness. Rather, that “difference that is not opposed to sameness/ identity but to non-difference, implying pluriformity and oneness-in-difference” (p. 72).

### **Catholicism, Catechism, and Trans Theology**

The Roman Catholic Church does not have a comprehensive, multi-disciplinary public policy on the spectrum of gender identities. Howes (2014) takes the view that this absence of written, public policy can have some, perhaps unintended, benefits for practicing trans Catholics. Priests who transition, for instance, can technically remain priests, and married couples whose union was blessed as one between different genders, can remain married and blessed after one of the partners transitions.

Despite no *public* policy however, an internal, confidential policy regarding gender surgeries was circulated in 2003 via the Catholic News Services, the effects of which have been devastating. Trans people including a nun, a priest, a lay counselor, and a parochial school student have been fired or expelled (Howes, 2014). Further, those armed with this secret document have encouraged parents to reject adult trans children, and claim that trans people are barred from holy orders and religious life. In a 2008 gathering of priests, bishops, and cardinals, then-Pope Benedict gave a warning that has enduring influence for the faithful even under now-Pope Francis: “The Church speaks of the human being as man and woman, and asks that this order is respected.” The Pope again denounced the contemporary idea that gender is a malleable definition. That path, he said, leads to “a self-emancipation of man from creation and the Creator” (Howes, 2014, p. 44).

The Catholic authors of such pronouncements, internal policies, or the CISVA policy that is the subject of this paper couch their arguments in the teachings of the Catholic faith by making reference to the *Catechism of the Catholic Church* (CCC) (1994), which is a common comprehensive reference text for teaching Catholic doctrine and preparing local catechisms. The CCC is scrupulously supported with abundant references to the Scriptures, Church Fathers, Ecumenical Councils and other authoritative Catholic statements such as papal encyclicals, all arranged in numbered paragraphs. For example, Catholic Independent Schools of the Vancouver Archdiocese (CISVA) policy regarding transgender students makes reference to the following CCC paragraph numbers: 364, 365, 2332, 2333, 2393 (see Appendix A).

The religious views expressed in the *CCC* paragraphs are likely familiar to readers because, like clergy, doctors and scientists also had a fixed idea of what constituted a “healthy” expression of gender. Far from being fixed, however, our trans theological analysis of how these *CCC* passages informed media accounts and policy itself indicates a much more malleable gender catechism. Our point is that diverse gender expressions and identities are precious manifestations of God’s creativity. At just the chromosomal level, for example, God’s creation has viable multiple karyotypes including X, XX, XXY, XY, XYY, XXXY, with a near-infinite combination of reproductive organs and genital configurations associated.

### **Trans Theology and the Purposes of Catholic Education**

With queer and trans theology’s background and applications to Catholicism sufficiently outlined, we now turn to how the distinctly Catholic purposes of Catholic education at the K-12 level can be viewed through these lenses. From a trans theological perspective, we ask what worldviews, morals, or guiding aims make a Catholic school Catholic? While recognizing that answers to such a big question will necessarily be incomplete, we take Maher’s (2007) emphasis on integration as our guiding framework for the purposes of this paper. Writing in the *Journal of Catholic Education*, Maher’s describes Catholic integration as follows:

Both the American bishops and Vatican congregations have emphasized a theme of “integration” in Catholic education; integration of family and school, social life and academic life, faith and knowledge, knowledge and behavior. One take on this has been the emphasis in statements of the American bishops on Catholic schools as communities (USCC, 1972, 1979). “Community is at the heart of Christian education not simply as a concept to be taught but as a reality to be lived” (USCC, 1972, §23). (Maher, 2007, pp. 467-468)

