

# Sacramental Issues Concerning Transgender Persons

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## I. Introduction

Since I am a civil lawyer as well as a canon lawyer, I think it would be professionally appropriate to start with a disclaimer: the views expressed herein are strictly my own and are not to be attributed to the Canon Law Society of America, the Diocese of Springfield in Illinois, the United States Conference of Catholic Bishops Committee on Canonical Affairs and Church Governance, or any other organization or entity with which I am affiliated. Although our topic addresses a medical condition, I am not a medical doctor or psychologist. I will be addressing the canonical implications that stem from a particular medical condition and will have some brief medical references that are pertinent to the canonical discussion, but I refer you to qualified medical doctors, psychiatrists, and psychologists for any questions you may have specific to those fields.<sup>1</sup>

The topic for this seminar is “Sacramental Issues Concerning Transgender Persons.” The term “transgender person” does not appear in the 1983 *Code of Canon Law* and did not even arise as a pastoral or canonical concern until recent years,<sup>2</sup> yet the issue now presents itself with greater frequency and urgency as transgender persons present

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themselves as sponsors and candidates for the sacraments, especially Baptism, Confirmation, Matrimony, and Holy Orders. We will also look at the eligibility of transgender persons to enter into the various states of consecrated life. This session will discuss how to handle such requests in a way that is pastorally sensitive yet canonically correct.

It would also be good at the outset to look at vocabulary and the definition of some key terms. The *Merriam-Webster Dictionary* defines “transgender” as referring to “a person whose gender identity differs from the sex the person was identified as having at birth.”<sup>3</sup> “Cisgender,” or simply “cis,” is an adjective that describes a person whose gender identity aligns with their biological sex at birth. “Cisgender” and “transgender” have their origins in Latin, from *cis*, meaning “on this side of” and *trans*, meaning “across from” or “on the other side of.” “Nonbinary” is a term that can be used by people who do not describe themselves or their genders as fitting into the categories of man or woman. A range of terms are used to refer to these experiences; “nonbinary” and “genderqueer” are among the terms that are sometimes used. “Agender” is an adjective that can describe a person who does not identify as any gender. “Gender-expansive” is an adjective that can describe “someone with a more flexible gender identity than might be associated with a typical gender binary.”<sup>4</sup>

The *Merriam-Webster Dictionary* also distinguishes the words “sex” and “gender,” saying, “Among those who study gender and sexuality, a clear delineation between *sex*

and *gender* is typically prescribed, with *sex* as the preferred term for biological forms, and *gender* limited to its meanings involving behavioral, cultural, and psychological traits.”<sup>5</sup>

Surprisingly, it is hard to find a dictionary definition of the word “transgenderism.” The *Cambridge English Dictionary* defines “transgenderism” as “the fact of not having your gender match the body you were born with. This word is often used by people who think that this is a bad thing, or who want to suggest that transgender people are wrong about their gender.” Then this note is highlighted: “This word [“transgenderism”] was more common in the past and it is still used in some formal writing, but it is now considered offensive by many people.”<sup>6</sup> Thus, the *International Journal of Transgenderism* changed its name and is now known as the *International Journal of Transgender Health*.<sup>7</sup>

For purposes of our discussion, the word “transgenderism” refers to those who embrace the ideology of a transgender lifestyle, that is, a biological male who is living as a transgender woman or a biological female who is living as a transgender man. In contrast to transgenderism or a transgender lifestyle, the term “gender dysphoria” refers to a psychological condition. According to the latest edition of the *Diagnostic and Statistical Manual of Mental Disorders, DSM-5-TR*, published in March 2022 by the American Psychiatric Association (APA), gender dysphoria is defined as “clinically significant distress or impairment related to gender incongruence, which may include the desire to change primary and/or secondary sex characteristics.” Gender incongruence refers to “a

marked incongruence between one's experienced/expressed gender and [his or her] assigned gender, lasting at least 6 months" as manifested by various criteria.<sup>8</sup>

It will be important to keep in mind that "gender dysphoria" refers to an involuntary psychological condition that may not be desired and may never be acted upon, while "transgenderism" is a voluntary embrace of a transgender lifestyle. There is a vast difference between the moral and canonical implications for a person who is struggling to deal with gender dysphoria in a healthy way and someone who has embraced a transgender lifestyle and is unrepentant about having done so. The Catholic Church seeks to accompany the former on their path to spiritual wellness while calling the latter to conversion and repentance with the assistance of God's grace.

I would also add an introductory note about a foundational principle that is crucial in properly understanding the role of canon law. In the canon law courses that I have taught over the years, I always emphasize the principle that "law follows theology." We canon lawyers do not sit around thinking up arbitrary rules for people to follow. The laws of the Church emanate from our Catholic beliefs handed on by Sacred Scripture and Tradition. For example, canon law specifies bread and wine as the elements required for the valid celebration of the Eucharist not because some canon lawyers preferred bread and wine over pretzels and beer or cola and potato chips, but because Jesus used bread and wine at the Last Supper. So before we address the ecclesiastical laws that relate to transgender persons, let us start with some general observations about gender theory and the proper pastoral responses that flow from our Catholic faith.

## II. Gender Dysphoria, Transgenderism, and the Pastoral Imperative of Compassionate Concern

As noted earlier, gender dysphoria is a psychological condition in which a biological male or female believes he or she is of the opposite gender or even some other imaginary gender. Proponents of transgender theory argue that gender is fluid and cannot be confined to binary or biological categories of male and female.<sup>9</sup>

What makes the situation tragic is when the argument goes beyond the theoretical, and parents of young children who express some confusion about their gender identity have them begin hormone therapy at a very early age. While it is not unusual for a young boy to show interest in activities culturally associated with girls and for young girls to show interest in activities culturally associated with boys, this does not mean that the child is “a girl trapped in a boy’s body” or “a boy trapped in girl’s body.” Studies have shown that in most cases this is just a phase that the child will outgrow.<sup>10</sup>

The biological fact is that the sex of a child at birth is clearly male or female, except in rare cases of birth defects where the genitalia are ambiguous, a condition traditionally known as hermaphroditism and now often called intersex or DSD (Disorders of Sex Development or Differences of Sex Development).<sup>11</sup> Morally appropriate medical and surgical care may be indicated in such situations. On the other hand, it is harmful and morally objectionable to introduce hormonal therapy in anticipation of sex-reassignment surgery in situations where a child may be suffering from gender dysphoria, that is, confusion about his or her gender identity.

Moreover, studies have shown that people who have transgender therapy and sex-reassignment surgery are not helped by such procedures, and in fact may become more depressed after such surgery when they discover that sex-reassignment surgery was not the panacea they had hoped for nor did it bring them the happiness they wanted.<sup>12</sup> This was the conclusion reached by Dr. Paul R. McHugh, Distinguished Service Professor of Psychiatry at John Hopkins University School of Medicine in Baltimore, who discontinued sex-reassignment surgery at Johns Hopkins Hospital when he was psychiatrist-in-chief there. Referring to those who had sexual reassignment surgery, Dr. McHugh said that “their subsequent psycho-social adjustments were no better than those who didn’t have the surgery.”<sup>13</sup> He also reported on a study showing that the suicide rate among transgendered people who had reassignment surgery is 20 times higher than the suicide rate among non-transgender people. Dr. McHugh further noted studies from Vanderbilt University and London’s Portman Clinic reporting that, among children who had expressed transgender feelings, 70%-80% of them “spontaneously lost those feelings” over time.<sup>14</sup>

Dr. McHugh said that a helpful analogy would be to compare gender dysphoria with anorexia nervosa, a psychological disorder where a thin person thinks that he or she is overweight. A parent, teacher or counselor would never respond to an underweight child suffering from anorexia nervosa by saying, “Yes, you are fat and I will help you lose weight.” Likewise, a parent, teacher or counselor should never respond to a child suffering from gender dysphoria by saying, “Yes, you are in the wrong gender and I will

help you change your biological sex.” Any person, child or adult, dealing with gender dysphoria should be treated with compassion and respect, including appropriate counseling by counselors or other professionals who hold a correct Christian anthropology of the human person in accord with the teachings of the Catholic Church.

The Church teaches that our identities as male and female are part of God’s good design in Creation, that our bodies and sexual identities are gifts from God, and that we should accept and care for our bodies as they were created. A person cannot change his or her biological sex. The sex of an individual is identified in each cell of the body; you may recall science classes, referring to the xx chromosomes of females and the xy chromosome of males. A person should accept and seek to live in conformity with his or her sexual identity as determined at birth. The Catholic Church teaches that the removal or destruction of healthy sexual and reproductive organs is a type of mutilation and is intrinsically evil except in such cases when it is necessary to remove a healthy organ in order to save the person’s life, such as to prevent the spread of cancer in the organ. Another example would be the case of an ectopic pregnancy, where a portion of the fallopian tube must be removed even though the fallopian tube is healthy and is a reproductive organ. This is known as the Principle of Double Effect, attributed to St. Thomas Aquinas (*Summa Theologiae* I-II q64 art. 7). The Principle of Double Effect is used to determine when an action which has two effects, one good and one evil, may still be chosen without sin.<sup>15</sup> Normally, however, procedures, surgeries, and therapies designed to assist a person in “transitioning” his or her gender are morally prohibited.<sup>16</sup> Since the

sex of male or female is within the DNA of each individual, hormonal therapy, removal, or reconfiguration of sexual organs, other surgeries, and therapies such as for voice modulation, will be a life-time commitment in order to convey artificially a change from the sex determined at birth.

