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## Gender identity in Scripture: Indissoluble marriage and exceptional eunuchs

### Abstract

*There has been little considered reflection by Catholic theologians on the concepts of gender identity, gender dysphoria and gender transition. Seeking inspiration in the Scriptures, some Catholic thinkers have interpreted the first three chapters of Genesis and especially the text 'male and female he created them' (Genesis 1:27) as requiring all human beings to live in the gender role congruent with their biological sex, and have viewed the biology of sex as self-evident. The current paper argues that these chapters constitute an appropriate locus for reflection on theological anthropology but that they need to be taken together with other texts and especially with the explicit teaching of Jesus Christ. In the Gospel according to Matthew, the one occasion in which Jesus invokes this passage from Genesis is when he draws attention to exceptional examples in nature and, in a striking phrase, states that some 'have made themselves eunuchs for the sake of the kingdom of heaven' (Matthew 19:12). 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.*

Then God said, 'Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth.' So God created man in his own image, in the image of God he created him; male and female he created them. And God blessed them, and God said to them, 'Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth.' (Genesis 1:26-28).

The disciples said to him, 'If such is the case of a man with his wife, it is not expedient to marry.' But he said to them, 'Not all men can receive this saying, but only those to whom it is given. For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. He who is able to receive this, let him receive it.' (Matthew 19:10-12).

### Male and female God created them

The context of this paper is the need to identify theological resources that can facilitate reflection on those experiences, practices and concepts associated with terms such as 'trans', 'transition', 'transsexual', 'transgender', 'gender identity', 'gender incongruence', 'gender dysphoria' and 'gender recognition'. These terms reflect a family of concepts with different clinical, political and philosophical connotations. Nevertheless, however one understands these human phenomena, it is clear that their prevalence and cultural prominence have risen dramatically in the last five or ten years.<sup>1</sup> Furthermore, while absolute numbers remain small, the concept of 'incongruent gender identity' raises profound theological questions which have yet to receive sustained and careful

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<sup>1</sup> An example of the cultural prominence of these concepts and equally an example of the problematic antagonism that surrounds them is provided by Ryan T. Anderson, in *When Harry Became Sally: Responding to the Transgender Moment* (New York: Encounter Books, 2018), See D.A. Jones 'Review of Ryan T. Anderson, *When Harry Became Sally: Responding to the Transgender Moment* (New York: Encounter Books, 2018) and Mark A. Yarhouse, *Understanding Gender Dysphoria: Navigating Transgender Issues in a Changing Culture* (Downers Grove, IL: InterVarsity Press, 2015)', *Studies in Christian Ethics* 2019, Vol. 32(3) 402–406.

attention by Catholic theologians.<sup>2</sup> There is need for hard theological work and this requires not only attending to personal experience and scientific knowledge but also a return to those theological sources that can illuminate our humanity.

Within mainline Protestantism there are some who have sought to develop a theology that is affirming of trans identities, but of these most have drawn on liberation theology or on queer theory.<sup>3</sup> Such methodologies privilege contemporary experience of oppression as a hermeneutic and seek to deconstruct aspects of the Scriptural text that reflect the dominant culture. Catholic theologians<sup>4</sup> can learn from engaging with such approaches but, if they are to avoid eisegesis, they must remain open to being challenged by the sacred page and by the tradition of the Church. The account presented here draws on Scripture to illuminate the concept of 'gender identity'. It proceeds cautiously, not seeking to stand over the text or despoil it for whatever is convenient, but rather seeking to enrich the understanding of the text by relating it to other Scriptural texts, and especially to the words and example of Christ. The conclusion of this exploration is that the key Scriptural texts relevant to this issue, as these are understood within the context of Catholic tradition, leave open the possibility that some people are created with an identity that falls outside the binary of male and female and that they may find salvation in and with this identity.

One emergent strand of Catholic theology that is relevant in this regard is the critique, offered by Pope Francis and others, of a diverse group of errors referred to collectively as 'gender theory' or 'gender ideology'.<sup>5</sup> It should be noted, however, that the focus of this body of writing is on theoretical frameworks which the Pope discerns in modern culture and in governmental and educational programmes.<sup>6</sup> These writings do not reflect on, and indeed scarcely mention, the experience or self-understanding of people with an incongruent sense of gender identity. Even the recent attempt by the *Congregation for Catholic Education* to initiate a 'dialogue' on these topics<sup>7</sup> is

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<sup>2</sup> The focus of this paper, a version of which was presented at the Catholic Theological Association UK conference at St Mary's University Twickenham on 3 September 2019, is the understanding of gender identity in relation to Scriptural exegesis undertaken within a Catholic theological context. .

<sup>3</sup> See for example: Christina Hutchins, 'Holy Ferment: Queer Philosophical Destabilizations and the Discourse on Lesbian, Gay, Bisexual and Transgender Lives in Christian Institutions', *Theology & Sexuality* 2001.15 (2001): 9-22; Marcella Althaus-Reid, and Lisa Isherwood, *Trans-Formations (Controversies in Contextual Theology)* (London: SCM Press, 2009); Michelle Wolff, 'A diptych reading of Christ's transfiguration: trans and intersex aesthetics reveal baptismal identity', *Theology & Sexuality* 25.1-2 (2019): 98-110, among others; and also, in relation to intersex theology: Joseph A. Marchal, 'Who Are You Calling a Eunuch?! Staging Conversations and Connections between Feminist and Queer Biblical Studies and Intersex Advocacy' in Susannah Cornwall (ed) *Intersex, Theology, and the Bible* (New York: Palgrave Macmillan, 2015), pp. 29-54.

