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## Lost Sheep and Lost Souls

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When Pharisees complained that Jesus received sinners and ate with them, he told them this parable. “What man of you, having a hundred sheep, if he has lost one of them, does not leave the ninety-nine in the wilderness and go after the one which is lost, until he finds it? And when he has found it, he lays it on his shoulders, rejoicing. And when he comes home, he calls together his friends and his neighbours, saying to them, rejoice with me, for I have found my sheep which was lost” (Luke 15:3-6). The lesson Jesus draws from the parable is that “there will be more joy in heaven over one sinner who repents than over ninety-nine *righteous* persons who need no repentance” (v.7). He interprets the lost sheep as a sinner. We ask is it possible for a righteous person to be a lost sheep in the Catholic wilderness, and answer that it is not only possible but also actually happens in the case of intersex and LGBT people.

## INTERSEX PEOPLE

A scan of medical literature reveals that 2 in every 1000 live births (0,20%) is a child whose internal genetic and hormonal systems and external genital structure do not fit into the traditionally accepted female-male binary. Externally their genitals may be ambiguously female or male or internally they may have a genetic mosaic of male and female chromosomes. These children are intersex. 0.20% is a small frequency, and it is easy for such a small number of persons to get lost in the dominant female-male binary. These lost souls are crying out in the social and Catholic wilderness to be found. Intersex bodies are troubling to parents, society and Church because they are judged to be sexually ambiguous when compared

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to the dominant two sex binary. They would not be ambiguous and troubling if society and Church were to listen to their claim that they constitute a minority third sex.

On 2 February 2019, the Vatican Congregation for Catholic Education (CCE) issued a document, *Male and Female He Created Them. For a Path of Dialogue on the Issue of Gender in Education* (hereafter MFC). The primary characteristic of the path of dialogue presented in the document is described as “listening,” but as an effort at listening to all those involved in the issue of sex, gender, and intersex, the document is seriously flawed. There is listening in it, but only to papal predecessors and their unquestioned female-male binary. There is no listening to the intersex themselves or to the proponents of their care. “Intersex,” indeed, is mentioned only in quotation marks, as if it were not a real population with real and painful experiences but only a population with a biological aberration to be solved. The real problem to be solved, of course, is not a problem of intersex aberration but a problem of finding an agreed framework beyond the accepted female-male binary to speak of all human persons and the social and theological meanings of their bodies. In Church documents and ethics, intersex persons are lost in the Catholic sexual wilderness. In this essay we raise our voices that they may be found in society and Church and that the therapeutic intervention recommended in MFC to establish their “constitutive identity” might be discontinued.

There are, to their credit, many Christian Churches that have found intersex persons and affirm and welcome them, but conservative Catholic and Evangelical Churches are still tempted to follow in the footsteps of Victorian physicians who, to shore up the traditional female-male binary, sought to surgically “correct” what they perceived as intersex sexual ambiguity. This approach marginalizes intersex persons and banishes them to be lost in the religious wilderness. We reject any medical procedure on intersex children more concerned with upholding conservative social and ecclesial sexual norms than with respecting the dignity, integrity, and agency of lost intersex persons. Parents, medical personnel, and Churches must learn to wait until intersex persons can make their own decisions about their own bodies and bodily expressions, and refrain from any assumption that they are incapable of responsibly doing so.

The biological “ambiguity” of intersex bodies, externally and internally, makes it difficult to assign a particular gender/sex to an intersex person through medical intervention, for contemporary social science has recognized that gender is both biologically and culturally determined by genetics, hormones, brain chemistry, and nurturing experience. A child’s gender/sex *cannot* be determined

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by a physician in infancy via, as MFC suggests, some appropriate therapeutic procedure. Gender/sex can be discerned by all persons, including intersex persons, only as they grow in experience, knowledge, and understanding of themselves and their bodies in the life in which they are immersed. The science surrounding sex, gender, and intersex challenges MFC's simple claim of the ability to determine the "constitutive identity" of an individual merely by determining his or her biological sex.

