



Bishops' Conference of Scotland Called to be Children of God An Understanding of Gender Identity within Catholic Education

Introduction

Today there is intense public debate about gender. While it causes some to raise questions over their identity and engenders suffering and discomfort in others, it raises profound questions for wider society about human nature itself and the truth and meaning of human sexuality, as well as the scope of human self-determination and how we are to understand ourselves and our relationship to self, to one another and to our world.

Church Teaching on the Nature, Dignity and Identity of the Human Person

From our understanding of human nature available to rational investigation and common experience, and from Revelation that informs our faith, the Church's vision of the human person, of love and of sexuality emerges.

Building upon the affirmations of human reason, our faith further informs us that human beings are created in the image and likeness of God, body and soul, male and female¹, as affirmed by Sacred Scripture² ³, Tradition and the constant teaching of the Catholic Church.⁴

God chose to create each human being uniquely as a person, calling each person into loving communion with Him and all other persons. Both through the evidence of our natural capacity of reason and freedom, as well as from our creation in God's image, each person has an inherent dignity which is to be respected always and in all circumstances.

The truth is that only in the mystery of Jesus does the mystery of the human person take on its fullest light.⁵ Only He fully reveals humanity to humankind itself and makes our supreme calling clear. It is not surprising, then, that in Him all the truths of human experience find their root and attain their crown.⁶ Following Him, and with the help of His grace, we grow in the likeness of the One who is the Way, the Truth, and Life itself — Jesus Christ. He shared in the fulness of our humanity by means of His incarnation, in all things but sin, so as to show us what it means to be human and the path by which all human beings are called by God in the full realisation of our human nature and identity.

Knowledge and awareness of our personal identity is something that unfolds over our lifetimes. As we grow in self-consciousness, and especially at the onset of puberty, our

sense of personal identity embraces our sexuality as an integral expression of our human dignity. Such self-awareness is also shaped and formed through our free choices, actions and habits. This holds at the deepest realms of our sense of who we are as a person, how

we understand ourselves and relate to ourselves and others, and how we are called by God to love.

Our sexuality pervades our being and personality and is included in all other essential aspects of our dignity and identity as a human person. While this is true, the Church does not align itself with certain contemporary trends that seem to reduce the wonder and complexity of the human person exclusively to matters of sexuality and sexual orientation. The history of thought and the development of cultures have revealed manifold and rich dimensions to human beings and persons in society, as well as warning of the dangers inherent in the practical reduction of the human person to only one dimension of consideration, as if this alone mattered. Moreover, the Church proposes in the light of faith a further supernatural identity, opened up to Christians in grace, as that of sons and daughters of God and heirs of eternal life.

In the pursuit of our wellbeing in this life and our happiness in the next, our sexuality matters categorically because, as one of many human expressions of our authentic self-giving in relationships, it is integrally connected with how we love and how we understand love. The Church cares deeply about how we love precisely because our welfare and salvation are caught up in how we live our image and likeness of “*God (Who) is Love*”⁷. It is in loving as God loves, and means us to love, that we grow in His likeness and in our fulfilment as human persons.

In short, it is as persons defined in our communion of body and soul, and in the complementarity of our sexuality as male and female, and called in our being by God to give ourselves in love as the fulfilment of our meaning, that our true and authentic identity is found.

The Church proposes this Christian vision of the human person and sexuality as the fullest and most satisfying understanding of the human person. From that perspective it is far from being closed-minded or exclusive, like other models that are reductive of the human person, and is misunderstood if it should be portrayed as a mere set of rules and prohibitions.

Male and Female He Created Them

Male and Female He Created Them (2019)⁸, from the Vatican Congregation for Catholic Education, presents a summary of the Church’s teaching on gender. Its subtitle, *Towards a Path of Dialogue on the Question of Gender Theory in Education*, acknowledges the inherent tensions between some contemporary understandings of gender expression as chosen, and the more widely accepted view of gender identity as given, held today, throughout the ages and shared by the Catholic Church.