<sup>4</sup> 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. This conservative approach may be of interest to Christians in other traditions who share the belief that Christian anthropology is illuminated by revelation and at the same time that, by the grace of God, the Church can be led to a deeper understanding of this revelation.

<sup>5</sup> Francis, *Laudato Si'* (May 24, 2015), 155; Francis, *Amoris Laetitia* (19 March 2016), section 56; Benedict XVI 'Address to the Roman Curia' (December 21, 2012); Catechism of the Catholic Church 2393; All drawing on John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. Michael Waldstein (Boston: Pauline Books & Media, 2006).

<sup>6</sup> On the Papal analysis of contemporary ideas of 'gender' see Mary Prudence Allen, 'Gender Reality vs Gender Ideology,' *Solidarity* 4.1 (2014): 1-36; Mary Anne Case, 'The Role of the Popes in the Invention of Complementarity and the Vatican's Anathematization of Gender,' *Religion and Gender* 155 (2016): 6.

<sup>7</sup> Congregation for Catholic Education, *Male and Female He Created Them: Towards a Path of Dialogue on the Question of Gender Theory in Education*, (Vatican City: CCE, 2019).

conceived of as a dialogue with clinicians, scientists and social scientists about 'gender theory' not a dialogue with people who experience gender incongruence about their sense of gender identity.

Neither Pope Francis nor other Catholic authorities have sought to move from the broader theoretical discussion of gender theory to the implications for individuals with an incongruent sense of gender identity.<sup>8</sup> However, some Catholic writers have done so, drawing on Pope Francis and on the writings of Pope John Paul II. Perhaps the Scriptural text most often cited in this context is the verse 'male and female he created them' (Genesis 1:27).<sup>9</sup> This verse is interpreted as implying a universal obligation to accept one's natal sex as something given by God. Those who transition to live in a gender role that is not congruent with their natal biology and the gender in which they have been raised, thereby 'reject the God-given personhood that is manifest through one's sexuality'.<sup>10</sup> In this understanding, the distinction of male and female represents not simply a fact of nature but an important aspect of the created order. Accepting one's biological sex, as something given at conception and not as a personal choice is, on this understanding, not only an ethical imperative but a matter of faith. It would seem to follow from this line of reasoning that 'being involved in gender transitioning is not living in accord with the doctrine of the Church.'<sup>11</sup>

It is not the aim of this paper to dispute the centrality of the text 'male and female he created them', or of the two creation narratives in Genesis 1 and Genesis 2-3, for a theology of gender identity. The concept of gender identity belongs to anthropology and the first three chapters of Genesis have an architectonic significance for Christian anthropology. This is for fundamental theological reasons relating to the incarnation and the identity of Jesus as the new Adam (Corinthians 15:22-45; Romans 5:12-21), so that, 'only in the mystery of the incarnate Word does the mystery of man take on light.'<sup>12</sup>

### **Eunuchs for the sake of the kingdom**

This paper presupposes the significance of these narratives but argues that, when thinking about gender identity, the phrase 'male and female he created them' (Genesis 1:27) should be taken together with the saying of Christ that some 'have made themselves eunuchs for the sake of the kingdom of heaven' (Matthew 19:12).

The link here is not obvious and requires justification. The eunuchs logion is recorded in only one of the Gospels and is not repeated or alluded to in any of the New Testament epistles. It is not a text that has the same resonance in the tradition as that of the first three chapters of Genesis.

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<sup>8</sup> Indeed, Pope Francis seems to distinguish these aspects in saying that 'it is one thing if a person has this tendency, this option; some people even change sex. But it is another thing to teach this in schools, in order to change people's way of thinking.' see Francis 'In-flight press conference of His Holiness Pope Francis from Azerbaijan to Rome' 2 October 2016

[http://w2.vatican.va/content/francesco/en/speeches/2016/october/documents/papa-francesco\\_20161002\\_georgia-azerbaijan-conferenza-stampa.html](http://w2.vatican.va/content/francesco/en/speeches/2016/october/documents/papa-francesco_20161002_georgia-azerbaijan-conferenza-stampa.html)

<sup>9</sup> Note this verse not only provides the title for the document of the Congregation for Catholic Education but also the English translation of the collection of Wednesday audiences by Pope John Paul II. It is also a verse that is central to the analysis of gender identity provided by Oliver O'Donovan, *Transsexualism and Christian Marriage* (Bramcote: Grove, 1982) which has been important in discussion within the Church of England, see Chris Dowd and Christina Beardsley, eds., *Transfaith: A Transgender Pastoral Resource* (London: Darton Longman & Todd, 2018) pp. 37-39.

<sup>10</sup> Travis Stephens, 'The Principle of Totality Does Not Justify Sex Reassignment Surgery,' *Ethics & Medics* 41.11 (November 2016): 1-4, 2.