Too much emphasis has been, and continues to be, placed on biological difference in society and Church to subordinate the feminine to the masculine. Understood as a cultural and an ethical project, gender/sex entails the social humanization of biological differences and capacities, and this social humanization takes place in both society and Church by the deconstruction and reconstruction of traditional sexual roles, hierarchies, and norms. The mountain of testimony from adults who were surgically "corrected" in infancy makes clear that, in their judgment, their "correction" impaired rather than enhanced their human flourishing. Physicians and Church ministers would be better employed in *educating* parents to accept their intersex children's bodily difference, at least until the children reach an age when they can make their own choices, rather than in dealing with the neonate body as "ambiguous" and in need of surgical "correction." Intersex persons, no less than every other person, are created in the mysterious image and likeness of God. If created by God equal to every other human creature, we ask, why are they a threat to and lost in the Catholic Church? Because, we answer, of its unquestioned adherence to the statistically dominant female-male sex binary.

## THE LIFE OF FATHER GROSS

One famous sexually "corrected" person can serve as an example of all. Selwyn Gross was born intersex to Jewish parents in South Africa in 1953 and, although he was born with "ambiguous genitals," was assigned a male gender/sex. Gross always knew he was different and in puberty, when his sex drive never developed, he decided that he was just a natural celibate. This decision moved him to be baptized into the Catholic Church, which values celibacy, and move to Oxford where he joined the Dominican Order and was ultimately ordained a priest in 1987. He taught moral theology at the Dominican College at Oxford and at other Oxford Colleges, and in the early 1990s returned to South Africa where he continued to teach and where also, he reports, he finally had time to consider the tensions in his life. "There were two areas of tension: there was the issue of my Jewish/Christian identity and the issue of

bodiliness and gender, although I thought that was secondary.” In South Africa Gross found a competent counselor who helped him to recognize that he was in the wrong gender/sex and should consider a gender/sex change.

Father Gross was granted a one-year leave of absence from the Dominicans to consider a gender/sex change and, in the established Catholic authoritarian way, was forbidden to speak about his condition to his parents, his Dominican brothers, and his friends. He was also unjustly denied any material or moral support. When his senior Dominican superiors heard of his congenital condition and the possibility of a gender/sex change, they treated him as a threat to the Order and the Church and recommended that he be dismissed from the priesthood. A Vatican rescript then dismissed him from the priesthood and “reduced” him to the lay state. Gross then opted for a gender/sex reassignment and became Sally Gross and an activist for intersex issues.

A “theologically sophisticated but fundamentalistic Christian of my acquaintance” said to Sally that, based on Gen 1:27, “an intersexed person like me does not satisfy the biblical criterion of humanity” and is also “congenitally unbaptizable.” Drawing on both her Jewish and Catholic education, Sally confesses to finding this comment “rather comical,” and indeed ignorant, given the fact that the *rabbinical* tradition suggests that the original human was hermaphrodite before Yahweh removed the woman from the man’s side, and that both Abraham and Sarah were held to be hermaphrodite. Her *Catholic* biblical training forced her to confess that these traditions “are perhaps a trifle far-fetched and quaint” but they still demonstrate that those who cherished the ancient Hebrew biblical texts read in the texts “with equanimity the possibility that leading and revered scriptural characters were intersexed.” Sally concludes with legitimate theological ground, “I am a creature of God...I’m created, and intersex people are created, no less than anyone else, in the image and likeness of God.” Created by God equal to every other human creature, yes, but still cruelly lost sheep in and a threat to the Catholic Church and its unquestioned female-male sex binary.