Becket Gremmels, Ph.D., System Director for Ethics at Christus Health in Irving, Texas, suggests that sex reassignment surgery (SRS) can be morally justified in terms of at least one, and perhaps two, of Pope Pius XII's three criteria for justifiable mutilation in accord with the Principle of Totality.<sup>17</sup> In an address given September 14, 1952, to the First International Congress on the Histopathology of the Nervous System, Pope Pius XII said that, "by virtue of the principle of totality, by virtue of his right to use the services of his organism as a whole, the patient can allow individual parts to be destroyed or mutilated when and to the extent necessary for the good of his being as a whole. He may do so to ensure his being's existence and to avoid or, naturally, to repair serious and lasting damage which cannot otherwise be avoided or repaired."<sup>18</sup>

John F. Brehany, Ph.D., S.T.L., Director of Institutional Relations for the National Catholic Bioethics Center in Philadelphia, critiqued the article by Dr. Gremmels and concluded, according to Pius XII's third criterion, that "substantial, destructive, and sterilizing surgery could be justified only for the sake of curing a fatal pathology, which gender dysphoria is not. . . . What should be clear is that the teachings of Pope Pius XII on the principle of totality cannot be employed in a preemptory manner to justify SRS for transgender persons."<sup>19</sup>

In his Encyclical Letter on the environment, *Laudato Si*, Pope Francis wrote, “Learning to accept our body, to care for it and to respect its fullest meaning, is an essential element of any genuine human ecology,” noting that “valuing one’s own body in its femininity or masculinity is necessary if I am going to be able to recognize myself in an encounter with someone who is different. In this way we can joyfully accept the specific gifts of another man or woman, the work of God the Creator, and find mutual enrichment.”<sup>20</sup>

In January of 2020, I issued a *Policy on Gender Identity* for the Diocese of Springfield in Illinois, which included a Pastoral Guide to accompany the policy (copy attached as Appendix A).<sup>21</sup> The Pastoral Guide starts out by noting that it is of paramount importance to handle such situations with gentle and compassionate pastoral skill and concern. All forms of discrimination and harsh treatment must be strongly resisted and corrected. It is also important to recognize the difficulties parents and families face when a child or family member is dealing with gender dysphoria. This disorder affects the entire family. In a culture that promotes a false and sentimentalized conception of love, many families of an adult or child with gender dysphoria will feel a sense of obligation to support their loved one in “whatever is going to make them happy.” Family members likely wrestle with a sense of confusion, guilt, and uncertainty over how best to support their loved one; and they face pressure, either directly or indirectly, from the prevailing culture to celebrate and reinforce their loved one’s gender dysphoria and feel compelled to “solve” the problem by surgically and hormonally changing the biological sex of the affected

person. Such treatments, especially for children, are invasive and disruptive physically, chemically, psychologically, emotionally, and spiritually.

For the parents of a child who is dealing with this condition, the first priority must be to assist the child in this difficult situation. Fueling the confusion that families face in these circumstances is not merciful. For the sake of the family and the loved one, it is imperative to be clear on the reality of human biology as a gift from God that we cannot change. In this regard, Pope Francis has questioned whether “the so-called gender theory is not an expression of frustration and resignation, which seeks to cancel out sexual difference because it no longer knows how to confront it. Yes, we risk taking a step backwards. The removal of difference in fact creates a problem, not a solution.”<sup>22</sup>

The human person is a body-soul union, and the body – created male or female – is a constitutive aspect of the human person. Therefore, according to the *Catechism of the Catholic Church*, “Everyone, man and woman, should acknowledge and accept his sexual identity. Physical, moral, and spiritual difference and complementarity are oriented toward the goods of marriage and the flourishing of family life. The harmony of the couple and of society depends in part on the way in which the complementarity, needs, and mutual support between the sexes are lived out.”<sup>23</sup> “Each of the two sexes is an image of the power and tenderness of God, with equal dignity though in a different way.”<sup>24</sup>

With this teaching in mind, the presentation of this truth must be made with love, compassion, and patience. As the policy of the Diocese of Springfield in Illinois states, our schools, parishes and other institutions embrace with compassion those families and

individuals with gender dysphoria and patiently supports them in their journey. In this regard, it must be remembered that all of the baptized are called to live a life of holiness, to abide by the will of God for their lives, and to join their sufferings and hardships to the sacrifice of the Cross. In addition, the Catholic community, especially the Church's ministers, are called to welcome and listen to these brothers and sister, and obliged to lead them to further growth in Christ.

However, it must be clear that our schools and Church institutions (including sacramental records and school records) will refer to such persons with the gender pronouns, along with bathroom and locker room use and sports activities, that acknowledge their God-given biology. Some families may not be willing to agree with this approach, and we need to respect their freedom; but they must likewise respect the Church's duty to adhere to revealed truth if they are to participate actively and fully in our faith community, especially our Catholic schools.

Given the gravity of concern regarding gender dysphoria and transgenderism, in particular for our young people, the Congregation for Catholic Education of the Holy See published a thorough and important study offering guidance on this matter, entitled "Male and Female He Created Them: Towards a Path of Dialogue on the Question of Gender Theory in Education."<sup>25</sup> This seminar is meant to foster such a dialogue with canonical experts.

Our diocesan policy was developed, in part, due to the increased pressure on Catholic schools and other institutions through the courts and legislatures, requiring

schools to allow boys who believe they are girls to use the girls' restroom and locker room facilities and play on girls' sports teams, and vice versa. Many public schools have begun to implement such policies. In a notable case in Illinois, news coverage included a teenage girl in tears on television over her discomfort with the fact that a biological boy was being allowed to change with her and other girls in the girls' locker room. Her comments reflect the concerns of many parents and children:

*"For me, the idea of this proposal scares me," she said during the public comment session. "When I get out of practice from a long, tiring workout, I do not want to see a transgender student naked in the locker rooms. I do not want my privacy invaded against my will. I am just one girl, in the midst of an entire district, but I have feelings too and am against this policy."*<sup>26</sup>

In fact, some parents are submitting their children to hormonal therapies at pre-pubescent ages in order to prepare for sexual transgender surgeries later. Viewed through a Christian lens, such cases amount to child abuse and genital mutilation, thus stealing from the child's future of being a biological mother or father. One may look to the United Kingdom for a glimpse of the trajectory of this trend. A report based on interviews with some of the 35 psychologists who left Britain's Gender Identity Development Service (GIDS), [\*Transgender Children: Crisis in Care\*](#),<sup>27</sup> noted that the number of children referred to the GIDS rose from 77 in 2009-2010 to nearly 2,600 in 2018-2019, and there were 3,000 more children on a waiting list. In particular, the number of girls being referred to the GIDS has increased by 4,500% over that time. This trend presents moral, psychological, and physical dangers to our children.

A transgender policy is not, in and of itself, sufficient to address these threats; but it is necessary as a foundation of clarity and certainty regarding Church teaching regarding human biology, sexuality, and morality. Further, in an aggressively activist political climate – often fueled by social media – our pastors, principals, and administrators of parishes, schools, and affiliated groups and institutions deserve the clarity and protection of consistent diocesan policy on the matter of gender identity. Such a policy protects our leaders from being forced to sort through these complex and sensitive matters reactively, under the pressure of inevitably sensitive situations. Such a policy also protects our leaders at the local level from being pressured and intimidated on the basis of what is believed to be their own personal interpretation and opinion.

Having examined the underlying principles and Catholic teaching on gender theory, we will now look at their application to specific situations regarding the involvement in church life of persons who identify as transgender or openly live as a transgendered person. A guiding principle to keep in mind is the provision of canon 10 of the *Code of Canon Law*, which states that, “Only those laws must be considered invalidating or disqualifying which expressly establish that an act is null or that a person is unqualified.”<sup>28</sup>

### **III. The Sacraments of Initiation and Transgender Persons**

Starting with the Sacrament of Baptism in relation to transgender persons, one would certainly hope that the biological sex of the infant would never be in question,

except in those rare cases of hermaphroditism or DSD as noted above, when medical and surgical intervention would be morally acceptable.

An adult who suffers from gender dysphoria but has never acted upon it by seeking to transition may be baptized since anomalous psychological conditions *per se* do not present an impediment to being baptized. This is an important distinction to keep in mind. On the other hand, in the case of an adult who identifies as a transgender person and is receiving on-going treatment to alter gender identity, canon 865 would be pertinent:

§1. For an adult to be baptized, the person must have manifested the intention to receive baptism, have been instructed sufficiently about the truths of the faith and Christian obligations, and have been tested in the Christian life through the catechumenate. The adult is also to be urged to have sorrow for personal sins.

§2. An adult in danger of death can be baptized if, having some knowledge of the principal truths of the faith, the person has manifested in any way at all the intention to receive baptism and promises to observe the commandments of the Christian religion.

The requirements that an adult wishing to be baptized must “have been instructed sufficiently about the truths of the faith and Christian obligations . . . have been tested in the Christian life” and “be urged to have sorrow for personal sins” would indicate that a person who rejects the truths of the faith and Christian obligations and/or is unrepentant of past sins and persists in serious sin should not be baptized. For example, an abortion doctor who intends to continue performing abortions should not be baptized until he or

she repents of the abortions previously performed and resolves not to perform any abortions in the future. As canonists, we also know that a divorced and remarried person who has not received a declaration of nullity of their previous marriage cannot receive the Sacraments of Initiation unless and until such a declaration has been legitimately obtained from an ecclesiastical tribunal.

Similarly, a biological male who is living as a transgender woman or a biological female who is living as a transgender man should not receive the Sacraments of Initiation (i.e., Baptism, Confirmation, and Holy Eucharist), unless and until that person repents and renounces the transgender identity in the external forum and takes steps, if needed, to detransition in those cases when hormonal and/or surgical intervention had taken place.<sup>29</sup> At a minimum, this would mean to start acting publicly in a manner consistent with his or her biological sex. In a danger of death situation, there should be some expression of remorse, because a person who continues to profess his or her transgenderism is not repentant of that gravely immoral lifestyle. Pastoral concern is heightened when the transgender treatment was introduced to a minor, now seeking Baptism.

The same would be true for a person to serve as a sponsor for baptism or confirmation. According to canon 872, a sponsor “helps the baptized person to lead a Christian life in keeping with baptism and to fulfill faithfully the obligations inherent in it.” Canon 874 §1 states, “To be permitted to take on the function of sponsor a person must . . . 3°) be a Catholic who has been confirmed and has already received the most

holy sacrament of the Eucharist and who leads a life of faith in keeping with the function to be taken on.” Per canon 893, the same requirements apply for a person to serve as a sponsor for the Sacrament of Confirmation.

Since the role of a sponsor is to help the baptized person to lead a Christian life, the sponsor must be someone who leads a life consistent with the Catholic faith. Thus, persons persisting in a transgender lifestyle are not qualified to serve as a sponsor for baptism or confirmation. I would add that this standard for serving as a sponsor applies to other aspects of the moral life, not just a transgender lifestyle. Far too often, a person is asked to be a sponsor simply because he or she is a relative or friend even if that person has fallen away from the practice of the Catholic faith. Pastors of souls need to be more vigilant to see that sponsors for baptism and confirmation truly lead a life of faith and have the qualities to help the baptized person to lead a Christian life.