Aware of evidence from the life sciences, the Church teaches that gender identity is genetically determined from the moment of conception, anatomically and physiologically.

This is not to deny that some persons may, at certain moments of their life, -particularly in adolescence- but also at others, feel a strong desire to live in and express their identity in a body of the opposite gender. They may begin to behave in ways commonly associated with the opposite gender.

The Church expects them to be treated with personal respect, as well as with compassion where they feel discomfort and distress, encourages pastoral care and support for them and requires that they are protected from any unjust discrimination. The Church makes a clear call to “respect every person in their particularity and difference and its opposition to bullying, violence, insults or unjust discrimination”, aware that our language and attitudes can inadvertently communicate a message that has nothing to do with the Church’s authentic teaching. In that light, the Church encourages a path of dialogue that includes “listening, reasoning and proposing.”⁹

The Church’s pastoral approach is aimed in this regard at enabling each person to love themselves, body, mind and soul, as they have been created and are loved by God as a whole person.

Living in civic society such as it is, and endeavouring to work within its parameters as far as possible, the Church’s pastoral approach recognises a legally established right of individuals to choose to be identified in a different gender from their given biological one.

It also retains its prerogative, both as a Catholic community in Scottish society and in favour of Catholic citizens, to hold and considerately express a different perspective, in keeping with Catholic faith and informed by reason. In that regard, Catholic schools and Catholic educational enterprises expect external agencies to work within its sensitive pastoral care for pupils and students and to promote only resources and materials that are consistent with its Catholic vision.

In harmony with other contemporary perspectives, this approach is keen to challenge any unwarranted reduction of masculinity and femininity to any inaccurate stereotypes that are merely social or cultural constructs. Conversely, it looks to reassure those who do not find themselves comfortable in such stereotypes that they are not somehow created ‘wrong’.

Gender Identity and Gender Expression

The Catholic understanding of gender identity flows from the conviction that each person, male or female, is made in God’s image.

It is important to have a clear and accurate understanding of the experience and the proper terminology associated with gender identity and gender expression.

The Catholic understanding, derived as it is from the objectively inseparable connection between sex and gender, of gender and gender expression, is quite different from the subjective understanding of gender as presented in some secular models which are dependent on and cater exclusively to the mindset and will of the individual person. The variance between the two perspectives arises from a fundamentally different understanding of the human person.

Our contemporary society is diverse and citizens hold a variety of beliefs and perspectives on many issues, not least identity and sexuality. Adding to the complexity and confusion, people frequently express contradictory opinions on these matters.

Understanding and defining sex and gender as separate realities is not consistent with the teaching of the Catholic Church and does not reflect a Catholic understanding of the human person. This is true, even though the Church acknowledges that other views exist.

This is the case even in law and public policy whose perspective is sometimes variant and even at times in opposition to the perspective of the Church. It is important to be aware of the interaction of these different perspectives in order to appreciate the complex context in which Catholic parishes and schools work and both teach the Catholic faith as well as offering pastoral care for those who identify in a different gender than given from birth.

In short we are called to respect those who disagree with us or do not identify with our vision, while holding the expectation that our beliefs as Catholics, and our denominational rights will similarly be acknowledged and respected by those who hold to different beliefs. 'In fact, a democratic state cannot reduce the range of education on offer to a single school of thought, all the more so in relation to this extremely delicate subject, which is concerned on the one hand with the fundamentals of human nature, and on the other with the natural rights of parents to freely choose any educational model that accords with the dignity of the human person'^{10,11}

Informed Conscience

The Church continues to respect, protect and esteem the right and responsibility of every person to their fundamental beliefs of conscience. Indeed, the "heightened sense of the dignity of the human person and of his or her uniqueness, and of the respect due to the journey of conscience, certainly represents one of the positive achievements of modern culture".¹²

The conscience of each person deserves respect for its important role in seeking what is true and good and in acting upon it in justice. Indeed, the freedom of conscience should never be undermined. Our consciences are dynamic, discovering the truth of the human person and understanding more deeply our human dignity. We need the support of one another to form our consciences and purify them through virtue and the light of faith in order that we might discover what is the right thing to do.¹³

The formation of conscience and the search for truth are carried out with the "aid of teaching or instruction, communication and dialogue"¹⁴ and so, in working with those who identify as a different gender, it is important to provide the support necessary for them to form their consciences, so that they might act with freedom "in the truth"¹⁵, thus respecting the totality of their bodies and the integrity of their whole person.