Superordinate, then, to the particular Catholic teachings occurring in Catholic schools is the overarching concept that these teachings—contested and uneven though they may be—are nonetheless to be integrated across multiple dimensions of life. Rather than a segmented self across life’s multiple axes, a distinctly Catholic aim of Catholic education is the promotion of a unified, authentic self across contexts. Borrowing from the social sciences, Sanders (2013) categorizes any Christian preaching that separates and juxta-

poses LGBTQI identities and Christianity as an instance of, variously, a microinsult, microinvalidation, or microassault, and provocatively asks, “What is at stake theologically in the presence of LGBTQI-based microaggression in preaching and theological education?” (p. 26). In a Catholic context, one of the theological stakes appears to be the guiding aim of integration of the whole self. The colloquialism “love the sinner, hate the sin” divorces trans gender identities (the sin) from the whole person (the sinner), insisting on a dualistic binary that not only demands dis-integrating a trans person’s gender identity from the rest of their whole self (Callaghan, 2018), but positions a vital component of the self as antithetical to the will of God.

The consequences of this theological “dis-integration” are dire for individual LGBTQI Catholics and for Catholic education as a whole (Maher, 2007). Outside of the physical, emotional, social, and spiritual violence and distress shouldered by LGBTQI students in Catholic schools (see Lapointe, 2018) and the growing calls to terminate public funding for Canadian Catholic schools based on their refusal to openly affirm LGBTQI identities (Martino, 2014), it appears that enforced disintegration is itself subverting a foundational aim of Catholic education. Through the evidence of the Wilson case discussed in the following sections of this paper, we posit that rather than protecting their rights to religiosity, Catholic schools that enforce trans disintegration grossly distort and undermine the very religiosity they claim to protect. Reconciliation is needed not to appease secular authorities, but rather to reaffirm the distinct Catholicism of Catholic education itself.

### Methods

This research falls under the umbrella of critical pedagogy and anti-oppressive research in education (Giroux, 2001), exploring how oppressive structures, such as heterosexism and genderism operate in schools in order to propose methods to address them (Brown & Strega, 2015). This study utilizes the framework of Critical Discourse Analysis (CDA) to systematically explore mass media content messages to provide both textual analysis of the stories and to construct a theory of the policy document and accompanying media discourses (van Dijk, 1983). CDA moves away from explorations of individual linguistic features and shifts attention to the structures and functions of language use (van Dijk, 1983). Media reporters are rarely direct witnesses to events, “hence, the construction of news is most of all a reconstruction of available discourses” (van Dijk, 1983, p. 29), which provides insight into not only the event itself, but also the “qualitative data with which to map the

trends in public (dis)approval” of a particular topic (Herriot, 2011, p. 215). In utilizing CDA, this research highlights some of the tensions, but also possibilities for reconciliation for Catholic canonical law and trans-affirming policies.

Texts were selected using a keyword search of two sources: (a) 21 newspapers included in the ProQuest Canadian Newsstand, and (b) Google Search. Keyword combination searches such as “Tracey Wilson” AND “transgender;” “Tru Wilson” AND “transgender,” and “Catholic Independent Schools” AND “transgender” were used in both sources. To honor Wilson’s gender identity, we deliberately did not search for articles using her birth, or “dead” name. While this could have skewed results away from articles hostile to her, we reasoned that those negative articles would include her new, legal name, alongside her dead name should they write about the case. We designed the media analysis to focus singularly on the Wilson case and not other cases involving trans youth in school settings because Wilson’s is the only case to date that has resulted in partially positive policy changes in Canadian Catholic schools. We noted that other cases involving trans youth in schools that garner media coverage often end in tragedy involving the trans youth committing suicide, or frustration in which the trans youth drops out of school or transfers schools, and nothing ever seems to change (see Ettachfini, 2016; Fairchild, 2018; Human Rights Watch, 2016). The overall positive outcome of the Wilson case is a significant breakthrough and one that warrants focused attention.