We should note that His Eminence, Víctor Manuel Cardinal Fernández, Prefect of the Dicastery for the Doctrine of the Faith, on October 31, 2023, following an audience with Pope Francis that same day, authored a document bearing the title, “Answers to Several Questions from His Excellency, the Most Reverend José Negri, Bishop of Santo Amaro, Brazil, Regarding Participation in the Sacraments of Baptism and Matrimony by Transgender Persons and Homosexual Persons.”<sup>30</sup> In answer to the question, can a transgender person be baptized?, Cardinal Fernandez wrote:

A transgender person – even after undergoing hormone treatment and sex-reassignment surgery – can receive Baptism under the same conditions as other believers, if there are no situations in which there is a risk of

generating public scandal or disorientation among the faithful. In the case of children or adolescents with problems of a transgender nature, if they are well-prepared and have the right disposition, they also can receive Baptism.

In answer to the question, Can a transgender person serve as a godparent?, Cardinal Fernandez wrote:

Under certain conditions, an adult transgender person—even after undergoing hormone treatment and sex-reassignment surgery—may be admitted to the function of serving as a godparent. However, since this task does not constitute a right, pastoral prudence demands that it should not be permitted if there is a danger of scandal, undue legitimization, or disorientation in the educational sphere of the ecclesial community.

I do not think anything I have said is inconsistent with the answer given by Cardinal Fernandez since he says a transgender person “can receive Baptism under the same conditions as other believers” and “if there are no situations in which there is a risk of generating public scandal or disorientation among the faithful.” I would argue that all such cases of persons openly living a transgender lifestyle present a danger of scandal.

Indeed, Cardinal Fernandez goes on to say:

At the same time, the following points should be considered, especially when there are doubts about the objective moral situation a person is in or about the person’s subjective disposition toward grace. In the case of Baptism, the Church teaches that when the Sacrament is received without repentance for grave sins, the individual does not receive sanctifying grace, even though he or she does receive the sacramental character.

The following account of the Rite of Election in the fourth century illustrates the longstanding requirement of conversion before being initiated into the Church. In the early 380s, a woman named Egeria left her home in what is known today as southern France or northern Spain – on pilgrimage to the Holy Land. Writing home to her community, she describes this ancient rite as it was then celebrated in Jerusalem. She says:

Then the candidates are brought in one by one, the men with their “fathers”, the women with their “mothers” [that is, their godparents]. Then the bishop one by one asks their neighbors: “Is he a good-living man? Does he respect his parents? Is he a drunkard or untrustworthy?” He asks them like this about every vice, at least the more serious ones. If the bishop finds that the candidate is free from all these faults about which he has questioned the witnesses, he writes down the candidate’s name with his own hand.<sup>31</sup>

All believers are called to repentance. Indeed, the first words of Jesus’ public ministry were, “Repent, and believe in the Good News” (*Mark* 1:15).

#### **IV. The Sacrament of Holy Eucharist and Transgender Persons**

According to canon 916, “A person who is conscious of grave sin is not to celebrate Mass or receive the body of the Lord without previous sacramental confession unless there is a grave reason and there is no opportunity to confess; in this case the person is to remember the obligation to make an act of perfect contrition which includes the

resolution of confessing as soon as possible.”<sup>32</sup> The key question here is whether living a transgender lifestyle is a grave sin.

In this regard, Pope Francis said in March of 2023, “I have always distinguished between what is pastoral [ministry] to persons who have different sexual orientations and that which is the ideology of gender. These are two different things. The ideology of gender is, at this time, one of the most dangerous ideological colonizations. It goes far beyond the sexual” because “it dilutes the differences. The richness that is of men and women, and of all humanity, is the tension of the differences. It is to grow by means of the tension of the differences. The matter of gender is diluting the differences and making the world the same, all dull, all equal. And that goes against the human vocation.”<sup>33</sup>

This year, on March 1, 2024, Pope Francis met with members of the French-based Research and Anthropology of Vocations Institute and said, “It is very important that there is this meeting, this meeting between men and women, because today the ugliest danger is gender ideology, which cancels out differences. Erasing differences is erasing humanity. Man and woman, however, are in a fruitful tension.”<sup>34</sup>

While the Holy Father does not speak in terms of sinfulness, his references to gender ideology as “the most dangerous ideological colonizations” and the “the ugliest danger” facing humanity are dire expressions that imply the moral gravity of gender ideology. Thus, the transgender lifestyle should be considered gravely sinful if a person publicly adheres to the ideology despite efforts to educate the individual in the Church’s

teaching, namely, that the transgender lifestyle is contrary to the divine plan for humanity and poses serious dangers to the human race.

If a person who persists in living a transgender lifestyle and is unrepentant but does not refrain from seeking to receive Holy Communion, then canon 915 would pertain, which says that those persons “obstinately persevering in manifest grave sin are not to be admitted to holy communion.”

In the case of First Holy Communion for a child suffering from gender dysphoria, the psychological condition itself would not bar a child from receiving the Eucharist. However, if the child is acting out by living as if he or she belonged to the opposite sex, that could be grounds for delaying the reception of First Eucharist since the child and possibly the parents would seem to be rejecting a teaching of the Church and perhaps even embracing a sinful lifestyle. Again, pastoral sensitivity is necessary to properly discern the understanding of the parents and each child seeking transgender treatment. Canon 913, §1 requires “careful preparation so that they understand the mystery of Christ according to their capacity and are able to receive the body of Christ with faith and devotion.”

## **V. The Sacrament of Penance and Transgender Persons**

According to canon 987, “To receive the salvific remedy of the sacrament of penance, a member of the Christian faithful must be disposed in such a way that, rejecting sins committed and having a purpose of amendment, the person is turned back to God.” Thus, a person living a transgender lifestyle must repent his or her sinful way of life and

have a firm purpose to amend his or her life in order to receive sacramental absolution. Again, this would mean, at a minimum, to start acting publicly in a manner consistent with his or her biological sex. In a danger of death situation, there should be some expression of remorse for his or her transgender lifestyle. The Second Vatican Council taught that “all Christ’s faithful, whatever be the conditions, duties and circumstances of their lives – and indeed through all these, will daily increase in holiness, if they receive all things with faith from the hand of their heavenly Father and if they cooperate with the divine will.”<sup>35</sup>

## **VI. Matrimony and Transgender Persons**

Canon 1055, §1 defines the matrimonial covenant as the act “by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring.” Canon 1057, §1 says that “the consent of the parties, legitimately manifested between persons qualified by law, makes marriage.” Canon 1057, §2 defines matrimonial consent as “an act of the will by which a man and a woman mutually give and accept each other through an irrevocable covenant in order to establish marriage.” The references in these canons to “a man and a woman” mean that two biological males or two biological females cannot validly enter marriage. In other words, a biological male who purports to be a transgender woman cannot validly marry another man, nor can a biological female who purports to be a transgender man marry another woman.

These canons are a prime example of the principle that law follows theology, since the Bible clearly teaches in the Book of Genesis, “God created mankind in his image; in the image of God he created them; male and female he created them. God blessed them and God said to them: Be fertile and multiply” (*Genesis* 1:27-28). Thus, such attempted marriages involving a transgender person with a person of the same biological sex would be invalid.

## **VII. The Sacrament of Holy Orders and Transgender Persons**

The canonical stipulation regarding the Sacrament of Holy Orders and transgender persons would seem to be simple and straightforward. Canon 1024 says rather succinctly in eight words, “A baptized male alone receives sacred ordination validly.” The Latin is even more concise, using only seven words to say, “*Sacram ordinationem valide recipit solus vir baptizatus.*” While the canon says only a “baptized male” but does not say, “baptized biological male,” it would be disingenuous for anyone to claim that the absence of the adjective “biological” would open the door to the ordination of a “baptized transgender male.”

Canon 17 says, “Ecclesiastical laws must be understood in accord with the proper meaning of the words considered in their text and context. If the meaning remains doubtful and obscure, recourse must be made to parallel places, if there are such, to the purpose and circumstances of the law, and to the mind of the legislator.” Since sex reassignment surgery is contrary to the teaching of the Catholic Church, as explained earlier, it would be specious for anyone to argue that the reference to a “baptized male”

in canon 1024 means anything other than a “baptized biological male.” Since the 1983 *Code of Canon Law* was promulgated by Pope St. John Paul II, it would be ludicrous for anyone to suggest that the mind of the legislator intended to include “transgender males” in the interpretation of canon 1024. Given the duplicity of the individual, reception of candidacy and ministries of acolyte and lector would also be invalid acts.

Although the meaning of canon 1024 is clear and succinct, putting this canon into practice is not as straightforward as one might assume, as will be illustrated by the following real case, although the name we will use here is not the person’s real name.

We will call this person “Pat,” who attended a public university and entered the catechumenate at the local Newman Catholic Center on campus. After completing the Rite of Christian Initiation of Adults, Pat was baptized and was issued a baptismal certificate with the name Patrick. Using this baptismal certificate, Pat applied for and was accepted as a seminarian for the diocese where the university and the Newman Center were located. Providentially, a priest from Pat’s hometown saw the composite picture of the seminarians that included Pat’s photo, whom he recognized not as Patrick, but as Patricia, a girl who attended grade school in the priest’s parish, where she received the Sacrament of Confirmation. The priest notified his bishop, who contacted the bishop of the diocese where Pat was enrolled as a seminarian, providing a picture of Patricia at her Confirmation with her real name. The bishop and vocation director of the diocese where Pat was enrolled as a seminarian confronted Pat, who admitted that the whole matter was a ruse and a charade, but could not understand what the problem was since she now

considered herself to be a man. Of course, Pat was dismissed as a seminarian, not only because she was not a biological male, but also because she had lied and used deception in order to gain admittance to the seminary.

How was this person able to do this? She was able to get a baptismal certificate with a man's name by pretending to be unbaptized and going through the RCIA in a place where she was not known. After her initiation into the Church, she now had a baptismal certificate that identified her with a man's name. The form used by the doctor for the medical exam required to enter the seminary did not address the question of the biological sex of the candidate. The psychological evaluation did not mention gender dysphoria. In terms of appearance, Pat had undergone hormonal treatment so that she had a full beard that made her look like a man.