Such support, when working with young people, is consonant with the United Nations Convention on the Rights of the Child, which acknowledges that young people's right to exercise their autonomy is to be balanced with the obligations of parents and others charged with their care and protection to act in their best interests, given the evolving capacities of the child.¹⁶

Above all, the right to conscience is rooted in a responsibility to search for the objective truth which expresses things as they are in reality, and to hope for lasting peace once they attain such an end.

In this perspective the Church points out that current misapprehensions around conscience tend both to exaggerate the just prerogatives of human conscience and to deny any limit to human freedom in such a way that the exercise of freedom through the judgements of our conscience is separated from objective truth, scientific facts and from the law that is written in our hearts, and that prompts us to live out our lives according to what God has called us to be.¹⁷ None of this ultimately serves the true and lasting good of those who have been encouraged to build their lives and identities on false parameters.

Catholic Schools

Catholic school leaders, teachers, counsellors, and chaplaincy teams should put in place practices appropriate to their professional roles and consistent with the stage of affective and sexual maturity of the student. It is a Christian imperative to reach out to those who are experiencing complex and painful situations¹⁸.

They should do all they can to ensure that students who identify with a different gender than from their birth feel safe, are informed of the support they can expect to receive in the Catholic school community and receive the pastoral accompaniment that can help them flourish as human persons.

All Catholics are called to uphold both the authentic teaching of our faith, including the truth and meaning of human sexuality, and to respect the dignity of each human person. In this regard they should examine their knowledge of the faith and their attitudes to those who find themselves outside its vision. Where necessary, members of the community are encouraged to develop personal maturity by increasing their knowledge of the Catholic vision in order to help them overcome any unwarranted fear of or discomfort with persons who identify as a different gender. A mature grasp of the Catholic faith in its teaching and pastoral care will encourage them that there is no inherent tension between the Church's Magisterium and its pastoral care of the person. Engaging with every person equally, with kindness and without qualification, as our faith mandates, will help develop an ever deeper and nuanced understanding of the lived realities our faith calls us to accompany and integrate. Responding with care requires prudent professional judgement, sincere compassion and honest self-reflection.

Professional Responsibilities

In addition to having a clear understanding of Church teaching, as well as their duty of pastoral care, Catholic schools are mindful of, and responsive to, their other professional responsibilities.

Catholic schools respect the role of parents as the first educators of their children and work in partnership with parents and carers in undertaking the responsibilities delegated to the school by families.

Legislation that informs the participation of pupils who identify with a different gender (including gender variant) in schools include the Human Rights Act 1998, Gender Recognition Act 2004 and the Equality Act 2010.

The Human Rights Act 1998

The following Articles from The Human Rights Act 1998 support these rights and needs.

- Article 8: right to respect for private life and family life
- Article 10: freedom of expression
- Article 14: the prohibition of discrimination

The Gender Recognition Act 2004

The Gender Recognition Act 2004 is mainly concerned with the process by which a person can get a Gender Recognition Certificate and change their original birth certificate. This can only occur after a person reaches 18 years of age.

The Equality Act 2010

The Equality Act 2010 ensures legal protection against discrimination (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment.

Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to Schools and young people,

The Equality Act 2010 (2:1:7) states that; *a person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.*

The Act applies to employment, education and a range of other areas where discrimination may take place.

In order to be protected under the Act, a pupil will not necessarily have to be undergoing a medical procedure to change their sex, but they must be taking steps to live in the opposite gender or be proposing to do so.