In our research, we eliminated texts that were duplicates as well as those that simply summarized information from larger publications or were otherwise irrelevant (e.g. focusing on Wilson’s activism after her case was settled, or simply photo captions of her attending an event). This left a data set of 12 texts from 10 different outlets; five of which came from the Canadian Newsstand database, and seven from the Google search. All of the selected pieces had an institutional publisher, meaning that personal blogs such as those from Wordpress or Blogspot were excluded. Publishers represented a range of types and audiences, from special interests, such as *The American Conservative*, to those with national reach like *The Globe & Mail*. Although some pieces included links to audio interviews or videos, we analyzed only the written texts to ensure consistency. For example, while the publicly funded Canadian Broadcasting Corporation (CBC) had two interviews with Wilson and her mother, we excluded them from the data set because they were only available in audio format, and we limited our study to the written word. The data set is summarized in Table 1.

Table 1  
*Media Included in Analysis*

Source	Source Type and Audience	Number of Articles
American Conservative	Print and online news, international	1
Canada.com	Online news, national	1
Canadian Press/CBC	Online news, provincial	2
Daily Xtra	Online gay and lesbian news, local	1
Georgia Straight	Newspaper, provincial	1
Global News	Video and text news, provincial	2
Globe and Mail	Newspaper, national	1
Independent Catholic News	Online news for the English-speaking Catholic world	1
The Province	Newspaper, provincial	1
Vancouver Sun	Newspaper, provincial	1
TOTAL		12

In terms of analysis, the researchers read the entire data set several times in order to get the whole picture of the case in question. During these readings, insights and understandings began to emerge and were written down as memos. Next, we divided the data into distinctive meaning units, which we categorized in an interpretive process that respected the original language and thesis of each media account.

### Results

Of the 12 media accounts in the data set, the vast majority, nine, were published in July of 2014; two were published in late 2013, and one in 2016. All outline the basic story, at various stages of the struggle, which we summarize here. Set on the shared, traditional, and unceded territories of the Coast Salish<sup>2</sup> nations in a suburb of Vancouver, British Columbia, it centers on the Wilson

<sup>2</sup> These include the Kwantlen, Musqueam, Katzie, Stó:lō, Semiahmoo, Tsleil-Waututh, and Tsawassen First Nations.

family, and their then-nine year old daughter, Tru. When the case began in 2012, Tru’s parents approached the administrators of her Catholic school, informing them that Tru identified as a girl and wanted the school to recognize her as a girl, which included being allowed to use the girls’ restroom, wear the girls’ uniform, and be called by a girl’s name (Sheldon & Krop, 2013).

The school’s response was initially unsupportive, and situated Catholicism and trans-ness as oppositional. “The position of the Catholic church is that ... you live your life in the sex that God gave you,” explained Doug Lauson, the superintendent of the Catholic Independent Schools of the Vancouver Archdiocese (as cited in Sheldon & Krop, 2013, p. 2). Tru’s mother characterized this position as antithetical to both the Human Rights Code and her understanding of the uniquely Catholic values that should infuse a parochial school. “It’s so wrong and everyone says well what did you expect? I expected compassion, I expected a community that talks about love and acceptance to actually show love and acceptance,” (as cited in Sheldon & Krop, 2013, p. 2, see also McIntyre, 2013).

The Wilsons went through two rounds of mediation with CISVA through the British Columbia Human Rights Tribunal (Hainsworth, 2014) and Tru’s mother, Michelle Wilson, described the process as “very collaborative” with CISVA taking their suggestions “very seriously” (Hui, 2014, p. 2). The nine news stories from 2014 in our data set all announced the policy CISVA developed in order to have the human rights complaint launched by the Wilson family finally dropped (Keller, 2014). Table 2, synthesized from the policy document itself, outlines what the policy did and did not cover.

Table 2

*Elements of CISVA Policy Regarding Gender Expression and Gender Dysphoria*

The Policy Does	The Policy Does Not
Allow preferred names and pronouns	Use the word “transgender”
Allow “alternate” uniforms	Allow trans students to use gendered restrooms or changing rooms
Allow any student, trans or otherwise, to use a private, single stall washroom [restroom] or change room	“... support any transitioning actions” (p. 3)
End sex-segregated physical education and intramurals	