The bishop of the diocese where Pat had been a seminarian contacted Archbishop Jerome ListECKI, then the Chairman of the United States Conference of Catholic Bishops Committee on Canonical Affairs and Church Governance, who sent a memo on September 22, 2021, to all bishops of the United States with the subject line, "Transgenderism and Seminary Formation" (copy attached as Appendix B). In it, he wrote:

Recently, the Committee on Canonical Affairs and Church Governance was made aware of instances where it had been discovered that a woman living under a transgendered identity had been unknowingly admitted to the seminary or to a house of formation of an institute of consecrated life. In one instance, the individual's sacramental records had been fraudulently obtained to reflect her new identity. In all instances,

nothing in these individuals' medical or psychological reports had signaled past treatments or pertinent surgeries. Luckily, each case was discovered prior to a celebration of Holy Orders.

As you know, canon law requires the diocesan bishop to admit to the major seminary and to promote to Holy Orders only men who possess the requisite physical and psychological qualities (cc. 241, 1024, 1029 CIC). Moreover, a diocesan bishop can require various means to establish moral certitude in this regard (c. 1051, n. 2 CIC). As bishops consider the various options that are available to them for fulfilling their obligation, some members of the Committee on Canonical Affairs and Church Governance observed that a bishop could consider requiring a D.N.A. test or, at a minimum, certification from a medical expert of the bishop's own choosing, to assure an applicant is male.

The physicians I have spoken with, including a plastic surgeon, have said that a physical examination should be sufficient, with a D.N.A. test being necessary only if there is some ambiguity or doubt based on the physical examination.

Kenrick-Glennon Seminary in St. Louis, Missouri, has added to their required physical examination form a line that says, "Physician must confirm that the applicant is biologically male" (copy attached as Appendix C).

In the Diocese of Springfield in Illinois, we have begun using a form called "Attestation of Biological Sex of Seminarian Candidate" (copy attached as Appendix D). We also have adopted a practice of asking seminary applicants to go to a doctor referred by us to avoid any collusion on the part of a physician who may be sympathetic to a

transgender person's belief that she is now a man. The psychological assessment will also include specific screening for gender dysphoria.

### **VIII. Consecrated Life and Transgender Persons**

The term "consecrated life" encompasses a number of different but related lived realities, including religious institutes, secular institutes, hermits, and consecrated virgins. The common feature of the various types of consecrated life, except that of consecrated virgins, is the profession of the evangelical counsels of poverty, chastity, and obedience (c. 573).

Societies of apostolic life "resemble institutes of consecrated life" (c. 731, §1). Like religious institutes, their members live in community, but do not take vows, although the members of some societies "assume the evangelical counsels by some bond defined in the constitutions" (c. 731, §2). As their name implies, societies of apostolic life "pursue the apostolic purpose proper to the society" (c. 731, §1). Because some religious institutes also pursue apostolic purposes, it can be difficult in practice to tell the difference between a religious institute and a society of apostolic life. For example, my undergraduate studies were at Loyola University in Chicago, an apostolate of the Society of Jesus, commonly known as the Jesuits. I attended law school at DePaul University College of Law in Chicago, an apostolate of the Congregation of the Mission, commonly known as the Vincentians. At Loyola, I got to know Jesuit priests and at DePaul I got to know Vincentian priests. It was not until years later when I studied canon law that I learned that Jesuits belong to a religious institute and Vincentians belong to a society of apostolic

life. There was no discernable difference apparent to what my eyes saw between the Jesuits and the Vincentians in their apostolic work in higher education. It may be that the differences are more perceptible to the lived experience of their members, but to the outside observer the differences may only be found upon reading their constitutions. Because of their similarities in practice, my discussion of this topic will not include a separate analysis of transgender issues in relation to societies of apostolic life, but can be discerned by analogy to religious institutes. In individual cases, specific reference should be made to the pertinent constitutions and statutes of the societies of apostolic life.

“A religious institute is a society in which members, according to proper law, pronounce public vows, either perpetual or temporary which are to be renewed, however, when the period of time has elapsed, and lead a life of brothers or sisters in common” (c. 607, §2). Religious life “entails a separation from the world proper to the character and purpose of each institute” (c. 607, §3).

“A secular institute is an institute of consecrated life in which the Christian faithful, living in the world, strive for the perfection of charity and seek to contribute to the sanctification of the world, especially from within” (c. 710). Thus, members of a secular institute profess sacred bonds by which they assume the evangelical counsels, but do not live in community (c. 712).

The codes of canon law (c. 573 §1 CIC; c. 410 CCEO) reflect the recent vision of consecrated life put forward in *Lumen Gentium* and *Perfectae Caritatis*, which teach that the life of the evangelical counsels is for the purpose of living a life dedicated (*dedicare*) to

God.<sup>36</sup> Their emphasis on dedication leads to the question: *what is being dedicated for the sake of the consecrated life?* This question may seem simple enough to answer: the human person. However, recent events have called the answer into question, due to the promotion of an alternative view of the human person that challenges the importance of the physical body when dedicating oneself to God for consecrated life in the Church.

Our discussion of consecrated life and those living as transgender persons will address the physical body as it relates to the juridical reality of dedication for consecrated life in the Church. We will first look more broadly at the theological foundations and canonical considerations pertaining to consecrated life in general and then more specifically at the question of the eremitical life and transgender persons.

## ***A. Theological Foundations***

### **1. Ecclesial Vocation**

Undergirding the canonical norms on consecrated life is the understanding that a life lived according to the public profession of the evangelical counsels is done in and for the Church. Individuals receive a vocation from God not merely to achieve personal holiness but as an aid to the building up of the holiness of the Church in which the vocation will be lived out. Accordingly, action by the Church is crucial both during the discernment of a vocation and in a public act in the Church that receives and celebrates it. As a *public ecclesial* vocation, moreover, it is always discerned with the mind of the Church.

## 2. Unity of Body and Soul

In the act of consecration, both the person's mind and body are dedicated to God in the Church. As a result, the act must reflect the anthropological understanding of the human person received from God and taught by the Church. *Gaudium et Spes* teaches, "Though made of body and soul, man is one."<sup>37</sup> This reality was recently addressed in the declaration *Dignitas Infinita* by the Dicastery of the Doctrine of the Faith. When addressing the dignity of the human person, the declaration states: "In this perspective, dignity refers not only to the soul but also to the person as an inseparable unity of body and soul ... dignity is also inherent in each person's body, which participates in its own way in being in *imago Dei* ... ." <sup>38</sup> The body and soul relationship is likewise addressed in several International Theological Commission documents,<sup>39</sup> as well as in a recent doctrinal note from the USCCB Committee on Doctrine.<sup>40</sup>

### B. Canonical Considerations

Why does the Church's theological foundation regarding the physical body matter canonically for participation in the consecrated life? In his groundbreaking 1997 article on *Transsexualism and the Canonical Order*,<sup>41</sup> Urbano Cardinal Navarrete, S.J., identified the essential disconnect that transsexual persons experience in their body as a factor that creates the canonical impossibility for the persons to live the life of dedication for consecration, a life that is lived out in the Church in unique ways in male and female religious institutes and societies of apostolic life. From the canon law perspective, dedication of one's mind and body in an act of consecration raises several questions. Discussed below are questions related to: the canonical capability to profess vows or

sacred bonds; constitutive elements for a juridic act; the possible presence of *dolus* when bringing a juridic act about; and, if *dolus* is determined to be present, the attendant canonical consequences.

### **1. Requisite Capability to Profess Vows or Sacred Bonds.<sup>42</sup>**

Canon 10 CIC states that only those laws are considered disqualifying of a person which expressly states so; c. 1191 §2 states the general qualification that all who possess an appropriate use of reason, and who are not otherwise prohibited by law, are capable of making a vow. Canons 97 and 99 give two specific qualifications for incapacity: those who have not reached the age of seven and those with a habitual lack of the use of reason. However, c. 1191 §2 sets a different standard of reason called “appropriate” (*congruenti*) use of reason, for those who wish to make a vow, including, for example, the vows or other sacred bonds made by a hermit (c. 603 §2 CIC). How is “appropriate” to be understood canonically? Regarding the topic of the consecrated life and gender dysphoria, c. 231 §1 CIC provides a way of deciphering the “appropriate” use of reason. A way to evaluate if the appropriate use of reason is present may be found in c. 231 §1 CIC. Canon 231 §1 makes it a duty for lay people pledged to a special service in the church to receive the appropriate formation regarding that service. The diocesan hermits (c. 603 CIC) are to live under the guidance of their diocesan bishop, who is responsible for their formation. A part of that formation must be how to live the diocesan hermit vocation in harmony with psycho-sexual dynamics called for by the vow of chastity. Suppose a person who is undergoing the necessary probationary period of formation cannot

sufficiently understand, cannot accept, or actually rejects the psycho-sexual dynamics of chastity as required by the Church. In that case, the appropriate use of reason may not have been met, thus making the person incapable of professing a vow or other sacred bond (cc. 603 §2 and 1191 §2 CIC). As John Huels wrote, “*Not only must the one vowing have the use of reason, but it must be a sufficient use of reason appropriate to the object of the vow.*”<sup>43</sup> It needs to be remembered that the *congruenti* use of reason is the foundation for capability and thus for the validity of the act.

## 2. Constitutive Elements for a Juridic Act

Second, there is the issue of constitutive elements for placing a juridic act. For example, the *Praenotanda* to The Order for the Consecration of Virgins stipulates, “*Either nuns or women living in the world may be admitted to virginal consecration.*” Moreover, in the celebration of this ritual, the diocesan bishop repeatedly speaks to the soon-to-be-consecrated virgins as “*daughters.*” In addition, following the reception of the veil, the consecrated virgin sings, “*I will ponder, Lord, all that is yours, so that I may be holy in body and spirit.*”<sup>44</sup> The Church’s teaching regarding the female body and consecrated virginity was taught anew through the instruction *Ecclesiae Sponsae Imago*, approved *ex audentia* by Pope Francis on June 8, 2018. If a “transgender woman” (biologically a man) attempts to become a consecrated virgin through professing a *sanctum propositum*, is there a constitutive element missing (cc. 86, 604 §1 CIC)? The female body is part of what is being dedicated via the *sanctum propositum*, since making the *sanctum propositum* is a juridic act, canon 124 §1 CIC applies, thus making this act invalid.

