



Presentation of Synodal Forum IV

“Life in succeeding relationships
- Living love in sexuality and partnership” for
the Second Reading
at the Fifth Synodal Assembly (9 - 11 March
2023) for the implementation text
“Dealing with gender diversity”

[Result of the ballot in the Forum: 16 Yes, 1 No]

Introduction

Every person possesses a gender identity and a sexual orientation. These are part of a complex developmental process and they cannot be arbitrarily shaped or even chosen. Instead, they result from a combination of biological processes and psychosocial factors, which include not least the individual acceptance and shaping by the person him- or herself. Already for the gender variants male and female, these developments lead to a variety of physical, psychological and social characteristics, ways of expression and self-perceptions. This diversity is already biologically inherent: The *biological* gender identity of a human being is initially based on the chromosomal code of XX or XY. However, it can by no means be reduced to this. Instead, the biological gender identity develops in complicated interactions between genetic and epigenetic factors and is above all decisively shaped by the "hormonal sex". Sex hormones such as testosterone or oestradiol occur in all sexes, although they appear in typically male or female bodies at different levels of concentration. "In contrast to genetic sex, hormonal sex is not typologically binary (i.e. strictly male or female), but is expressed on a sliding scale in which the individual status can also lie between the two poles."¹

Human science findings point to the existence of further variants: People are considered intersex (also "intersexual") if their biological sexual characteristics (e.g. mosaic formation of the chromosomal structure, external or internal sexual organs) clearly do not allow a strict

¹ German Ethics Council: *Intersexuality. Opinion*. 23 February 2012, P. 32,
https://www.ethikrat.org/fileadmin/Publikationen/Stellungnahmen/deutsch/DER_StnIntersex_Deu_Online.pdf.

binary assignment to either male or female. Transgender people are people whose biopsychosocial development leads to a gender perception that does not (or at least not predominantly) correspond to the gender assigned at birth, usually on the basis of the external sexual organs. Intersex and transgender people also show a great variety of individual characteristics.

The recognition of intersex and transgender people has progressed significantly in recent years in Germany and other parts of the world, both legally and socially. For example, since 2017, there has been the option of a separate gender entry for intersex people ("divers") in Germany in addition to the option of leaving the entry open.² With regard to transgender people, the new regulation of the civil status law currently under discussion provides for prudent support, which wants to avoid rash determinations and instead support informed-reflective decision-making. Nevertheless, comprehensive and equal recognition is still pending in many places. Parallel to progress, social, political and ecclesiastical resistance is also emerging, which continues to unsettle trans and intersex people in an already uncertain legal situation, in which they have already experienced much suffering through exclusion, medical and legal boundary crossing and even open violence.

The Roman Catholic Church is also reacting to the ongoing social debates on how to deal with gender diversity. It has recently become known that the Vatican's International Theological Commission is currently working on a fundamental statement on the topic of gender.³ Already in the paper "As Male and Female He created Them. Towards a Path of Dialogue on the question of gender theory in Education" of the Congregation for Catholic Education of 2019, trans- and intersexuality are mentioned for the first time. However, this is characterised by an understanding of these terms that corresponds neither to the self-understanding of the people concerned nor to the state of the human sciences. Inter- and transgender people, it is assumed, are part of an ideology whose goal is, among other things, the dissolution or obscuring of the supposedly clear and exclusive distinction between man and woman that is considered God-given.⁴

On the one hand, such insinuations are difficult to bear for trans and intersex people who see the church as their spiritual home and a place of refuge. They cause or deepen suffering, and for some even make a lasting contribution to impairing the prerequisite for a loving relationship with God and self. On the other hand, such statements, which are accepted by ministers and believers worldwide, have an influence on the reality of the lives of trans and intersex people that should not be underestimated. They legitimise and promote exclusion, violence and persecution, from which the Church is supposed to protect. Instead, church doctrine and law continue to assign highly precarious and vulnerable positions to trans and intersex persons. This increasingly exposes them to abusive perpetrator strategies in church spaces, often targeting particularly vulnerable people. Their precarious position in family, social and church contexts

² The preceding ruling of the Federal Constitutional Court (1 BvR 2019/16), according to which people who are permanently neither male nor female have their fundamental rights violated as long as no other positive gender entry is provided, was assessed at the time by Matthias Kopp as spokesperson of the German Bishops' Conference in a statement to the Catholic News Agency as "comprehensible".