<sup>11</sup> National Catholic Bioethics Centre *Transgenderism: Legal issues and mandates* Prepared by the ethicists of the NCBC February 2017.

<sup>12</sup> Vatican II *Gaudium et Spes* (7 December 1965) 22 citing Ambrose *De virginitate* 48.

Furthermore, on the face of it, the saying is not about gender identity at all but only about the renunciation of marriage. As Martin Davie argues 'In the Bible eunuchs do not form an exception to the binary distinction between men and women. This is because the term eunuch refers to men who for some reason lack sexual capacity (and are therefore incapable of entering into marriage)... the welcome extended to eunuchs in Isaiah 56:1-5, Matthew 19:10-12 and Acts 8:26-40 cannot be understood as biblical support for those who are transgendered [sic] because the eunuchs referred to in the Bible were not transgendered.'<sup>13</sup>

It should also be noticed, however, that Matthew places this saying immediately after the teaching of Jesus on divorce, a teaching where Jesus appeals overtly to the Genesis narratives in order to move beyond the Mosaic law on marriage. The God who 'made them from the beginning, made them male and female' (Matthew 19:4, c.f. Genesis 1:27) so that 'a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh' (Matthew 19:5 cf. Genesis 2:24). Jesus here invokes both creation narratives to show that marriage is ordained by God and cannot be dissolved by any human authority.<sup>14</sup> The evangelist thus sets the eunuchs' logion within a theology of marriage based on the creation of male and female by God in the beginning. Marriage is revealed as indissoluble but, at the same time, Jesus denies that there is a universal duty to marry.

In Genesis the creation of human beings as male and female is followed immediately by the blessing of God to 'be fruitful and multiply' (Genesis 1:28). The same blessing had been given on the fifth day to birds and fish (Genesis 1:22) and a similar idea is present on the third day when God created plants 'bearing fruit which is in their seed, each according to its kind' (Genesis 1:12). The chapter repeatedly portrays God not only as creator but as the giver of life and fruitfulness. The injunction to human beings to 'be fruitful' is thus the culmination of a theme developed in the chapter. Nevertheless, it is distinct in that human beings, alone among creatures, are said to be created in the image and likeness of God. The link between the creation of human beings in the image of God and procreation is reprised at the beginning of Genesis 5:

This is the book of the generations of Adam. When God created man, he made him in the likeness of God. Male and female he created them, and he blessed them and named them Man when they were created. When Adam had lived a hundred and thirty years, he became the father of a son in his own likeness, after his image, and named him Seth. (Genesis 5:1-3).

As God creates the first human being in his own likeness so procreation reproduces this likeness (without denying that God is at work also in procreation).

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<sup>13</sup> Martin Davie *Transgender Liturgies: Should the Church of England develop liturgical materials to mark gender transition?* Latimer Briefing 20 (London: Latimer Trust, 2017), p. 56. The use of transgender as a verb rather than an adjective is unusual but Davie takes it from Justin Tanis, *Trans-Gendered, Theology, Ministry and Communities of Faith* (Cleveland: The Pilgrim Press, 2003). Davie is not Catholic but is cited here as his theological view is close to that of Anderson, Stephens, the ethicists of the NCBC and of some other Catholic commentators.

<sup>14</sup> Unlike the other synoptics, Matthew alludes to an apparent exception to this indissolubility in a phrase, 'except for unchastity' (Matthew 19:9), that has given rise to many possible interpretations (Raymond F Collins *Divorce in the New Testament* (Collegeville, MN: The Liturgical Press, 1992) presents 12 different interpretations all of which have had adherents see also Gordon J. Wenham, 'The Syntax of Matthew 19:9'. *Journal for the Study of the New Testament*, 9.28 (1986), 17-23.). For the purposes of this paper it is not necessary to resolve this question. It is enough to state that the teaching on divorce is authentically Dominical, that Jesus appeals to the creation of male and female in Genesis, and that he cites this to demonstrate that marriage is ordained by God.

A second way that human beings are distinct from the other animals is that human beings are able to hear the word of God and to respond to it. The blessing of human beings can therefore be taken as an injunction 'be fruitful!' and indeed this is how it is understood in Rabbinic Judaism, as the first of the commandments.<sup>15</sup>

In the following chapter, God creates the primeval woman from the side of the primeval man so that husband and wife will be joined as 'one flesh' (Genesis 2:24). This chapter thus also reveals marriage as a profoundly human mystery but focuses less on procreation and more on unity and communion. 'It is not good that the man should be alone' (2:18). Nevertheless, the theme of fruitfulness is present in this narrative also: in the image of tree of life (2:9), in the prophecy that there would be enmity between the seed of the snake and the seed of the woman (3:15), in the reference to pains of child-birth (3:16), and in the naming of Eve as 'mother of all living' (3:20). The narratives thus complement one another. Both describe an original unity of man and woman<sup>16</sup> and both relate this to fruitfulness. For diverse reasons marriage and procreation are revealed as central to the created order and, arguably, as the fulfilment or culmination of the division of the sexes in animals and the fruitfulness of all living things. These chapters contrast sharply with views of nature that characterise the body as evil or the end of human life as separation from the flesh.