## 3. *Dolus*

Third, the possible presence of *dolus* has canonical consequences. Here, it is necessary to note that c. 1191 §3 of the 1983 *Code of Canon Law* is in Book IV, on the Sanctifying Function of the Church, not Book VI, on Sanctions in the Church. It is necessary to consider the understanding of *dolus* in the canonical context of Book IV, where the moral ramification of *dolus* per the *actus cultus* of a vow or other sacred bond to God may impact the canonical reality of the act. Why is this consideration necessary? Because *dolus* is not a delict in the canon but a nullifying qualification. Again, c. 1191 §3 CIC provides the foundations for an *ipso iure* nullification of a vow, private or public. Since the nullification (*nullum est*) is expressly stated in that canon, canon 10 CIC is fulfilled. The two conditions of nullity described in canon 1191 §3 CIC are “grave and unjust fear” (*metu gravi et iniusto*) and *dolus*. The CLSA translation of the word *dolo* in the *Code of Canon Law* is “malice.” The CLSA translation of *dolo* in the *Code of Canons of the Eastern Churches* (c. 889 §3) is “fraud.” The Canon Law Society of Great Britain and Ireland and the Navarre commentaries translate *dolo* as “deceit.” The “fraud” or “deceit” translation of *dolo* may be preferred because it captures a more precise notion of trickery around making a vow while allowing for a broader sense of the personal intention regarding *dolus*. A vow is a promise professed to God, which is received by a religious superior or bishop on behalf of the Church. We should note that there is a violation of divine law in calling upon God while misrepresenting oneself. If one desires to retain the language of malice, a possible way to understand it would be something akin to a disregard for the truth (e.g., the biological truth of the body), for example, a diocesan

hermit who presents himself or herself as the opposite sex to his or her diocesan bishop and to God. The would-be hermit is disregarding the truth of his or her biological reality by concealing it as he or she makes a vow to God in the hands of the diocesan bishop. The truth was concealed to obtain an end via an act of worship.

The predecessor canon to canon 1191 §3 CIC in the 1917 code (c. 1307 §3) did not reference the nullifying condition of *dolus* for a vow. Yet, canon 542, 1<sup>o</sup> of that code stated that an act *dolo inducti* invalidated the novitiate. In addition, canon 572, 4<sup>o</sup> stated that an act *dolo emittatur* invalidated religious profession. Similar provisions are contained in the *ius vigens* (cc. 643 §1, 4<sup>o</sup> [novitiate], 656, 4<sup>o</sup> [temporary profession], and 658 [perpetual profession] CIC; cc. 450, 5<sup>o</sup> [novitiate], 527, 3<sup>o</sup> [temporary profession], and 464, 3<sup>o</sup> [perpetual profession] CCEO). The verbal structure of the act of *dolus* in the canons implies that the person making the vows must either be free from the *dolus* or not commit it.<sup>45</sup> In this way, the canonical tradition tends toward the terms fraud or deceit versus the notion of malice.<sup>46</sup>

Again, by way of illustration, suppose a biological male with gender dysphoria is living as a woman and seeks to become a diocesan hermit. Through years of discernment and accompaniment, the diocesan bishop believes “she” is ready to make a public profession. There is a public Mass and profession. After the fact, the diocesan hermit makes it known that he is “transgender” and did not present himself as the sex he was from birth, namely a biological male, because he felt the diocesan bishop and the faithful would not accept him if they knew. While the vocation of a hermit is open to both men

and women, the gender presented does not correspond to the physical body, which presents an issue of constitutiveness (as described above). In addition, there may be an error concerning the substance (either the male or female body that is being *dedicated* as part of the public vow), which could invalidate the act (c. 125 CIC). Moreover, through concealment, whether overtly or covertly, the person has concealed an objective truth (the biological reality of the person) regarding an essential part to obtain an action (cc. 125 §2 and 1191 §3 CIC).

Canon 1191 §3 CIC is not in Book VI. Culpability, objectively and subjectively, is a fundamental aspect of addressing a delict, yet c. 1191 §3 CIC is not a delict. Canon 125 §2 CIC addresses the role of *dolus* in a juridic act of which profession for consecrated life is one and it calls for a judicial process for rescinding it if the law itself does not provide a foundation for nullity. The complex role of culpability is clearer in the judicial process for rescinding the juridic act, but a declaration of nullity could be an act of administrative power via an investigation and decree of the facts stating that c. 1191 §3 CIC was fulfilled. (Please note that Appendix E provides a further in-depth analysis of c. 1191 §3 CIC.)

#### **4. Practical Applications**

In light of the above theological foundations and canonical considerations, the following guidance may assist bishops who are confronted with similar cases. It is drawn from the universal law, the insightful article written by Cardinal Navarette (referred to above), and the current praxis of the Holy See:

- Superiors are to admit to the novitiate of an institute of consecrated life or society of apostolic life only those who have the health, suitable character, and sufficient qualities of maturity to embrace the proper life of the institute or society. The individual's health, character, and maturity should be verified by the use of experts (cc. 642, 735 §2 CIC).
- If an individual has been diagnosed with gender dysphoria, or if there is a founded doubt about the matter being absent, the candidate is not to be admitted to the novitiate.
- If an individual concealed his or her gender dysphoria before being admitted to the novitiate in order to secure admission to the novitiate, the admission is invalid by reason of *dolus* (c. 643 §1, 4° CIC; c. 450, 5° CCEO). Similarly, if the gender dysphoria becomes an issue after admission to the novitiate and *dolus* is involved in concealing it when profession arises, then that profession might be invalid (cc. 656, 4°, 658 and 1193 CIC; cc. 527, 3 ° and 464, 3 ° CCEO).
- If a person's condition of gender dysphoria becomes known during the period of probation, the individual is not to proceed to profession.
- If an already professed member of an institute of consecrated life or society of apostolic life undergoes a surgical procedure attempting sexual reassignment, the major superior should encourage the individual to request an indult from the Holy See to depart the institute or society. If he or she refuses, the superior should begin a process of dismissal from the institute or society (c. 703 CIC; cc. 498, 551 CCEO).

Departed members are always to be treated with equity and charity and with due consideration for their age and overall physical and psychological health (c. 702 §2 CIC; c. 503, §2 CCEO).

- It is always appropriate to consult the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life on individual cases.

The codes of canon law (especially cc. 124-126, 207 §2, 573, 603-604, 656 4°, 1191-1192 CIC and cc. 410, 889, 931-933 CCEO) provide a firm canonical foundation for understanding and addressing the issue of a person with gender dysphoria attempting to enter into a form of consecrated life. *Any legitimate vocation is always in and for the Church through whom it is offered to God.*<sup>47</sup> Hence, the Church always has a role to play in the act of consecration, which is shown in one way through the canonical structures and laws of the Church, making the act juridical. A person may feel called to a vocation, but it is a vocation *in the Church*. Thus, the Church can say no to the individual who feels called. Finally, when one is consecrated in the Church, it is always the whole person who is dedicated, mind, body, and soul.<sup>48</sup>

## **IX. The Eremitical Life and Transgender Persons**

Looking more specifically to the question of whether a transgender person may become a hermit, the eremitical life is referenced in c. 603 of the 1983 Code of Canon Law. This is a new canon and there is no prior version of it or analogue in the 1917 Code. Thus, there is a dearth of guidance on how to interpret it, but there are provisions of the 1983 Code and some documents and articles that may be helpful in addressing this issue.

Canon 603 states:

§1. In addition to institutes of consecrated life, the Church recognizes the eremitic or anchoritic life by which the Christian faithful devote their life to the praise of God and the salvation of the world through a stricter withdrawal from the world, the silence of solitude, and assiduous prayer and penance.

§2. A hermit is recognized by law as one dedicated to God in consecrated life if he or she publicly professes in the hands of the diocesan bishop the three evangelical counsels, confirmed by vow or other sacred bond, and observes a proper program of living under his direction.

Canon 603 concerns members of the Christian faithful who devote themselves to the eremitical life. Canon 204 defines who members of the Christian faithful are, asserts that the Church as it exists in the world subsists in the Catholic Church, and that the Catholic Church is governed by the successor of Peter and the bishops in communion with him:

Can. 204 §1. The Christian faithful are those who, inasmuch as they have been incorporated in Christ through baptism, have been constituted as the people of God. For this reason, made sharers in their own way in Christ's priestly, prophetic, and royal function, they are called to exercise the mission which God has entrusted to the Church to fulfill in the world, in accord with the condition proper to each.

§2. This Church, constituted and organized in this world as a society, subsists in the Catholic Church governed by the successor of Peter and the bishops in communion with him.

Canon 205 defines what it means to be in full communion with the Catholic Church on earth:

Can. 205 Those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structure by the bonds of the profession of faith, the sacraments, and ecclesiastical governance.

Canon 209 §1 provides that:

Canon 209 §1: The Christian faithful, even in their own manner of acting, are always obliged to maintain communion with the Church.

Although c. 603 distinguishes the eremitic or anchoritic life from membership in a religious institute, it is contained in the section of the Code on Institutes of Consecrated Life, no doubt because the eremitic life consists of dedication to God in consecrated life through public profession in the hands of the diocesan bishop, confirmed by vow or other sacred bond. Thus, while not a form of life in an institute of consecrated life, it is a form of consecrated life entered through public profession “in the hands of the diocesan bishop.”

Several points are worth making, therefore, regarding anyone who would wish to be recognized as a hermit by the Catholic Church:

1. Anyone who wishes to acquire the status of a hermit recognized by the Catholic Church would have to be “in full communion” with the Catholic Church.

2. In order to be in full communion, the individual would have to be joined with Christ in the Church's visible structure by the bonds of the profession of faith, the sacraments, and ecclesiastical governance.
  - a. Being joined by the profession of faith implies more than profession of the Nicene Creed. Full communion requires believing with divine and Catholic faith as stated in c. 750, §1, and not rejecting those teachings encompassed by c. 750, §2.
  - b. The anthropological and biblical underpinnings of the Catholic Church do not recognize the existence of more than two biological sexes, nor that a person can change his or her sex or gender as determined by the person's biological sex at birth.
  - c. Anyone who denies that principle of Christian anthropology may be considered not to be in full communion with the Catholic Church and would thus be ineligible to enter a form of consecrated life recognized by the Church.
3. One enters consecrated life as a hermit through public profession of the evangelical counsels in the hands of the diocesan bishop. A diocesan bishop may not legitimately accept the public profession of the evangelical counsels by someone who is not in full communion with the Catholic Church. More specifically, it is a diocesan bishop may not legitimately accept the profession of vows by someone who denies Christian anthropology and moral theology, which

would, in fact, be a violation of the Bishop's own commitment and responsibilities for service in that office.