The CISVA Elementary School Policy regarding Gender Expression and Gender Dysphoria (CISVA, 2014) provides a roadmap for parents of transgender students to request accommodation for their child in terms of the use of proper pronouns, restrooms, names, and uniforms on a case-by-case basis. Many of the 2014 media accounts describe Tru as a “hero” (Bramham, 2014, p. 1) who “persuaded” CISVA to “challenge” the teachings of the church (Stueck, 2014, p. 1) by developing a policy that balances Catholic beliefs with the rights of transgender students (Keller, 2014). Most of the 2014 articles praise CISVA’s policy for being a first in Canada (Bramham, 2014; Dreher, 2014; Hui, 2014; Meiszner, 2014; Stueck, 2014) or North America (Hainsworth, 2014; Keller, 2014; Strapagiel, 2014). Some say the policy does not go far enough (Strapagiel, 2014), that it is not perfect but nevertheless an important start (Hainsworth, 2014), and that its strength is dependent on how well it is implemented (Hui, 2014).

Both Strapagiel (2014) and Keller (2014) note that the CISVA policy never uses the word “transgender,” opting instead for the more medical term “gender dysphoria”—a term that we understand as implicitly delegitimizing not only trans identities but also the right of trans people to self-identify. Citing the Diagnostic and Statistical Manual of Mental Disorders 5, the CISVA policy defines gender dysphoria as “distress that may accompany the incongruence between one’s experienced or expressed gender and one’s assigned gender” (as cited in CISVA, 2014, p. 1).

The absence of the term “transgender” in the CISVA policy may be explained by a section in the policy that outlines Catholic teaching and traces its connections to Biblical theology, stating: “humans are not free to choose or change their sexual identity” (CISVA, 2014, p. 2). Refusing to use the words that LGBTQI groups use to describe themselves is a feature of Catholic documents on the topics of sexual orientation and gender identity, and an example of what Sanders (2013) calls a “microinvalidation.” The CISVA policy on gender dysphoria claims that Catholic teaching affirms the dignity and respect of all people, but by not using the term transgender, that same document shows a lack of respect for the very people it is discussing.

The media accounts highlight aspects of the CISVA policy that are particular to Catholic schools, such as, for example, the tendency to transfer transgender students to another school (Meiszner, 2014). The CISVA policy cautions against this practice: “Whenever possible, administrators should aim to keep students who engage in gender non-conforming behaviours or who experience gender dysphoria at their original school site” (CISVA, 2014, p. 5).

Because Catholic school administrators recognize the parent as the primary educator of the child, they often notify the parent immediately regarding any sexual orientation or gender identity issues the child may be presenting at school. However, the CISVA policy advises against this:

Where a student approaches a teacher or administrator of the school directly to discuss their experience of gender dysphoria and/or gender expression, and where the teacher or administrator suspects that the student has not revealed their experience of gender dysphoria and/or gender expression to his or her parents/guardians, the school shall keep such information strictly confidential. (CISVA, 2014, p. 4)

The Hui (2014) media report draws attention to the need to keep “strictly confidential” a student’s disclosure of struggles with gender identity because it is not possible to know how the Catholic parent/guardian may react to this information. This is significant because we know that gender non-conforming and sexual minority youth are overrepresented in the homeless youth population (Abramovich, 2016). Their overrepresentation is nearly always the direct result of their parents or caregivers rejecting them based on their gender identity and/or expression (see Coolhart & Brown, 2017; Newman, Fantus, Woodford, & Rwigema, 2017). The Hui (2014) media account also underscores the fact that the CISVA policy does not allow transgender students to use the restroom or changing room that corresponds with their gender identity, directing them instead to use a private, single stall restroom for both purposes. We speculate that Catholic education leaders hope that keeping transgender students away from other students in sensitive areas such as restrooms or changing rooms will minimize any controversy.