Discrimination

The Equality Act 2010 ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment. The legislation lays down that a school must not discriminate against a pupil because of their gender status.

Discrimination can be direct or indirect.

Indirect discrimination occurs when a provision, criterion or practice applies to everyone but puts a person with a particular protected characteristic at a particular disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim.

An example might be an inflexible school uniform rule which offers no “unisex” options such as trousers for girls.

Unlike most of the protected characteristics, such as sex, race and religion, but like disability, this protection works in one direction only – not having gender reassignment is not a protected characteristic. Schools are therefore free to take special steps to meet the needs of pupils without being accused of discriminating against pupils who are not changing their gender identity. There is no legal requirement, as there is for disability, to make “reasonable adjustments” for gender reassignment, but schools may decide take a similar approach. How this is done in practice may differ between schools as facilities and curricula do vary.

The Public Sector Equality Duty (PSED)

Section 149 of the Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies – including schools - when carrying out their activities to have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations between different people

The duty for schools applies to all the protected characteristics except age.

The Local Authority has a responsibility to ensure that the school is complying with its requirements under the Equality Act. Schools have to publish information to show how they are complying with the duty and equality objectives. It is good practice for schools to keep a written record to show that they have actively considered their equality duties in respect of all relevant protected characteristics when making decisions or creating policies, and have asked themselves the relevant questions.

Pastoral Care

Having a clear understanding about the Church’s teaching should be accompanied by a similarly clear understanding about the duty of pastoral care to foster an environment in which all students are supported to grow and flourish as whole persons.

Authentic pastoral care should always be guided by the vision of the human person passed on by the Catholic faith. Accordingly, pastoral care should support the spiritual, intellectual, emotional and social well-being of young people to allow them to grow and thrive, and so have “life to the full” (John 10:10)

Authentic Christian pastoral care of students

- All authentic pastoral care begins with and is continually guided by the vision of the human person, of spirit and body, of faith and love, of relationships and sexuality as proposed by the Gospel. The pastoral care of the Church, while remaining true to its vision of the truth and meaning of the human person, should reach out to all with unconditional love in word and action
- Pastoral care should meet a person wherever they are along the path of their spiritual and moral life
- For pastoral care to be effective, Jesus Christ, the true shepherd, should be known and His voice heard

Catholic teaching lays the foundation for Catholic school communities to reach out to all students with unconditional love. St. Paul's letter to the Galatians reveals that our baptism in Christ, even as it calls us to free ourselves from sin and to live in righteousness, overcomes any unjust division into an 'us/them' logic and calls us to reject any exclusion that results in unchristian prejudice. Persons who identify as a different gender must never be treated as 'them.' Certainly, in Christ and His invitation to faith and grace, they are to be understood as 'us.' That is why Pope Francis encourages members of the Catholic community 'to be a Church on the side of others, capable of accompanying everyone along the way.'¹⁹

Pastoral Care in Catholic Schools

All staff members in a Catholic school should work to create an environment of responsive pastoral care for all students and their families.

However, different staff members play different roles, and head teachers, teachers, chaplains and counsellors and other staff members should be supported to consider their particular responsibilities in this regard. While it is understood that every professional in every Catholic school can and should take sensitive action, there are particular responsibilities and limits to each role.

When responding with pastoral care to the needs of persons who have made the decision to change their gender identity (students, members of their families, and all members of the school community), all staff in Catholic schools require the following:

- knowledge of the Church's teaching, government legislation and policies,
- sensitivity to the lived reality of persons who identify with a different gender;
- the development of an open and empathetic stance toward the challenges experienced by persons who identify with a different gender;
- an ability and consistent disposition to exercise good professional judgement when responding to the needs of persons who identify with a different gender, or in managing the responses of other members of the Catholic school community to the presence of those who identify with a different gender;
- the courage to respond with faith, integrity and respect, compassion and sensitivity.

Accompaniment involves listening and patience on the part of educators. In addition to accompaniment, schools may be asked by students or parents to provide specific accommodations, and schools have the responsibility to determine how such requests are registered and processed.