4. Thus, it would simply not be possible for a transgender individual who has demonstrated a rejection of Christian anthropology as understood and taught by the Catholic Church as part of its doctrine to enter consecrated life in the Catholic Church, that is, to become a hermit and be recognized as such within the canonical understanding of that status by the Catholic Church in its canon law and doctrine.

While there may be circumstances under which someone who has undergone transgender surgery might later acknowledge and adhere to the principles of Christian anthropology and moral theology of the Catholic Church and be eligible for entrance into some form of consecrated life, that is a separate question. The question being addressed is that of a person who adheres to the concept of transgender transitioning from one's biologically determined sex to the other sex/gender through medical procedures and who currently identifies as being of the opposite sex/gender from that biologically manifested at birth.

Certain provisions of papal documents may be of assistance in addressing these issues, as well.

**A. *Perfectae Caritatis*, Pope Paul VI, Decree on the Adaptation and Renewal of Religious Life (1965)**

The concept of chastity referenced in paragraph 12 of *Perfectae Caritatis* suggests that the heart is freed to live in a manner by which the love for God and others overrides

other aspects of one's identity and manner of life.<sup>49</sup> Transgenderism emphasizes sexual identity as a primary and preeminent aspect of one's identity and self-presentation to the world, whereas the vow of chastity is a full and free gift of oneself to God, which mirrors the spousal relationship of Christ to His Church. Emphasizing one's self-understanding as "transgender" or as possessing a gender contrary to one's biologically determined sex would suggest a lack of mature understanding of consecrated life, much less an understanding of the profound significance of a commitment to chastity and celibacy. The celibate dedicated to chastity in a sense leaves any preoccupation with sexuality behind in favor of dedicating his or her life to a different and, in a sense, more profound way of living one's love of God.

The vowed commitment to celibacy is meant to call to the minds of all the faithful the wondrous marriage decreed by God in which the Church takes Christ as its only spouse. Any attempt to place transgenderism into this understanding raises rather disturbing implications which do not exist with respect to those who have made gender identity a "non-issue."

Paragraph 12 of *Perfectae Caritatis* emphasizes the need to practice mortification and custody of the senses, something that preoccupation with gender identity and the need to profess and obtain recognition of one's gender identity is at odds with. Further, paragraph 12 admonishes that one ought not to neglect the natural means which promote health of mind and body.<sup>50</sup> Transgender ideology challenges the concept that there is such a thing as the "natural." The "natural means" of promoting health of mind and body

begin with acceptance of one's biologically determined sex/gender. (See ¶2333 *Catechism of the Catholic Church*).

Finally, paragraph 12 addresses the emotional maturity of candidates for consecrated life.<sup>51</sup> Candidates should neither present themselves nor be admitted to the vow of chastity (required of candidates for admission to the eremitical life) unless tested sufficiently and shown to possess the required psychological and emotional maturity. Gender dysphoria is a recognized psychological anomaly both in secular science and in the teaching and Christian anthropology of the Church. This in and of itself would seem to disqualify a candidate who exhibits gender dysphoria from consideration for entrance into consecrated life in the Church as someone lacking the requisite psychological maturity and suitability for consecrated life.

**B. *Vita Consecrata*, Post-Synodal Apostolic Exhortation of Pope John Paul II on the Consecrated Life and Its Mission in the Church and in the World (1996)**

Paragraph 72 of *Vita Consecrata* notes that the call of those who have been consecrated by the Church is “to follow Jesus and imitate his example and continue His mission.”<sup>52</sup> Any preoccupation with manifesting to the world one's sexual identity or gender identity evidences a self-centered preoccupation rather than a dedication to following Christ and continuing His mission, even to the extent of imitating His example which was devoid of any such preoccupation.

Paragraph 73 of *Vita Consecrata* says, “The consecrated life has the prophetic task of *recalling and serving the divine plan for humanity*, as it is announced in Scripture and as it

emerges from an attentive reading of the signs of God's providential action in history.<sup>53</sup> In accordance with the teaching of the Church [¶ 2331 and 2333 of the *Catechism of the Catholic Church*] and the witness of Sacred Scripture [Genesis 1:27], the divine plan for humanity entails human beings created as male and female determined by their biological sex. Anyone who contradicts that aspect of the divine plan cannot be considered suitable for consecrated life because the contradiction contravenes both the teaching of the Church and Sacred Scripture respecting the nature of what it means to be human as male and female, and would therefore be a breach of communion with the Church as explained above.

Given the emphasis of this teaching on fidelity to the teaching of the Church and maintaining full communion with the Church, rather than affirming the novel concept of transgenderism, it would appear more appropriate to consider that the signs of the times call for the affirmation of the perennial teaching of the Church and affirmations of Sacred Scripture that human beings made in the image and likeness of God are made so exclusively as male or female; that the urgency of evangelization today calls for consecrated men and women to affirm in their teaching and by their example and way of living this perennial insight of Sacred Scripture and the teaching of the Church. To affirm a contradiction of Sacred Scripture and Church teaching would necessarily occasion grave scandal by the Church itself as an action which contradicts her mission to safeguard the deposit of faith.

Paragraph 88 of *Vita Consecrata* says that the “*first challenge [of consecrated chastity]* is that of a *hedonistic culture* which separates sexuality from all objective moral norms, often treating it as a mere diversion and a consumer good and, with the complicity of the means of social communication, justifying a kind of idolatry of the sexual instinct. The consequences of this are before everyone's eyes: transgressions of every kind, with resulting psychic and moral suffering on the part of individuals and families.”

Objective moral norms and objective reality are precisely what transgender ideology denies and challenges. In favor of the objective reality of biologically determined sex, this ideology substitutes the subjective dysphoric psychological state of mind of the one suffering from this dysphoria for the objective reality of his or her being. Consecrated persons are called and consecrated to witness to the truth of Christianity and its biblical foundations, not transform peoples' perceptions of what is true by giving false witness. One who would present himself or herself as someone and something other than the person created by God would be a counter-witness to the Gospel and the teaching of the Church, which exists to testify to the truth. A fundamental aspect of consecrated life is to affirm Christian anthropology as understood and taught by the Church, not to contradict it in one's teaching or in one's manner of life.<sup>54</sup>

The first step to interior honesty in human relationships, as noted in the *Catechism of the Catholic Church* (¶ 2333) is to accept one's sexual identity as determined by his or her coming into being as male or female, established through the biological and

physiological reality of the person born into the world, not to assert and attempt to live out life in a manner that contradicts the manifest reality of the person as male or female.<sup>55</sup>

Consecrated life includes the commitment to chastity, lived by men and women who know balance, self-mastery, and psychological and affective maturity. The attempt to transform the integral reality of one's being as male or female in accordance with the concept of a woman's soul inside a man's body, or vice versa, in and of itself demonstrates a dysphoric confusion of psychological and affective maturity, which actually disqualifies one from entering or remaining in consecrated life. If this disorder exists, the individual should certainly be looked upon with compassion and as possessing the same innate human dignity as any other human person, but it does not call for the Church to accommodate consecrated life to the subjective psychological or emotional reality of any individual whose psychological and emotional reality is disordered. The individual should certainly be supported in finding a way of life that can be lived in as healthy and productive way as possible that does not, however, challenge Christian anthropology as understood and adhered to by the Catholic Church.

Paragraph 91 of *Vita Consecrata* addresses the challenge of freedom in relation to the vow of obedience.<sup>56</sup> Transgender ideology clearly exalts subjective personal freedom over objective truth and moral norms, with increasingly obvious injustices, even violence, with respect to the distorted use of such freedom. Freedom is discovered and strengthened in obedience, as obedience is strengthened in freedom.<sup>57</sup> Obedience is one of the marks of consecrated life, not just obedience to a religious superior, but obedience

to Sacred Scripture, to the teaching of the Church, including Christian anthropology, and obedience to the truth, understood objectively, not just subjectively. If someone already living in consecrated life begins to feel, or begins to feel the need to “come out” and acknowledge a sexual identity that manifests gender dysphoria, the proper response ought to be acknowledgement in obedience to the truth that this is an anomalous condition, and not a motive for reexamining or overturning the Church’s long-time understanding of Christian anthropology, or the demand to accommodate the requirements of consecrated life to the exceptional subjective psychological states of individuals in consecrated life or who wish to enter consecrated life. Thus, it cannot be concluded that a transgender sense of identity is something compatible with consecrated life.<sup>58</sup>

#### **X. Ecclesiastical Funeral Rites and Transgender Persons**

Canon 1184, §1 states, “Unless they gave some signs of repentance before death, the following must be deprived of ecclesiastical funerals: . . . 3° - other manifest sinners who cannot be granted ecclesiastical funerals without public scandal of the faithful.” A person who suffers from gender dysphoria but has not taken any action to change his or her sex hormonally or surgically is suffering from a psychological condition but is not a manifest sinner, thus there is no reason to deprive such a person of an ecclesiastical funeral. On the other hand, a transgender person who has had sexual reassignment surgery and openly lives a lifestyle contrary to his or her biological sex and persists in such a lifestyle without some sign of repentance before death must be deprived of an

ecclesiastical funeral since such a lifestyle is manifestly sinful and would give scandal to the faithful. In case of doubt canon 1184, §2 says that “the local ordinary is to be consulted, and his judgment must be followed.”

## **XI. Conclusion**

In conclusion, this analysis of the canonical implications regarding sacramental issues and transgender persons is necessarily complex, since we are dealing with novel situations which heretofore have not been matters of routine consideration. It is my hope that I have helped to provide some clarity and guidance in navigating these previously uncharted waters, mindful that, in the end, the salvation of souls in the supreme law.