The two Catholic news articles we consulted, *Independent Catholic News* and *The American Conservative* are remarkably brief but both are decidedly different in tone. The *Independent Catholic News* offers a short summary the main points of the CISVA policy with little commentary except at the beginning in which the unidentified author describes Tru as someone who was “born a boy but now identifies as a girl” (p. 1). The author of *The American Conservative* article (Dreher, 2014) merely cuts and pastes full sentences from articles already published in the mainstream press and then adds his own brief critical commentary. For example, Dreher describes the Wilsons as a “pushy family” with a “pushy lawyer” who will “sue your butt until you comply [with celebrating diversity]” (p. 1). He goes on to describe the Wilsons as



“shaking down the school for cash” and takes the following ad hominem shot at the Wilsons’ lawyer: “Gaze upon the sobriety-inducing visage of barbara findlay, and unlearn oppression – or else she’ll sue” (p. 1). In titling his article “Bullying Canada’s Catholic Schools,” Dreher co-opts the concerns of critical social justice and suggests the real victim is Catholic schools that are being bullied by families and their lawyers. Although the article in *The American Conservative* has the tone of a highly editorialized essay, it was nonetheless a piece in a publication with an editorial board, and therefore met inclusion criteria for this study.

While not all media coverage was positive, the Kane (2016) news report shows how even moderately progressive policies like CISVA’s can be precedent-setting and normalizing for future trans-affirming policy-making. Kane (2016) reported on how just two years after the Wilson case broke, the provincial minister of education mandated that all public and private school boards develop policies protecting sexual orientation, gender identity, and gender expression. Intriguingly, Catholic independent schools representatives welcomed this leadership from the province, saying: “It’s a non-issue for us ... our philosophy as Catholics is all people have a right to be respected and be treated with dignity” (as cited in Kane, 2016, p. 2). The Catholic spokesperson made no mention of the fact that CISVA had to be taken to the British Columbia Human Rights Tribunal before it was convinced to develop a policy for transgender students. Nonetheless, this statement reflects the possibility that, far from needing to be oppositional, Catholic schools can doctrinally embrace policy protections for trans youth.

### Discussion

The Wilson case marks the first known policy accommodation for trans inclusion in a Catholic school. According to media reports, school personnel worked in collaboration with the family. The accommodations that it did include, such as using a student’s preferred name and pronouns contradict its own claim that a “Catholic school cannot support any transitioning actions” (CISVA, 2014, p. 3).

Our investigation of the policy document and the media reports found that the faith-based opposition to a more fulsome inclusion of trans students hinged on two arguments. The first was “... the Catholic Church teaches that gender is given by God... [and] humans are not free to change or choose

their sexual identity<sup>3</sup>” (CISVA, 2014 p. 2), while the second was “... the body reveals the divine plan...” (p. 2). Drawing on queer theology, we analyze each of these points in turn.

### **Argument One: Gender is God-given: No Changing or Choosing**

The first argument affirms the theological position that human bodies and spirits, including their gendered and sexual dimensions, are divinely inspired creations. This is a core tenet of not just Catholicism, or even Christianity, but indeed central to many of the world’s faith traditions. Gender transitions, according to this line of thinking, are the result of humans subverting God’s creation. Although there is a paucity of written, public statements from the Catholic Church on this issue, Pope Benedict was quoted stating that “[being trans] leads to ‘a self-emancipation of man from creation and the Creator’” (Howes, 2014). His successor Pope Francis has similarly lamented that gender is being taught as a choice, implicitly presupposing that (trans) genders are chosen and exist as such. Tru herself explained to the media how Catholic school administrators understood her gender identity as incompatible with divine creation: “they said that... God doesn’t make any mistakes and if he made me a boy then I would have to stay a boy” (p. 18).

Queer theology, and trans theology in particular makes us suspicious of several components of this reasoning, firstly that trans identities somehow deviate from God’s divine plan for gender and bodies. In the case of Tru, we see ample theological space from which to recognize her girls’ gender identity as God-given; just as the girls’ gender identities of her cisgender schoolgirl peers are. We dispute her Catholic school administrator’s assertion that “he [God] made me [Tru] a boy,” by positing that it is at least possible, if not plausible, that God, in fact, made her a girl. Recognizing the authenticity of Tru’s divinely created gender identity, and that of all youth, trans and cis alike, holds rich theological significance for Christians, and Catholics in particular. As Mann (2014) illustrates,

One of the intersections between being a Christian and being trans\* is that they are, in many ways, both concerned with the notion of “being one’s true self”... [which is] a process of growing into the likeness of

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<sup>3</sup> The policy goes on to state that “[i]n the Catholic Faith, a person’s biological sexual identity and his/her gender identity are treated as one and the same” (CISVA, 2014, p. 2), so for the purposes of this paper, we proceed with the analysis as though the policy says ‘gender identity’ where it says ‘sexual identity.’