Jesus both confirms and deepens this tradition in his affirmation that marriage, as a union ordained by God, is indissoluble. It is against this background that Jesus presents the teaching that some people have made themselves eunuchs for the sake of the kingdom. The saying is so vivid and so shocking that it seems incredible that these could be other than the *ipsissima verba* of the Lord. The later tradition has taken this saying as a reference to the renunciation of marriage for the sake of Christian ministry. Some exegetes resist attributing such a view to Jesus preferring to regard evangelical celibacy as a Pauline innovation,<sup>17</sup> but it should be remembered that both Jesus and John the Baptist were unmarried. Furthermore, Matthew presents the saying as a response to the disciples' exclamation that 'it is not expedient to marry.' (19:10)

The reference to becoming a eunuch 'for the sake of the kingdom of heaven' (Matthew 19:12) places this saying within the context of Jesus's preaching of the coming of 'the kingdom'.<sup>18</sup> In that context,

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<sup>15</sup> As classically expounded in the 13<sup>th</sup> century enumeration of the commandments the *Sefer ha-Chinuch* but the view that there is an obligation to reproduce based on Genesis is already in the Talmud, see for example *Yevamot* 61a.

<sup>16</sup> In the second narrative this unity is revealed in the story of the forming of the woman from a rib taken from Adam (Genesis 2:21-24). In the first narrative it is disclosed by the grammatical juxtaposition 'in the image of God he created *him*; male and female he created *them*' (Genesis 1:27). It is this juxtaposition that leads to speculation in Rabbinic Judaism (For example the midrash *Bereishit Rabba* 8:1 cited by Sally Gross, 'Intersexuality and scripture.' *Theology & Sexuality* 11 (1999): 65-74, page 71) and early Patristic sources (For example Gregory of Nyssa *On the Making of Man* XVI) that the original human being contained both sexes, which is reminiscent of the myth described in Plato's *Symposium* (189c-194e). Thus, in both Genesis narratives, human nature is created before the division between male and female and this original unity is related to and disclosed by sexual union and procreation.

<sup>17</sup> The line taken by A.E. Harvey, in his Ethel M Wood Lecture *Eunuchs for the sake of the Kingdom* (London: The University of London, 1995). For other attempts to provide an interpretation not connected with evangelical celibacy see Quentin Quesnell, 'Made themselves eunuchs for the kingdom of heaven. (Mt 19, 12).' *The Catholic Biblical Quarterly* (1968): 335-358.; S.R. Llewelyn, G.J. Wearne and B.L. Sanderson, 'Guarding Entry to the Kingdom: The Place of Eunuchs in Mt. 19.12' *Journal for the Study of the Historical Jesus*, (2012) 10(3), 228-246. R.J. Van Tine, 'Castration for the Kingdom and Avoiding the αἰτία of Adultery (Matthew 19: 10-12).' *Journal of Biblical Literature*, (2018). 137(2), 399-418.

<sup>18</sup> On the theme of the kingdom of God in the preaching of Jesus see, for example R.T. France. *Divine government: God's kingship in the Gospel of Mark* (Vancouver, BC: Regent College Publishing, 2003). For an exhaustive bibliography of this topic see D.M. Swanson 'Bibliography on Works on the Kingdom of God': *MSJ*

the inclusion of the eunuch echoes the earlier prophecy of Isaiah 56 and also the later practice of the early Church (Acts 8). In the Mosaic law, eunuchs were to be excluded from the assembly (Deuteronomy 23:1, see also Leviticus 21:20, 22:24) and the figure of the castrated slave or official was associated with foreign customs and even with idolatry or sexually immorality.<sup>19</sup> In contrast, Jesus preaches a kingdom which gathers righteous foreigners into Israel and gives first place to those who previously were excluded. The saying can thus be related to the inclusion of the marginalised into the kingdom but Matthew presents it primarily as a gloss on the unity of male and female in marriage as this was ordained by God in the beginning. Christ both sets aside the accommodation of divorce in the Mosaic law and sets aside the received view that there is an obligation to marry and be fruitful. Both moves reveal his Divine authority, appealing to how things were 'in the beginning' and appealing to how things will be in the coming 'kingdom of heaven'.

### Gender Incongruence

The significance of this saying does not lie in taking eunuchs (or whichever kind) as a model for people who are gender incongruent. In this, at least, Davie seems to have it right. It is true that eunuchs were regarded, in some ways, as occupying a third gender role, 'neither changed into a woman nor allowed to remain a man'.<sup>20</sup> Nevertheless, 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. It should also be noticed that while the saying of Jesus about eunuchs has been invoked as a model both for incongruent gender identity<sup>21</sup> and for intersex<sup>22</sup> this move has also been criticised by some transgender<sup>23</sup> and intersex<sup>24</sup> people.

In particular, it seems implausible to apply this passage to the evaluation of surgery whether to 'correct' the bodies of intersex people or to 'confirm' the gender of those who are gender incongruent. Indeed, this mistake is more evident because the political activism surrounding the two kinds of surgery pulls in opposite directions: intersex activists seek to prevent surgery they

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23/2 (2012) 275-282; L.D. Chrupcala 'The Kingdom of God. A Bibliography of 20th Century Research' *SBF. Analecta* 69, Jerusalem: Franciscan Printing Press 2007.