## APPENDICES

[Appendix A: Policy on Gender Identity and accompanying Pastoral Guide for the Diocese of Springfield in Illinois](#)

[Appendix B: Archbishop Jerome ListECKI, Chairman of the United States Conference of Catholic Bishops Committee on Canonical Affairs and Church Governance, "Transgenderism and Seminary Formation," September 22, 2021.](#)

[Appendix C: Kenrick-Glennon Seminary, St. Louis, Missouri, physical examination form](#)

[Appendix D: Diocese of Springfield in Illinois, "Attestation of Biological Sex of Seminarian Candidate"](#)

[Appendix E: Further analysis of CIC c. 1191 §3](#)

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## ENDNOTES

<sup>1</sup> For example, Dr. Alfonso Oliva, MD, FACS, who specializes in plastic and reconstructive surgery, gave a presentation on July 27, 2024, at the Napa Institute Summer Conference on "The Science of Transgender Medicine and Surgery." He serves as Treasurer of the Catholic Medical Association. See: <https://www.cathmed.org/about/leadership/board/#>. Additional reference materials are the following: O. Carter Snead, *What It Means to Be Human: The Case for the Body in Public Bioethics* (Cambridge, Massachusetts: Harvard University Press, 2020); Edward J. Furton, Ed., *Transgender Issues in Catholic Health Care* (Philadelphia: National Catholic Bioethics Center, 2021); Jason Evert, *Male, Female, Other? A Catholic Guide to Understanding Gender* (Scottsdale, Arizona: Totus Tuus Books, 2022); and John S. Grabowski, *Unraveling Gender: The Battle Over Sexual Difference* (Gastonia, North Carolina: TAN Books, 2022).

<sup>2</sup> See, for example:

- Kori Pacyniak, "Are Trans Catholics Welcome in the Church? This May Not Be the Right Question," *New Ways Ministry*, December 11, 2023; accessed online October 3, 2024, at <https://www.newwaysministry.org/2023/12/11/are-trans-catholics-welcome-in-the-church-this-may-not-be-the-right-question/>
- Barbara Battista, "I'm a Catholic Nun. I'm Standing Up for Trans People," *Newsweek*, May 10, 2023; accessed online October 3, 2024, at <https://www.newsweek.com/catholic-church-nun-trans-lgbtq-rights-1797044>
- Jack Jenkins, "In letter, thousands of Catholic nuns declare trans people 'beloved and cherished by God'," *The Washington Post*, March 31, 2023; accessed online October 3, 2024, at <https://www.washingtonpost.com/religion/2023/03/31/letter-thousands-catholic-nuns-declare-trans-people-beloved-cherished-by-god/>

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- Mitchell Atencio, “Catholic Nuns: Church Isn’t Whole Without Trans Siblings,” *Sojourners*, March 31, 2023; accessed online October 3, 2024, at <https://sojo.net/articles/catholic-nuns-church-isn-t-whole-without-trans-siblings>
  - Father Patrick Briscoe, “Gender ideology highlights the need to reassert basic truths,” *Our Sunday Visitor*, June 11, 2024, accessed online October 3, 2024, at <https://www.oursundayvisitor.com/transgender-ideology-highlights-the-need-to-reassert-basic-truths/>
  - T. Alex Giltner, Ph.D., “Franciscan friar’s attack on bishops and doctrine is a theological disaster,” *The Catholic World Report*, April 5, 2023; accessed online October 3, 2024, at <https://www.catholicworldreport.com/2023/04/05/franciscan-friars-attack-on-bishops-and-doctrine-is-a-theological-disaster/>

<sup>3</sup> <https://www.merriam-webster.com/dictionary/transgender>; accessed October 3, 2024.

<sup>4</sup> Laurel Wamsley, “A Guide To Gender Identity Terms,” *NPR*, June 2, 2021, accessed online October 25, 2024, at <https://www.npr.org/2021/06/02/996319297/gender-identity-pronouns-expression-guide-lgbtq>.

<sup>5</sup> <https://www.merriam-webster.com/dictionary/gender>; accessed October 3, 2024.

<sup>6</sup> <https://dictionary.cambridge.org/us/dictionary/english/transgenderism>; accessed October 3, 2024.

<sup>7</sup> <https://www.tandfonline.com/journals/wijt20>; accessed October 3, 2024.

<sup>8</sup> <https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria#>; accessed October 3, 2024.

<sup>9</sup> According to the America Psychiatric Association, “The term ‘transgender’ refers to a person whose sex assigned at birth (i.e. the sex assigned at birth, usually based on external genitalia) does not align with their gender identity (i.e., one’s psychological sense of their gender). Some people who are transgender will experience ‘gender dysphoria,’ which refers to psychological distress that results from an incongruence between one’s sex assigned at birth and one’s gender identity. Though gender dysphoria often begins in childhood, some people may not experience it until after puberty or much later.” <https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria>.

<sup>10</sup> See, for example:

- Rawee, P., Rosmalen, J.G.M., Kalverdijk, L. *et al*, “Development of Gender Non-Contentedness During Adolescence and Early Adulthood.” *Archives of Sexual Behavior* 53, 1813–1825 (2024). <https://pubmed.ncbi.nlm.nih.gov/38413534/>
- Thomas D Steensma, Jenifer K McGuire, Baudewijntje P C Kreukels, Anneke J Beekman, Peggy T Cohen-Kettenis, “Factors associated with desistence and persistence of childhood gender dysphoria: a quantitative follow-up study,” *Journal of the American Academy of Child and Adolescent Psychiatry*, 52(6):582-90 (June 2013), showing that shows that 63% of transgender children grow out of being transgender (desistence) <https://pubmed.ncbi.nlm.nih.gov/23702447/>.
- Jorgensen, S.C.J., “Transition Regret and Detransition: Meanings and Uncertainties,” *Archives of Sexual Behavior* 52, 2173–2184 (2023) <https://link.springer.com/article/10.1007/s10508-023-02626-2>

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<sup>11</sup> <https://www.britannica.com/science/hermaphroditism>; accessed October 3, 2024. See also: <https://medlineplus.gov/ency/article/001669.htm#:~:text=Difference>; accessed October 4, 2024. The term “intersex” may be confusing as hermaphroditism pertains to a physiological condition; however, the pride movement has begun to associate this group of people with broad, self-affirmation ideology.

<sup>12</sup> See, for example:

- “The Dutch Studies and The Myth of Reliable Research in Pediatric Gender Medicine,” Society for Evidence-Based Gender Medicine, January 11, 2023; accessed online October 3, 2024, at <https://segm.org/Dutch-studies-critically-flawed>
- Levine, S.B., Abbruzzese, E., “Current Concerns About Gender-Affirming Therapy in Adolescents,” *Current Sexual Health Reports* 15, 113–123 (2023); accessed online October 3, 2024, at <https://link.springer.com/article/10.1007/s11930-023-00358-x>
- Nimitpanya P, Wainipitapong S, Wiwattarangkul T, Suwan A, Phanuphak N, Panyakhamlerd K “Evaluation of mental health and satisfaction following transfeminine gender-affirming surgery in Thailand,” *Transgender Health* 7:1, 61–67 (2022); accessed online October 3, 2024, at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9829121/>
- John J Straub, Krishna K Paul, Lauren G Bothwell, Sterling J Deshazo, Georgiy Golovko, Michael S Miller, and Dietrich V Jehle, “Risk of Suicide and Self-Harm Following Gender-Affirmation Surgery,” published online April 2, 2024; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC11063965/>
- Cecilia Dhejne, Paul Lichtenstein, Marcus Boman, Anna L. V. Johansson, Niklas Långström, and Mikael Landén; James Scott, Editor, “Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden,” published online February 22, 2011; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043071/>

<sup>13</sup> Paul McHugh, M.D., “Transgender Surgery Isn’t the Solution: A drastic physical change doesn’t address underlying psycho-social troubles,” *THE WALL STREET JOURNAL*, originally published on June 12, 2014; updated May 13, 2016, accessed online August 27, 2024, at [http://www.wsj.com/articles/paul-mchugh-transgender-surgery-isnt-the-solution-1402615120?reflink=desktopwebshare\\_permalink](http://www.wsj.com/articles/paul-mchugh-transgender-surgery-isnt-the-solution-1402615120?reflink=desktopwebshare_permalink).

<sup>14</sup> Lawrence S. Mayer and Paul R. McHugh, Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences—Executive Summary,” *New Atlantis* 50 (Fall 2016): 7-9; accessed online October 3, 2024, at <http://www.thenewatlantis.com/>.

<sup>15</sup> Principle of Double Effect, <https://www.ewtn.com/catholicism/answers/principle-of-double-effect-23224>; accessed online October 4, 2024.

<sup>16</sup> See *Doctrinal Note on the Moral Limits to Technological Manipulation of the Human Body*, United States Conference of Catholic Bishops, Committee on Doctrine, March 20, 2023, accessed online August 27, 2024; The National Catholic Bioethics Center, “Brief Statement on Transgenderism,” *The National Catholic Bioethics Quarterly*, Winter 2016, pp. 599-603; and John A. Di Camillo, Ph.D., “Gender Transitioning and Catholic Health Care,” *The National Catholic Bioethics Quarterly*, Summer, 2017, pp. 213-223.

<sup>17</sup> Becket Gremmels, Ph.D., “Sex Reassignment Surgery and the Catholic Moral Tradition: Insight from Pope Pius XII on the Principle of Totality,” *Health Care Ethics USA*, Winter 2016; accessed online October 4, 2024,

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at <https://www.chausa.org/publications/health-care-ethics-usa/article/winter-2016/sex-reassignment-surgery-and-the-catholic-moral-tradition-insight-from-pope-pius-xii-on-the-principle-totality>.

<sup>18</sup> Pope Pius XII, “The Moral Limits of Medical Research and Treatment,” address given to the First International Congress on the Histopathology of the Nervous System, September 14, 1952, n. 13; accessed online October 4, 2024, at <https://www.papalencyclicals.net/pius12/p12psych.htm>.

<sup>19</sup> John F. Brehany, Ph.D., S.T.L., “Pope Pius XII and Justifications for Sex Reassignment Surgery,” *Health Care Ethics USA*, Winter 2016; accessed online October 4, 2024, at <https://www.chausa.org/publications/health-care-ethics-usa/article/fall-2016/pope-pius-xii-and-justifications-for-sex-reassignment-surgery>.

<sup>20</sup> Pope Francis, Encyclical Letter on Care of Our Common Home, *Laudato si'*, May 24, 2015, n. 155, accessed online August 27, 2024, at [https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si.html](https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html).

<sup>21</sup> <https://dio.org/wp-content/uploads/1667/43/Pastoral-Guide-and-650-Gender-Identity-Policy.pdf>

<sup>22</sup> Pope Francis, General Audience, Saint Peter’s Square, Vatican City, April 15, 2015, accessed online August 27, 2024, at [https://www.vatican.va/content/francesco/en/audiences/2015/documents/papa-francesco\\_20150415\\_udienza-generale.html](https://www.vatican.va/content/francesco/en/audiences/2015/documents/papa-francesco_20150415_udienza-generale.html).

<sup>23</sup> See *Catechism of the Catholic Church* (“CCC”), §2333.