Christ... [Catholic] Thomas Merton (1962) famously suggested, each of us can give no greater glory than being ourselves – our true selves (p. 215).

Trans and queer theologians read Psalm 139 as scripturally supportive of Merton's (1948, 2011) claim that to reveal and live as one's true and God-given self is both holy and Christ-like. The often referred to passage reads "For it was you who formed my inward parts; You knit me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; that I know very well" (Psalm 139: 13-14).

While recognizing other, more distressing queer readings of Psalm 139, particularly as they relate to "passing," Mann (2014) observes, "Anecdotally, I do know Psalm 139 has been powerfully affirmative for some trans\* people" (p. 221). Based on the premise that Tru's femininity is divinely inspired, it is natural to conclude that *prohibiting* Tru from fully expressing her girlhood would be an act of human-directed emancipation or distortion of God's creation. This queer reading of a core theological tenet regarding divinity and creation dismantles the binary that being trans somehow contradicts having divinely ordained gender identity; indeed, they can and should be considered one and the same. Sheffield (2008) argues that in this view, "being transgendered is no longer considered a pathological disorder where one has to get medical or psychological approval in order to be transgendered, but rather the person is recognized as performing another type of embodiment that just is" (p. 248-249).

Beyond the spiritual inauthenticity of forcing Tru to deny parts of her girlhood, policies such as CISVA's demand that teachers and school staff potentially disavow this dimension of God's creation. In their work on trans curriculum materials with practicing Christian and Catholic pre-service teachers, Wright Malley et al. (2016) argues that:

Teachers who are supportive of, or who identify as LGBTQ, must straddle their private and professional identities and commitments by either remaining silent or offering generic support for diversity. *It is a position that forces many teachers to live inauthentically*, or to deny the primacy of their conscience in determining their actions out of fear. (p. 191, emphasis added)

Interpreting trans identities as outside of, rather than fully part of God's creation therefore has deleterious spiritual consequences not merely for trans children themselves, but for the caring adults who are tasked with educating them according to Catholic principles. It impedes what could be an energetic flourishing of Catholicism by misdirecting the focus and resources of everyone involved. Affirming, rather than inhibiting trans gender identities as a divinely ordained and valuable part of creation can be considered a more doctrinally sound approach to Catholic school policy-making.

### **Argument Two: Transgressive Bodies and the Divine Gender Plan**

The CISVA's second theological resistance to Tru's gender identity is the way in which they interpret that "... the body reveals the divine plan" (CISVA, 2014, p. 2). Similar to the previous section, where we affirm the base theological claim (that gender identity is divinely ordained, and cannot be changed by humans) but hold a significantly different interpretation of how that manifests than does the CISVA, so too do we uphold the core claim that bodies are part of how divine gender is revealed. Our reading of scripture and church documents, however, indicates new, doctrinally sound evidence for making the policy more trans affirming.

We begin by thinking about how transgressive bodies, rather than being aberrations or mistakes (as described by Tru's Catholic school administrator) are in fact blessed parts of God's creation. As outlined earlier in this paper, a number of biblical bodies such as those of Adam, Sophia, and Jesus have been queerly read as gender outlaws who are simultaneously among the most holy. In addition to discussions of Jesus's karyotype and his social gender non-conformity, we find the perpetual discussion of the dual/unified *nature* of Jesus's body particularly relevant for our purposes.