<sup>19</sup> For example, the castrated servants of the cult of Cybele, see Megan K. DeFranza, 'Virtuous Eunuchs: Troubling Conservative and Queer Readings of Intersex and the Bible'; in Susannah Cornwall (ed) *Intersex, Theology, and the Bible*. (New York: Palgrave Macmillan, 2015) pp. 55-77, 62 citing Piotr.O Scholz *Eunuchs and Castrati: A Cultural History* (Princeton, NJ: Markus Weiner Publishers, 2001), pp. 93-34 and Matthew Kuefler *The Manly Eunuch: Masculinity, Gender Ambiguity, and Christian Ideology in Late Antiquity* (Chicago, IL: University of Chicago Press, 2001), pp. 250-252. See also Halvor Moxnes, *Putting Jesus in his Place: A Radical Vision of Household and Kingdom* (Louisville and London: Westminster John Knox Press, 2003), pp. 72-90) and J.D. Hester, 'Eunuchs and the postgender Jesus: Matthew 19.12 and transgressive sexualities', *Journal for the Study of the New Testament*, (2005) 28(1), 13-40.

<sup>20</sup> Augustine, *The City of God against the Pagans*, Vol. 2, Loeb Classical Library, trans. William McAllen Green (Cambridge, MA: Harvard University Press, 1963), 465 (section 7.24) as quoted by DeFranza, 'Virtuous Eunuchs', 58.

<sup>21</sup> Tanis, *Trans-Gendered*

<sup>22</sup> Tanis *Trans-Gendered*, DeFranza, 'Virtuous Eunuchs', 58 see also Megan K. DeFranza, *Sex Difference in Christian Theology: Male, Female, and Intersex in the Image of God* (Grand Rapids: Eerdmans, 2015)

<sup>23</sup> Thus, 'it is equally clear that in the majority of cases, to be a eunuch was quite unrelated to any possibility of gender dysphoria' (Helen Savage. *Changing sex? : transsexuality and Christian theology*. Durham theses, Durham University, 2006, page 80) See also Chris Dowd, 'Five things cis folk don't know about trans folk because it isn't on trashy TV – my right of reply,' in Christina Beardsley and Michelle O'Brien (eds.), *This is my body* (London: DLT, 2016), p.105, though Dowd is not transgender his work is informed by interviews with transgender Christians undertaken as part of his doctoral research.

<sup>24</sup> Marchal 'Who Are You Calling a Eunuch?!'.

regard as unnecessary; transgender activists seek to facilitate surgery they regard as necessary. If the saying provided justification for the latter kind of surgery it seems that it would also provide justification for the former.<sup>25</sup> In any case, there is nothing in the passage that suggests that Jesus was advocating physical castration.<sup>26</sup> It is alleged that Origen, the great Scriptural exegete, interpreted these words literalistically and had himself castrated<sup>27</sup> but this seems a dubious story most likely put about by his enemies<sup>28</sup> and it contradicts what Origen himself says about this verse.<sup>29</sup> Furthermore if, as seems likely, it is this story, and thus the interpretation of this verse, that lies behind the penalties imposed by the Council of Nicea for castration<sup>30</sup> then it seems the Church definitively rejected such an interpretation.<sup>31</sup>

What, then, is the relevance of this passage to the theology of gender identity? Its importance lies principally in the way it disrupts a simplistic move from the creation of male and female to a normative obligation that is binding on every person. If this is not a valid move in relation to the most basic obligation, the injunction to marry and 'be fruitful', still less is it valid in relation to gender roles and gender identity apart from the context of marriage, sexual union and procreation. God enjoins the first human beings to be fruitful, and the goodness of the creation of human beings as male and female is related to the good of this fruitfulness. The two creation narratives emphasize two aspects of marriage, the procreative and the unitive,<sup>32</sup> the fruitfulness and the fidelity. This is

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<sup>25</sup> The question whether medical or surgical interventions and if so which and in which circumstances, may be appropriate for a person with a divergence of sexual development or with gender dysphoria, cannot be settled by appeal to revelation. This will depend on the ethical principles and considerations relevant to any surgical intervention (see D.A. Jones, 'Gender Reassignment Surgery: A Catholic Bioethical Analysis' *Theological Studies* 79(2): 314–338). Nevertheless, the theological frame developed here is relevant in that it shows that medicine in this area can be construed as attempting, at least, to address and acknowledge one's created nature and does not have to be construed as a naked assertion of will or desire over and against nature.

<sup>26</sup> M.C. Shinall Jr. 'Dismemberment, Dualism, and Theology of the Body in the Gospel of Matthew', *Biblical Theology Bulletin*. 2014 Nov;44(4):185-94.

<sup>27</sup> This story is attested by the historian Eusebius of Caesarea (Church History VI.8) whence its graphic character resulted in its widespread propagation even in the fourth century and it remains one of the first things students of theology learn about Origen. It is a meme.