#### A NEW PROTOCOL NEEDED

In 2004, Swedish psychiatrist Cecilia Dhejne reported on a thirty-year study of intersex individuals who had sex reassignment surgery. Her report revealed the frightening statistic that their suicide rate is twenty times higher than that of a comparable peer group. There have been numerous reports of the rejection of gender/sex reassignment, leading to a call for a new treatment

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protocol that involves postponing surgical “correction” until a child has reached the age of consent, is in possession of all the relevant data, including the risks and the historical outcomes, and can make his or her own choice. As an intersex child grows up, age-appropriate counseling should be provided. The call for a new protocol has gained growing support among parents, physicians, and Catholic ethicists, and we add our voices in support. It is time, and past time, for the CCE and the Catholic Magisterium to listen to that call so that righteous intersex Catholics who are presently lost in a Church wilderness can be found, causing the same joy in heaven as when a sole sinner who was lost is found.

## LGBT PERSONS

There are other persons, better known than intersex persons and probably more painfully lost in the Catholic wilderness because of that, namely, LGBT persons. As the cultural teaching of powerful men and weak, submissive women creates and legitimates sexual violence against women, so also does the Congregation for the Doctrine of the Faith’s (CDF) teaching that “homosexual acts are intrinsically disordered and can in no case be approved of” create and legitimate sexual violence against homosexuals. Such teaching suggests to literal persons that being homosexual is such a departure from the heterosexual female-male binary that gays and lesbians are less than fully human and, therefore, physical and emotional violence can be done to them without any moral fault. The Catholic Church supports this immoral approach in its teaching of “*just discrimination*.”

The Catholic Bishops of the United States, for instance, in their *Questions and Answers about the Employment Non-Discrimination Act*, approve of this “*just discrimination*.” They give a cursory nod to the Catholic social teaching that every person possesses an innate human dignity that must be respected by all other persons and their laws, but then quickly undercut this teaching by fear-mongering language that non-discrimination legislation promotes immoral homosexual behavior and threatens the religious liberty of those opposed to it. They emphasize that every person’s human rights must be protected and then undercut that emphasis by insisting that this should be done “without violating the religious liberty of persons and institutions.” The religious liberty the Bishops claim to be defending is a liberty that no person enjoys, the liberty to wreak physical, emotional, and economic violence against other equally human beings created by the God they claim to believe in. It is a liberty as spurious and sinful as other liberties the Church defended and only slowly corrected; the liberty to believe

that indigenous peoples are not fully human, that slavery is not immoral, that religious liberty is not a universal human right.

The devastating results of this “just discrimination” are widespread. In 2016, Human Rights Watch documented widespread verbal and physical harassment of LGBT students in schools and the toleration by teachers of such discrimination and harassment because they see it as normal behavior. Jesuit James Martin reports the same situation in Catholic schools. Compounding the violence LGBT students experience at school is the violence they experience at home from parents who seek to bully them into the culturally accepted female-male sexual binary and banish them from their homes when this effort proves fruitless. Banishment from their homes to the streets leaves LGBT persons homeless and prime candidates for the further violence we read about in news reports.

Behavior towards LGBT persons is no better in the Church. Dismissals from their jobs of gay and lesbian Church employees in public same-sex relationships and of women employees who are unmarried and pregnant are well publicized, though employees who regularly violate other Church teachings are left untouched. A 2014 study of the twelve countries with the largest Catholic populations in the world revealed that 78% of Catholics worldwide approved of and practiced artificial contraception in opposition to Church teaching. Many of that 78% are employed by the Catholic Church and are left securely in their Catholic employments. These statistics, and a tidal wave of others we do not have space to dwell on here, demonstrate how the beliefs of ordinary Catholics diverge from the beliefs of their Church. There is a clear need, we suggest, for a reevaluation of the Church’s role in defining the human dignity of all women and men and in discerning how this definition should influence its pursuit of human dignity and the common good in a pluralist society. This reevaluation would be a first step toward finding righteous LGBT persons lost in the Catholic wilderness.