The perennial debates over whether Jesus's body was fully (hu)man, fully divine, a combination of both, neither, or something else entirely has been at the forefront of Christian theology since the time of Jesus's ministry. While it is beyond the scope of this paper to detail the many critical events in this 2000-year dialogue, we focus here on the Council of Chalcedon from 451 C.E. This fourth ecumenical council is the basis for Catholic doctrine regarding the nature of Jesus's body, was a watershed in emerging Christology, and is of especial importance when thinking about policies for trans people. It unified many, though not all of the disparate sects of the fledging faith, and forms the bedrock of much contemporary Christian thinking of the subject. The following declarative emerged from the Council, informing the Nicene Creed which is still recited today.

Sheffield's (2008) provocatively reads this foundational tenet of Catholicism as affirming Jesus's bodily identity as not one in an oppositional binary, but rather, one that is blessed in its both/and co-existence. Chalcedon proclaims Jesus's body as *both* fully human and fully divine, demanding "... a new math, a calculus that exceeds the logic of addition and subtraction, of fractions and wholes" (Burrus, 2006, p. 40). This reading is consistent with trans theory's distinct inclusion of both/neither when considering (gendered) identity possibilities (Nagoshi & Brzuzy, 2010; Stryker, 2004).

In their paper on writing a trans-inclusive university policy, Geller and Mullin (2017) write that they have:

Come to believe in a God who not only crosses the boundaries of sexual orientation, but also those of gender. St Paul says in his letter to the Galatians that there "is no longer male or female in Christ Jesus." For many transgender Christians, Jesus's life experience parallels their own. A Methodist report puts it well: "We understand our gender diversity to be a gift of God, intended to add to the rich variety of human experience and perspectives. The problem is not in being different, but in living in a fearful, condemning world. (p. 79)

There are obvious and radical implications for how trans students in Catholic schools should be treated within this view of Chalcedon and the precedent-setting university case. In their rejection or transgression of embodied binaries, Sheffield (2008) argues that trans folks "reflect the queer Chalcedic body of both/and. (Or does the Chalcedic body reflect them?)" (p. 238). This opens up rich, imaginative space to appreciate the similarities between the transgressive corporeality and fluid categorization that both Jesus and trans youth personify. And there are further similarities. In an early book of queer theology, Highwater (1997) likens the Gospel accounts of Jesus's torture and crucifixion to the treatment of other transgressive bodies, namely those of lesbians and gay men. Indeed, Jesus's body caused considerable anxiety for religious authorities tasked with stabilizing the faith, so much so that he was eventually publicly executed. As we have seen in the media accounts, Tru Wilson's insistence on respect and accommodation for her own transgressive body provoked initial condemnation followed by containment and control. There is further space to consider the phenomenon of "passing," and re-examine its significance for trans students given that through the body of Jesus, God was passing for human while Jesus was passing for divine.

If one accepts that according to Chalcedon, “Jesus’ body *is* ambiguous, liminal, and diverse, as it is two distinctly oppositional natures that are conjoined, yet neither nature is erased” (Sheffield, 2008, p. 243), we speculate that there is robust doctrinal support to be found for a much more affirming CISVA policy concerning trans students.

## Conclusion

### Trans and Catholicism: A False Binary

This queer analysis of the theological arguments denying a trans girl’s full gender expression in a Catholic school disrupts the premise that Catholicism and trans inclusion are oppositional. There is evidence that rejects how this binary was set up in the media accounts, such as by Tru’s Catholic superintendent, who stated that, “we are people of the Catholic faith. Our schools will be as inclusive as we can while still retaining our Catholic identity” (Keller, 2014, n.p.). A journalist further opined, “the new Catholic policy puts students’ safety and acceptance ahead of Catholic teaching” (Stueck, 2014, p. 10). Rather than having to find a balance, or mediate between inclusiveness and a Catholic identity, we have found theological support that inclusion and acceptance, especially of those with transgressive bodies, is a fundamental component of Catholicism. Instead of querying how CISVA policies on gender can be more trans affirming, perhaps a better question might be how they could better embody the Catholic value of honoring God’s creation, in its infinite diversity. Indeed, as one Catholic priest reported, “Over the years, as I have come to know transgender Catholics, I have found that they are teaching me how to find God in all things, for they are opening up to dimensions of God I had never imagined” (Geller & Mullin, 2017, p. 80).