<sup>28</sup> The source for Eusebius is Demetrius, Patriarch of Alexandria, who seems to have developed a pathological hatred of Origen based on envy. At first, Demetrius acted as a patron of Origen, but later he refused to ordain him or to allow him to preach. Demetrius objected when he heard that Origen, a mere lay man, had been permitted to preach in Caesarea and objected still more strongly when Origen was subsequently ordained by the bishop in Caesarea. According to Eusebius, Demetrius sent a letter containing this story, together with other allegations to the surrounding bishops so they would condemn Origen. Eusebius, in his history, seeks to defend Origen's reputation while being respectful to Demetrius who, as bishop of Alexandria, was leader of one of the three great metropolitan Churches acknowledged at Nicea (canon 6).

<sup>29</sup> Origen, *Commentary on Matthew*, book xv.1.

<sup>30</sup> Eusebius was present at Nicea as was the patriarch of Alexandria, Alexander, together with his deacon Athanasius. The first of the disciplinary canons of that council specifically concerns clergy who have themselves castrated: '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.'

<sup>31</sup> See also Thomas Aquinas *Summa Theologiae*, citing the canon of Nicea and quoting in this context John Chrysostom's commentary on Matthew 19:12. It is noteworthy that while many theologians mention the literalist interpretation of this verse it is always to condemn it and/or to attribute it to someone else.

<sup>32</sup> Augustine in his classic account of the goods of marriage (*De bono conjugali*) orders these goods under three headings: procreation (*proles*), marital fidelity (*fides*) and the lifelong sacramental bond (*sacramentum*), though arguably the latter two are both aspects of the unitive good. The language of procreative and unitive aspect of marriage reflects that used by Paul VI *Humanae Vitae* (25 July 1968) II.12 and John Paul II *Familiaris Consortio* (November 22, 1981), 32-33.



relevant to a theology of marriage and it is in this context that Jesus invokes Genesis. On the other hand, not everyone is capable of this kind of procreative fruitfulness and not everyone is capable of becoming one flesh by marital union of male and female. There are eunuchs by birth<sup>33</sup> and eunuchs made so by men and there are also those who voluntarily forgo marriage.

### **Marriage, procreation and the sexual binary**

It is striking how little the Western philosophical tradition has reflected on the human significance of marriage and procreation. As a general rule, Western philosophers have been more interested in mortality than natality,<sup>34</sup> more interested in independence than interdependence,<sup>35</sup> more interested in political relations than in domestic relations.<sup>36</sup> In contrast, the book of Genesis begins with marital love and fruitfulness as revealing a profound truth about human beings. On this understanding, the two creation narratives provide the basis for a theology of marriage that highlights the wider anthropological and theological significance of marriage. Already an image of the relation of God and his people in the Old Testament, Christian marriage comes to be recognised as an image of the relationship of Christ and the Church (Ephesians 5:22-33) and as a sacrament of the Church. In this way the separation of the sexes, and the coming to be, flourishing, and passing away of all material creatures, finds its fulfilment in Christian marriage. It is universal both in that all human beings are the offspring of male and female and in that all are saved by the man Jesus Christ who comes as the bridegroom.

Marriage has a universal significance but Jesus reveals that not all are called to marriage. Indeed, the first sacrament, baptism, clothes the Christian with an identity that transcends the division of male and female (Galatians 3:23-29).<sup>37</sup> The baptised receive a symbolic identity both male and female. The baptised person dies with Christ (Romans 6:3) and is clothed with Christ (Galatians 3:28, Romans 13:14) and by that action is made member of Christ's bride the Church (Ephesians 5:25-30, Romans 7:4, 2 Corinthians 11:2-4). For those who are not married, it is not at all clear that the theological anthropology of Genesis provides an account of sex and gender that binds everyone to one of two roles and to one of two sexed and gendered identities.

There is nothing in these texts, for example, that implies that there *could not* be some people who are, by nature, neither male nor female,<sup>38</sup> or whose gender is created as sexually incongruent in

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<sup>33</sup> The essential contrast of the logion is between those made eunuchs by men, by physical castration, and those who have made themselves eunuchs for the sake of the kingdom of heaven, by embracing evangelical celibacy. The further contrast between those born eunuchs and those made eunuchs by men seems to reflect categories developed within contemporary Judaism and evident in the Talmud with the distinction between *saris adam* (eunuch [by] man) and *saris khama* (eunuch [of] the sun) (*Mishnah Yevamot* 8 see discussion in DeFranza, 'Virtuous Eunuchs') If so, then, like Matthew's focus on divorce 'for any cause' (Matthew 19:3), the contrast of those born eunuchs and made eunuchs by men may reflect a deliberate attempt by Matthew to relate the saying of Jesus to contemporary Jewish debate. It is argued here that the meaning of this logion lies not in the relation between different possible kinds of physical 'eunuchs' but in the fact of physical and spiritual exceptions to the injunction 'be fruitful and multiply'.

<sup>34</sup> The obvious contrast being Martin Heidegger *Being and Time* (Oxford: Basil Blackwell, 1962) and Hanna Arendt *The Human Condition* (Chicago: University of Chicago Press, 1958).

<sup>35</sup> See Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999)

<sup>36</sup> Thus, there is no domestic equivalent to the discipline that begins with Aristotle's *Politics* and Plato's *Republic* and *Laws*. Rather marriage and the household are subsumed in a larger discussion of political life.