³ Domradio.de: "'Examining some anthropological questions'. Pope calls for creative fidelity to tradition on gender issue", 25 November 2022, <https://www.domradio.de/artikel/papst-fordert-kreative-treue-zutradition-bei-gender-thema>.

⁴ Congregation for Catholic Education: "*As Male and Female He created Them. Towards a path of dialogue on the question of gender theory in education*", 02 February 2019, No. 25, http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20190202_maschio-e-femmina_ge.pdf.

also leads to minority stress, which has been shown to increase the risk of physical and mental illnesses such as depression. Suicide rates are significantly higher among trans and intersex people.

A remarkable contrast to the document of the Congregation for Education is the recently published paper of the Australian Catholic Bishops' Conference "Created and Loved. A guide for Catholic schools on identity and gender".⁵ In it, the bishops explain the interrelationship of biological and social gender from the perspective of the Christian image of humanity: biological gender ("sex") already shows a considerable range of how people experience and express their gender. Thus, from the moment of conception, "a unique set of male or female characteristics" develops prenatally for each individual person in a complex genetic and hormonal process. This unique biological imprint as man and woman is connected with the social sex ("gender") in the course of life. Social gender is itself influenced by a variety of factors such as early childhood experiences, family expectations or general cultural and social patterns. Thus, there is a "much natural variation in how individuals experience their masculinity or femininity". In certain cases, according to the Australian bishops, conflicting experiences between biological and social gender can develop into a crisis of gender identity. If this crisis continues, in certain cases there is a "transition" of the biological sex characteristics to the perceived and experienced gender. The Australian bishops document a struggle with human-scientific findings and social developments, which is particularly noteworthy with regard to the consequences for the design of church learning spaces.

Motion

1. Concrete improvements for intersex and transgender faithful can be implemented at national level in Germany. In this sense **the Synodal Assembly recommends** to implement the following aspects in their (arch)dioceses **to the German bishops**:
 - 1) For intersex children it shall be possible to leave the gender entry blank in the register of baptisms or to enter "diverse" as is now envisaged in German law. If at a later point in time there will be the desire to change the gender entry, this shall be possible without any complications.
 - 2) It should also be made possible for transgender faithful to have their civil status (i.e. the entry on gender as well as their first name(s)) changed in the register of baptisms. Standards in the Church's administrative law should be established here in the same way as for item 1.1.
 - 3) If transgender or intersex believers are denied the sacrament of marriage, blessing ceremonies for their partnerships are available. Corresponding preparation courses are also open to couples in which one or both partners are transgender and/or intersex.
 - 4) Spiritual guidance for transgender and intersex faithful, characterised by acceptance, shall be ensured at pastoral level. LSBTI* commissioners shall be established in all (arch)dioceses for this purpose. In parishes and Catholic institutions education

⁵ Australian Catholic Bishops Conference: "Created and Loved - A guide for Catholic schools on identity and gender", 06.09.2022, <https://www.catholic.au/s/article/Bishops-support-Catholic-schools-withguide-on-gender-identity#>.

programmes and offers shall be provided that raise awareness and sensitivity to the issue of gender diversity.

- 5) Education and training for priests, pastors and church employees deal with the topic of gender diversity with the aim of building up and expanding appropriate competences.
- 6) Persons with an intersex or transgender identity are not to be excluded from pastoral ministry, or from other full-time or voluntary employment relationships. Gender identity does not constitute grounds for non-employment or dismissal within the meaning of the Basic Order of Church Service in the context of church employment relationships.
- 7) Likewise, all ecclesial communities are recommended to allow intersex and transgender people to have equal access to or remain in an institute of consecrated life or in a society of apostolic life.
- 8) The determination of the state of external sexual characteristics is to be abolished where it should still be practice in the course of accepting a man as a candidate for the priesthood.

2. The Synodal Assembly together with the bishops recommend the Holy Father to ensure that transgender and intersex individuals may live their lives and their faith in our Church in their own way of being as creatures of God without experiencing harm, hostility or discrimination. This also includes explicitly distancing ourselves as a Church from views which portray intersex and transgender realities as a pathological, negative or even sinful deviation. Within the framework of the initiated consultative process of the International Theological Commission for the preparation of a Vatican statement on gender, we recommend an open, serious and fundamental theological and human-scientific examination of gender diversity, which reflects the diversity of God's good creation. We see an urgent need for theological-practical action in particular in the following areas:

- 1) The normative gender anthropology based on natural law, and its legitimation by having recourse to Biblical creation stories, needs to be verified with the insights of modern Biblical studies and theology.⁶
- 2) The depreciation of trans and intersex people, especially through the insinuation of a "gender ideology", must be stopped. By reproducing such positions, Catholic institutions, responsible persons of the Church and Catholic politicians also make themselves jointly responsible for the ongoing exclusion and persecution of people who do not correspond to the common notions of normality of gender. The recognition of gender diversity as part of creation strengthens an appreciative language that is always in the process of learning. It also promotes a non-violent and anti-discriminatory approach to transgender and intersex people.