While both of the authors of this piece are culturally, non-practicing Catholics (one now practices a different faith), there is growing dissension by practicing Catholics against dominant or papal views on trans issues. Indeed, a full 93% of American Catholics believe that transgender people deserve the same rights and legal protections as cisgender folks (Cox & Jones, 2011). At the post-secondary level, there are provocative new steps to embody their Catholic commitment to social justice, which resulted in a Jesuit-authored paper entitled “Promoting transgender understanding and acceptance at a Jesuit university” (Rowniak & Ong-Flaherty, 2015), and another called “Transgender Policy and Practice Development for the College of Saint Benedict and Saint John’s University” (Geller & Mullin, 2017).

Closer to K-12 schooling, interviews with pre-service Catholic school-teachers about using a trans positive picture book in a K-2 classrooms elicited encouraging responses. One participant in Wright-Malley and colleagues' 2016 study, who noted that he "... attends Mass 1-3 times a week, so I would say I'm quite devout," said he would "gladly use the book," explaining:

As a [Catholic] Christian, I believe that all people are part of this world experience and I for one, am not here to judge. As our world expands and becomes more interwoven, we need to embrace the differences of people. All life should be treated with dignity and respect whether we understand it or choose differently." (Wright-Malley et al., 2016, p. 195)

Although we quibble with this participant's use of "choice" regarding gender identity, we are nonetheless heartened that a devout, pre-service Catholic teacher would not only gladly use trans positive materials in early elementary school, but that he uses his faith to justify his position. This is one instance of many where Catholic educators envision theologically informed decisions that are also more affirming of trans people.

Anecdotally, as professors in faculties of education, we teach teachers who are preparing to teach, or who are already teaching in the Catholic school system. Our students regularly approach us both, requesting resources to make their schools more welcoming and affirming for their trans students. These caring educators, like the majority of American Catholics, are supportive of trans inclusion, and yearn for a way forward in fully including trans youth in Catholic schools. It is our hope that by popularizing queer and trans theologies, especially as they relate to educational policy and gendered restroom use, we can start to provide tangible evidence of how Catholic doctrine and trans inclusion can be better reconciled to more fully affirm trans youth in Catholic schools. The starting point for any future discussions and/or policy creation needs to reject the notion that trans and Catholicism are in opposition with one another, and instead center on the compatibilities between trans and Catholic life. Only with the trans/Catholic binary fully dismantled can more affirming and doctrinally sound policies be imagined, on issues pertaining to gender identity, gender expression, and beyond.

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## Appendix A

### Catholic Catechism Cited in the CISVA Policy

From *Catechism of the Catholic Church*. (1994). Retrieved from <http://www.vatican.va/archive/ENGO015/INDEX.HTM>

The human body shares in the dignity of “the image of God”: it is a human body precisely because it is animated by a spiritual soul, and it is the whole human person that is intended to become, in the body of Christ, a temple of the Spirit (364).

The unity of soul and body is so profound that one has to consider the soul to be the “form” of the body: i.e., it is because of its spiritual soul that the body made of matter becomes a living, human body; spirit and matter, in man, are not two natures united, but rather their union forms a single nature (365).

Sexuality affects all aspects of the human person in the unity of his body and soul. It especially concerns affectivity, the capacity to love and to procreate, and in a more general way the aptitude for forming bonds of communion with others (2332).

Everyone, man and woman, should acknowledge and accept his sexual identity. Physical, moral, and spiritual difference and complementarity are oriented toward the goods of marriage and the flourishing of family life. The harmony of the couple and of society depends in part on the way in which the complementarity, needs, and mutual support between the sexes are lived out (2333).

By creating the human being man and woman, God gives personal dignity equally to the one and the other. Each of them, man and woman, should acknowledge and accept his sexual identity (2393).