<sup>37</sup> A point to which Nyssa appeals in *On the Making of Man* XVI.

<sup>38</sup> Or indeed, who had elements of both as Augustine thought (*City of God* XVI.8). The existence of intersex people, people with divergences in sexual development, is well known. While the prevalence of such traits is disputed (see Leonard Sax, 'How Common is Intersex? A Response to Anne Fausto-Sterling', *Journal of Sex*

some way. Whether there are such exceptions is an empirical question not one to be settled a priori by appeal to revelation.

Some think that incongruent gender identity involves a contradiction or a radical separation of the concepts of sex and gender. However, from the perspective of Aristotelian natural philosophy, corporeal realities follow rules that hold in general and for the most part.<sup>39</sup> There is a conceptual relationship between sex and gender, in that gender is the social and cultural expression of a sexual identity that is given biologically. Nevertheless, the stability of these categories requires only a general rule, a rule that is not destroyed by the recognition of exceptions of various kinds.<sup>40</sup> Grace builds on nature and as nature has central cases and divergences from the norm so grace both affirms certain stable and spiritually fruitful patterns of life (marriage being the example par excellence) and accommodates a diversity of vocations (1 Corinthians 12:4-11).<sup>41</sup>

When Jesus invokes the original creation of male and female by God, he immediately qualifies this by pointing to an exception, indeed pointing to three slightly different exceptions. It is not that one should seek to fit all exceptions into these headings, for example that intersex people are those who are eunuchs from birth and transgender people who transition surgically are those made eunuchs by men. Such concordism,<sup>42</sup> which attempts to fit modern categories into ancient patterns of thought, is liable to mislead. In relation to gender incongruence, for example, it seems a mistake to focus on surgery (as equivalent to being 'made eunuchs by men') as though this was the basis for the change in identity. For those who seek surgery do so to facilitate or confirm a sense of identity they already experience, and sometimes have experienced from a very young age. What is significant is not the particular exceptions that Jesus identifies but that he identifies a range of different kinds of

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*Research* 39:3 (August 2002): 174-78) it is difficult to see why the relative prevalence of such characteristics has theological relevance. No one disputes that such characteristics occur and no one disputes that they are the exception rather than the rule. In some cases, while there are physical ambiguities there is no doubt as to the person's sex. However, in other cases, it does not seem possible to determine the person's sex, see Nicanor Austriaco, 'The Specification of Sex/Gender in Human Beings: A Thomistic Analysis', *New Blackfriars* 94 (2013):701-715.

<sup>39</sup> See, for example, Thomas Aquinas *Commentary on the Posterior Analytics of Aristotle*, foreword: the order of nature operates 'so as to succeed for the most part, although now and then [nature] fails in its act'. Aristotle also acknowledges that there are beings whose nature falls between the fundamental natural categories of animal, vegetable and mineral: 'Nature proceeds little by little from things lifeless to animal life in such a way that it is impossible to determine the exact line of demarcation, nor on which side thereof an intermediate form should lie.... So, in the sea, there are certain objects concerning which one would be at a loss to determine whether they be animal or vegetable' (*History of animals* 8.1). Famously his account of embryological development, prior to the modern discoveries of genetics, also invoked intermediate forms (see for example D.A. Jones 'Thomas Aquinas, Augustine and Aristotle on "delayed animation"', *The Thomist* (2012) 76:1-36). So far was Aristotle from asserting that the reality of natural or normative categories implied that there could not be intermediates between or exceptions to these natural norms.

<sup>40</sup>D.A. Jones, 'Truth in transition? Gender identity and Catholic anthropology', *New Blackfriars* 99.1084 (2018): 756-774.

<sup>41</sup> Thus, in the context of discussing people born with physical anomalies, including 'human beings possessing the characteristics of both sexes, in such a way that it is a matter of doubt how they should be classified', Augustine states that God creates people with these diverse characteristics so as 'to weave the beauty of the whole design out of the constituent parts, in their likeness and diversity'. Augustine *City of God*, trans. by Henry Bettenson (Harmondsworth: Penguin, 1984), 662-663.

<sup>42</sup> Concordism in more or less sophisticated forms has been a recurrent temptation in the interpretation of Scripture, not least in the interpretation of Genesis, see S. Jaki's *Genesis I Through the Ages* (London: Thomas More Press, 1992).

exceptions,<sup>43</sup> both natural and supernatural. This encourages us to ask whether, on the basis of reflection on current experience and on what is now known, and on what is unknown but was previously thought to be known, we can discover other kinds of exceptions in our understanding of sex and gender. Such a possibility is not ruled out by the text of Genesis and especially not if understood through the words of Jesus.

If this analysis is correct, then this echoes the catechesis of Pope John Paul II in seeing the sexual differentiation of the body as having an inherent nuptial meaning. From the perspective of eternity this is why the sexes were divided, in all creatures, so that, in rational creatures, male and female could achieve the communion of husband and wife. This is a profound mystery (Ephesians 5:32). In this perspective Davie understates the theological case when he writes that ‘eunuchs do not form an exception to the binary distinction between men and women’.<sup>44</sup> He fails to acknowledge that the sexual binary was ordered by God towards marriage and procreation from the beginning. Thus one who, as an individual, is not ordered to marriage, whether for reasons of nature, circumstance or vocation, stands at least to some degree outside the sexual binary and relates to the sex/gender binary in a looser and more ambiguous way. This is evident also in way that celibate-clerical and consecrated-religious styles of dress and address have their own norms distinct from typical secular norms of masculine or feminine attire.<sup>45</sup> There can and should be more flexibility in the way that gender roles and gender identity are understood outside the context of marriage.