Appropriate accommodations should be understood as not only legal obligations on the part of schools but also as part of a pastoral response, aimed at opening a relationship with the person, with the hope that the ongoing dialogue will grow deeper as the relationship of trust and mutual respect matures.

When Catholic schools embrace practices that are faithful and pastoral, integral and inclusive, all students will have a true experience of Christian community.

Formal Curriculum and Informal Curriculum

The Charter for Catholic schools summarises the characteristics of all Catholic schools in Scotland, and outlines the shared understanding that parents, pupils, staff, local authorities and Scottish Government have of the Mission and purpose of the Catholic school.

Teachers in Catholic schools are aware of the harmony between presenting Church teaching through the formal curriculum, not least in Religious Education where the Church's vision of the human person and the truth and meaning of human sexuality are set forth and the duty of care toward students, their families and other members of the Catholic education community through their professional relationships and witness in the informal curriculum.

In Catholic schools, the relationship between learning and believing is fundamental. Catholic schools focus not only on student knowledge and skills, but also on Christian values and moral action. The curriculum is therefore informed and inspired by the Catholic faith and right reason. When it comes to complex moral matters, such as gender and human sexuality, it is important to have an understanding of how faith and reason inform both the curriculum and the approach to the pastoral care offered to members of the community.

The Catholic school proposes the teachings of the Church to all who choose Catholic education.

Teachers are skilled professionals who understand that children and young people mature and grow at different paces and stages, and will not always understand, embrace or live according to Church teaching. The complexity of growing up and the number of influences on children means that Catholic schools often accompany young people who find themselves making difficult personal, moral decisions. For those who identify with a different gender than that of their birth, it is an aspect of their daily lived experience and it is a Gospel imperative that they find a safe space and hospitable welcome within society and within every Catholic school. The Catholic school is aware that it is at these very moments that the school must consciously and intentionally create an environment where students can experience welcoming communities of faith that will allow them a sense of wellbeing and open to them the way of Christ.

A compassionate response to individual students should not dilute a faithful presentation of Catholic teaching on human sexuality and identity as part of planned learning and teaching. Rather, it can be viewed as an opportunity to clarify and deepen our understanding and teaching of the faith.

Conclusion

In the end we look to the LORD Jesus, His teaching and pastoral care as our exemplar and guide. While never failing to point the way to eternal life, often at real personal cost He, the Good Shepherd, loved with particular tenderness those who found themselves lost and on the margins, went out to meet them with extensive effort, welcomed them in with assurance and hope and, with tender care, carried them home.

¹ The Catechism of the Catholic Church, sections 1699 to 1715

² Gen 2:7: Then the LORD God formed a man^[c] from the dust of the ground and breathed into his nostrils the breath of life, and the man became a living being

³ Gen 1:27. So God created mankind in his own image, in the image of God he created them; male and female he created them

⁴ God created man in his own image, in the image of God he created him, male and female he created them” Man occupies a unique place in creation: (I) he is "in the image of God"; (II) in his own nature he unites the spiritual and material worlds; (III) he is created "male and female"; (IV) God established him in his friendship.

⁵ GS 22

⁶ *ibid*

⁷ 1 John 4:8.

⁸ [Male and Female He Created Them \(2019\)](#)

⁹ [Male and Female He Created Them \(2019\)](#)

¹⁰ [Male and Female He Created Them \(2019\)](#)

¹¹ [Male and Female He Created Them \(2019\)](#)

¹² " *Veritatis Splendor*, 31.

¹³ VS, 4, 114, 64, 31.

¹⁴ *Dignitatis Humanae*, 3

¹⁵ VS 64.

¹⁶ ¹⁶ UNCRC 1,3,5, 12,13,14,18.

¹⁷ cf. Rom 1:15; 2 Cor 3:3.

¹⁸ [Male and Female He Created Them \(2019\)](#) para56

¹⁹ Message of Pope Francis for the 48th World Communications Day, June 1, 2014