⁶ An example of such an approach at the pinnacle of the exegetical debate is for example the recent document entitled *Che cosa è l'uomo?* published on the subject of homosexuality by the Pontifical Biblical Commission. Similarly, there is a need for a process of rethinking with regard to the issues of transgender and intersex identity in Biblical studies as well as in other areas of theology. Pontifical Biblical Commission: "*Che cosa è l'uomo? Un itinerario di antropologia biblica*", 2019, Nos. 185-195. https://www.vatican.va/roman_curia/congregations/cfaith/pcb_documents/rc_con_cfaith_doc_20190930_cosa-e-luomo_it.html.

- 3) The physical safety and integrity of intersex people is to be respected by the Church. The Vatican Congregation for Education must therefore retract its view that a gender "clarification" in the direction of male or female is to be produced in children by medicine, if necessary even without the consent of the parents.⁷ The withdrawal of this Vatican demand is also imperative because it suggests actions that are rightly punishable almost everywhere. Medical intervention against the will of inter-persons or their custodial parents is, as a fundamental and human rights violation, a punishable offence both nationally and internationally.
- 4) The Church must speak out unequivocally against so-called conversion therapies performed on transgender people (as well as on homosexuals and bisexuals), as these efforts massively endanger the physical and mental integrity and health of the respective persons as well as their faith and trust in God.
- 5) Access to the ecclesiastical ordination offices and pastoral professions must also be examined in each individual case for intersex and transsexual baptised and confirmed persons who sense a vocation for themselves and must not be excluded in general.

Reasoning

Pope Francis describes the core message of our faith in his Encyclical letter *Fratelli tutti* with the guiding principles of universal fraternity and social friendship. This message of love that transcends all boundaries is also a "utopia" (FT 180, 190) or a "dream" (FT 6,8 and frequent other mentions) in the Church that can and should guide actions: He challenges us to acknowledge our respective neighbours in their respective own way of being - beyond all boundaries and differences (cf. the interpretation of the parable of the Good Samaritan in FT, Chap. 2). This also includes to see and acknowledge the suffering of people who have been and are marginalised in the Church because of their gender identity, and to identify the causes of such marginalisation in the Church's doctrine, proclamation and practice as well.

When proclaiming the Kingdom of God, Jesus directly reached out to the marginalised of His time and went to them. The criterion of his attention was the boundless mercy and recognition that God shows to His creation - and not gender, social status or any social "standardisation". The more the Church becomes a place of recognition for trans and intersex people who want to live their Christian faith in the community of the Catholic Church, the more credible this standard of universal charity becomes. By her actions the Church becomes responsible when transgender and intersex faithful, as well as their friends and relatives, turn away from the Church as an institution in order to protect themselves. She will only become a space for life, for encounters and for protection for all faithful if she guides and supports them unreservedly, including their gender identity, in their life of faith and at the same time advocates concretely against all forms of discrimination and exclusion in Church and society.

Recent exegetical, theological-anthropological, moral-theological and pastoral-practical approaches offer argumentative foundations for reviewing the traditional, constricted gender anthropology in the Church's doctrine and fundamentally revising it in the light of the medical,

⁷ Congregation for Catholic Education: "*Male and Female He Created Them. Towards a path of dialogue on the question of gender theory in education*", 02 February 2019, No. 24, http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20190202_maschio-e-femmina_ge.pdf.

biological and (neuro)psychological knowledge that is available today. Transgender and intersex identities are realities which the Church has to face and she must find a new way of dealing with them. Transgender and intersex individuals are part of God's good creation and share in the inviolable dignity of human beings created in God's image. Acknowledgement of the diversity of human ways of being, including in relation to gender identities, is part of a credible commitment to protecting this dignity, and must be the highest commandment guiding the Church's actions. This also refers to dealing with transgender and intersex people.