Unlike some revisionist accounts,<sup>46</sup> the analysis presented here accepts as authoritative the received Catholic understanding of heteronormativity in marriage, sexual union and procreation. Nevertheless, it implies that, without departing from the tradition, it is possible for a Catholic Christian to affirm transgender identities both binary and nonbinary. For those who are not married, or involved in a sexual relationship, it is not simply that a diversity of human expressions of sexual identity can be tolerated. It is that such diversity is affirmed by Christ himself as an expression of the enriching diversity of creation and grace.

The argument developed here may seem to leave more questions than answers and not only in relation to ethics of gender confirming surgeries. The paper has not addressed the concepts of ‘gender identity’ and ‘transgender’ which themselves represents a challenge in that they are understood differently by different people. Furthermore, both the language and the social reality is in flux, and clinical practice seems to be moving faster than the evidence base. At the same time, while it becomes more difficult to find consensus around language, categories and clinical practice the public, media and social media debate is dominated by ‘totalizing’<sup>47</sup> narratives either of trans affirmation or of affirmation of the gender binary. The reality of discrimination and stigma is invoked to justify self-identification, the possibility of regret and subsequent detransitioning is invoked to reject any accommodation of incongruent gender identity.

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<sup>43</sup> As Gerard Loughlin argues in relation to ancient categories ‘these names both reveal and obscure. They reveal that there were—that there have always been—third sex people, but the nature of their thirdness or intersexuality is hidden’ (Gerard Loughlin ‘Gender Ideology: For a ‘Third Sex’ Without Reserve’ *Studies in Christian Ethics* 2018, Vol. 31(4) 471–482, p. 477).

<sup>44</sup> Davie ‘Transgender Liturgies’ p.56

<sup>45</sup> Moxnes is surely correct in seeing the eunuchs logion as disruptive to received ideas of masculinity (*Putting Jesus in his Place*, p. 89). However, he does not give sufficient weight to the fact that, in its context in the Gospel, the saying is complementary to an affirmation of indissoluble marriage between male and female.

<sup>46</sup> Hester ‘Eunuchs and the postgender Jesus’ and Loughlin ‘Gender Ideology: For a “Third Sex”’ among others.

<sup>47</sup> I take this description with gratitude from the anonymous reviewer of an earlier draft of this paper.

While this paper does not provide a clear pathway to negotiate these issues it at least encourages us to seek solutions that allow the recognition both of norms and of exceptions. For example, it is possible to affirm divergent gender identities while being cautious about surgery or medicalisation. In some cases, it may be that resistance to someone transitioning is a reflection of prejudice. However, there need be no discriminatory attitude in the requirement for assessment before medical intervention,<sup>48</sup> in the promotion of watchful waiting during adolescence, in making clinical decisions guided by one's reading of the evidence base, such as it is, or in the preference, all things being equal, for interventions that are reversible and not physically harmful. Theological considerations do not predetermine the wisest course of action but a robust theological frame can help provide freedom to discern what is true and seek what is good.

This paper has turned to the Scriptures to inform our understanding of 'gender identity' in relation to theological anthropology. It has been argued that an adequate reading of the text 'male and female he created them' and of the creation narratives in Genesis, should be guided by the way that Jesus interprets these texts. These words have already been interpreted by the Word. The teaching of Christ illuminates the mystery of the human being made in the image of God, made in the beginning male and female to be fruitful and to be joined in marriage as one flesh. Marriage, as an indissoluble communion of persons is revealed as the fulfilment of the creation of human beings as male and female.<sup>49</sup> Sacramental marriage is the reality to which the division of the sexes ultimately points. However, at the same time, Jesus teaches clearly that there is a diversity among human beings, both by nature and by grace, and that some are created or called to be exceptions to the pattern of male and female, of marriage and human generation, and precisely as exceptional, are included in the kingdom of heaven.

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<sup>48</sup> Notwithstanding the argument of Florence Ashley, 'Gatekeeping hormone replacement therapy for transgender patients is dehumanising', *Journal of medical ethics* 2019 Jul;45(7):480-482; Toni C. Saad, Bruce Philip Blackshaw and Daniel Rodger, 'Response Hormone replacement therapy: informed consent without assessment?' *Journal of medical ethics* 2019; 45 824-825; Florence Ashley, 'Reply to "Hormone replacement therapy: informed consent without assessment?"' *Journal of medical ethics* 45.12 (2019): 826-827.

<sup>49</sup> This does not preclude questions about what counts as male or female or, for example, whether in some cases someone who at first appeared to be male might be better understood as female. Nevertheless, the Genesis narratives, in tying sexual difference to procreation and marriage seem to preclude marriage between members of the same sex where sex is understood in relation to procreative and sexual function.