#### SEXUAL ORIENTATION

The CDF’s *Persona Humana* draws a distinction between homosexuals whose condition is transitory and “homosexuals who are definitively such.” “Definitively such” implies the same reality as that implied by the term *human nature*. Human nature, we argue, is a reality that is always in need of interpretation, and there may be different cultural interpretations of how it is to be understood. Already in the thirteenth century, Thomas Aquinas taught that natural law is “nothing other than the light of understanding placed in us by God.” He argued that, although the precepts of the natural law are universal and immutable, their

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application varies according to the circumstances of people's real lives. Our approach to the meaning of human nature follows this rational direction mapped out by Aquinas. "The potter, and not the pot," Alfred North Whitehead wisely points out, "is responsible for the shape of the pot."

Our understanding of human nature recognizes sexual orientation as one of its intrinsic characteristics. What qualifies as "natural" in sexual activity, therefore, will depend on whether a person's sexual orientation is homosexual, heterosexual, or bisexual. Homosexual acts are natural, not disordered, for people with a homosexual orientation. Heterosexual acts are natural for people with a heterosexual orientation. They are natural because they flow from the nature of the person as understood by rational human beings. We are arguing here only that homosexual acts are *natural* for those with a homosexual orientation, not that they are *moral* because they are natural. To be moral all sexual acts, homosexual or heterosexual, must be not only natural but also free, mutual, just, and loving.

## APPEALS TO THE BIBLE

Christians appeal to their Bible, believed to be the word of God, to substantiate their theological and moral claims. In 1943, Pope Pius XII introduced into official Catholic teaching the claim that the foremost endeavor of every interpreter of the Bible should be to discern clearly the literal sense of the biblical words. To know that literal sense, he explained, "the interpreter must go back wholly in spirit to those remote centuries of the East and with the aid of history, archaeology, ethnology, and other sciences, accurately determine what modes of writing the authors of that ancient period would be likely to use, and did use." Pius officially initiated an *historically conscious* approach to reading the Bible and the Second Vatican Council canonized it. The reader of the Bible, the Council taught, "must look for that meaning which the sacred writer, in a determined situation and given circumstances of his time and culture, intended to express and did express through the medium of a contemporary literary form" (*Dei Verbum* 12). Understanding the biblical words requires a knowledge of the social conditions distinctive of the milieus in which the Bible took shape. The CDF confesses that "difficulties arise from the historical condition that affects the expression of revelation;" it clearly knows the biblical texts are historically conditioned. Why, then, we ask, does it ignore that historical conditioning when it deals with the Bible and same-sex acts?

*Persona Humana* teaches that in sacred scripture same-sex acts



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“are condemned as a serious depravity and even presented as the sad consequence of rejecting God.” This leads it to the judgment that “homosexual acts are intrinsically disordered and can in no case be approved of.” A later document, *The Problem of Homosexuality*, teaches that the Church’s doctrine regarding homosexual acts is based “on the solid foundation of a constant biblical testimony” and lists the texts on which this solid foundation is built: Gen 19:1-11; Lev 18:22 and 20:13; Rom 1:26-7; 1 Cor 6:9; 1Tim 1:10. We have offered elsewhere a full historically conscious exegesis of these texts, seeking out their literal meanings, and we will not rehearse that extensive exegesis here (Salzman and Lawler *The Sexual Person*, 215-226).<sup>1</sup>

### CONCLUSION

Jesus’ mission in the world was and is to search for the lost soul, sinner or righteous, until he finds it (Luke 19:10). The mission of the Catholic church which claims to be his body cannot be different. This essay sought to show that there are two righteous populations lost in the Catholic wilderness, intersex and LGBT, and argued that it is past time for the Church to go in search of them, to find them, to create more joy in heaven over many who were lost and have been found. The simple requirement for them to be found is that the Church abandon its medieval bunker mentality and start to listen, not only to intersex and LGBT people but also to its own social teaching about the dignity of all women and men equally created by the one God.

1. See, in particular, our article in *The Furrow*, February 2020 (The Catholic Church and Homosexuality)

**Truth.** Truth is always subversive, which is why all establishment resists it. We will be judged on the persistence and passion with which we have questioned established wisdom, particularly the versions closest to our hearts and pockets.

– PAULINE MATARASSO, *Clothed in Language*, (Minnesota: Liturgical Press) p. 9