<sup>24</sup> See, CCC §2335.

<sup>25</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, 2019, accessed online August 27, 2024, at [http://www.educatio.va/content/dam/cec/Documenti/19\\_0997\\_INGLESE.pdf](http://www.educatio.va/content/dam/cec/Documenti/19_0997_INGLESE.pdf).

<sup>26</sup> “Palatine-based high school district settles transgender discrimination lawsuit, ending four-year battle over locker room access,” *Chicago Tribune*, February 14, 2020, accessed online August 27, 2024, at <https://www.chicagotribune.com/2020/02/14/palatine-based-high-school-district-settles-transgender-discrimination-lawsuit-ending-four-year-battle-over-locker-room-access/>.

<sup>27</sup> “Special Report: NHS 'over-diagnosing' transgender children,” Sky News, accessed online August 27, 2024, at <https://www.youtube.com/watch?v=qXvdrSkBFqw&t=601s>.

<sup>28</sup> Canon 10: “Irritantes aut inhabilitantes eae tantum leges habendae sunt, quibus actum esse nullum aut inhabilem esse personam expresse statuitur.” *Codex Iuris Canonici* (1983).

<sup>29</sup> For personal testimonies of persons who have detransitioned and reverted to their original gender, see: Mary Margaret Olohan, *Detrans: True Stories of Escaping the Gender Identity Cult* (Regnery Publishing, 2024). The author provides a summary of the book in her article, “Detrans: Stories of Healing and Hope,” *Our Sunday Visitor*, June 2-8, 2024, pp. 9-12, available online under the title, “One woman’s harrowing story of surviving the gender ideology cult,” May 31, 2024, at <https://www.oursundayvisitor.com/one-womans-harrowing-story-of-surviving-the-gender-ideology-cult/>.

<sup>30</sup> Víctor Manuel Cardinal Fernández, Prefect, Dicastery for the Doctrine of the Faith, “Answers to Several Questions from His Excellency, the Most Reverend José Negri, Bishop of Santo Amaro, Brazil, Regarding

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Participation in the Sacraments of Baptism and Matrimony by Transgender Persons and Homosexual Persons” (November 3, 2023); accessed online October 9, 2024, at [https://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_ddf\\_20231031-documento-mons-negri\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_ddf_20231031-documento-mons-negri_en.html).

<sup>31</sup> Egeria, *Peregrinatio*, 45. In Edward Yarnold, S.J., *The Awe-Inspiring Rites of Initiation: The Origins of the R.C.I.A.* (Collegeville, Minnesota: The Liturgical Press, 2001), 8-9.

<sup>32</sup> See 1 Cor 11:27-30) regarding St. Paul’s warnings about the dangers to a person who receives the eucharist in a state of grave sin.

<sup>33</sup> Gerard O’Connell, “Pope Francis says ‘ideology of gender’ is ‘dangerous’ . . .,” *America*, March 10, 2023, accessed online August 29, 2024 at <https://www.americamagazine.org/faith/2023/03/10/pope-francis-ideology-gender-theory-synod-244888>.

<sup>34</sup> Matthew Santucci, “Pope Francis: ‘Today the ugliest danger is gender ideology,’” *Catholic News Agency*, March 1, 2024, accessed online August 29, 2024, at <https://www.catholicnewsagency.com/news/256963/pope-francis-today-the-ugliest-danger-is-gender-ideology>.

<sup>35</sup> *Lumen Gentium* 41.

<sup>36</sup> *Perfectae Caritatis* 1; *Lumen Gentium* 43.

<sup>37</sup> *Gaudium et Spes* 14.

<sup>38</sup> Dicastery of the Doctrine of the Faith, “Declaration ‘Dignitas Infinita’ on Human Dignity,” accessed online June 27, 2024, at [www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_ddf\\_doc\\_20240402\\_dignitas-infinita\\_en.html#\\_ftn30](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_ddf_doc_20240402_dignitas-infinita_en.html#_ftn30), 18.

<sup>39</sup> International Theological Commission, “Some Current Questions in Eschatology,” accessed online June 27, 2024 at [www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_1990\\_problemi-attuali-eschatologia\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_1990_problemi-attuali-eschatologia_en.html), Part 5; “Communion and Stewardship: Human Persons Created in the Image of God,” accessed online June 27, 2024, at [www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_con\\_cfaith\\_doc\\_20040723\\_com-munion-stewardship\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20040723_com-munion-stewardship_en.html), Chapter 2; and “In Search of a Universal Ethic: A New Look at the Natural Law,” accessed June 27, 2024, at [www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_con\\_cfaith\\_doc\\_20090520\\_legge-naturale\\_en.html#](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html#), Chapter 3.

<sup>40</sup> USCCB, Committee on Doctrine, “Doctrinal Note: On the Moral Limits to Technological Manipulation of the Human Body,” 2023; accessed online June 27, 2024, at [www.usccb.org/resources/Doctrinal%20Note%202023-03-20.pdf](http://www.usccb.org/resources/Doctrinal%20Note%202023-03-20.pdf), 2-3.

<sup>41</sup> See in English translation, Urbano Cardinal Navarrete. S.J. “Transsexualism and the Canonical Order,” *National Catholic Bioethics Quarterly* 14 (2014): 117. The original article, “Transexualismus et ordo canonicus,” appeared in *Periodica de re canonica* 86 (1997) 101-124.

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<sup>42</sup> Germain Lesage, "Sacred Bonds in the Consecrated Life," *The Way Supplement* 37: (1980) 78–96. This article addresses the sacred bond well and links it as an umbrella term that takes many forms, a form being vows. Accessed online June 27, 2024, at <https://www.theway.org.uk/back/s037Lesage.pdf>

<sup>43</sup> John M. Huels. "Other Acts of Worship." In *New Commentary of the Code of Canon Law*, edited by John P. Beal, James A. Coriden, and Thomas J. Green, (Mahwah: Paulist Press) 1416.

<sup>44</sup> *Ordo of virgins* # 25, 151; Another helpful source is *Ecclesiae Sponsae Imago* 15-16, 23, 88, which addresses the body and vocation of consecration virgins.

<sup>45</sup> Charles Augustine Bachofen, *A Commentary on the New Code of the Canon Law*, Vol. 3 (St. Louis: MO: B. Herder Book Co., [1918] 1935), 256. All volumes of this resource may be found at <https://archive.org/details/1917CodeOfCanonLawCommentary>; the author did use the physical text, not the online one.

<sup>46</sup> Here are some sources that aid one regarding perspectives utilizing the 1917 Code regarding *dolus*: in Christopher Yeo, "The Structure and Content of Monastic Profession: A Juridical Study, with Particular Regard to the Practice of the English Benedictine Congregation since the French Revolution" (thesis, Gregorian University; printed version, no. 3046, 1982); Donald Stewart, "Force, Fear, and Deceit in Relation to Validity of Entrance into Religion and Religious Profession" (diss. no. 16, Pontifical University of St. Thomas [Rome], 1949–1950); James Brown, "The Invalidating Effects of Force, Fear, and Fraud upon the Canonical Novitiate," *Canon Law Studies*, no. 311 (thesis, Catholic University of America, 1951); Wolfgang Frey, "The Act of Religious Profession", *Canon Law Studies*, no. 63 (J. C. D. thesis, Catholic University of America, 1931).

<sup>47</sup> Pope John Paul II. 1996. *Vita Consecrata*, accessed online June 3, 2024, at [www.vatican.va/content/john-paul-ii/en/apost\\_exhortations/documents/hf\\_jp-ii\\_exh\\_25031996\\_vita-consecrata.html](http://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_25031996_vita-consecrata.html), #4, 29-34.

<sup>49</sup> "The chastity 'for the sake of the kingdom of heaven' (Matt. 19:12) which religious profess should be counted an outstanding gift of grace. It frees the heart of man in a unique fashion (cf. 1 Cor. 7:32-35) so that it may be more inflamed with love for God and for all men. Thus it not only symbolizes in a singular way the heavenly goods but also the most suitable means by which religious dedicate themselves with undivided heart to the service of God and the works of the apostolate. In this way they recall to the minds of all the faithful that wondrous marriage decreed by God and which is to be fully revealed in the future age in which the Church takes Christ as its only spouse," Pope Paul VI, *Perfectae Caritatis*, Decree on the Adaptation and Renewal of Religious Life (1965), n. 12.

<sup>50</sup> "Religious, therefore, who are striving faithfully to observe the chastity they have professed must have faith in the words of the Lord, and trusting in God's help not overestimate their own strength but practice mortification and custody of the senses. Neither should they neglect the natural means which promote health of mind and body. As a result they will not be influenced by those false doctrines which scorn perfect continence as being impossible or harmful to human development and they will repudiate by a certain spiritual instinct everything which endangers chastity. In addition let all, especially superiors, remember that chastity is guarded more securely when true brotherly love flourishes in the common life of the community." Pope Paul VI, *Perfectae Caritatis*, n. 12.

<sup>51</sup> "Since the observance of perfect continence touches intimately the deepest instincts of human nature, candidates should neither present themselves for nor be admitted to the vow of chastity, unless they have been previously tested sufficiently and have been shown to possess the required psychological and emotional maturity. They should not only be warned about the dangers to chastity which they may meet

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but they should be so instructed as to be able to undertake the celibacy which binds them to God in a way which will benefit their entire personality.” Pope Paul VI, *Perfectae Caritatis*, n. 12.

<sup>52</sup> “In the image of Jesus, the beloved Son ‘whom the Father consecrated and sent into the world’ (*Jn* 10:36), those whom God calls to follow him are also consecrated and sent into the world to imitate his example and to continue his mission. Fundamentally, this is true of every disciple. In a special way, however, it is true of those who, in the manner that characterizes the consecrated life, are called to follow Christ ‘more closely,’ and to make him the ‘all’ of their lives.” *Vita Consecrata*, Post-Synodal Apostolic Exhortation of Pope John Paul II on the Consecrated Life and Its Mission in the Church and in the World (1996), n. 72

<sup>53</sup> “This is the plan for the salvation and reconciliation of humanity (cf. *Col* 2:20-22). To carry out this service appropriately, consecrated persons must have a profound experience of God and be aware of the challenges of their time, understanding the profound theological meaning of these challenges through a discernment made with the help of the Spirit. In fact, it is often through historical events that we discern God's hidden call to work according to his plan by active and effective involvement in the events of our time. Discerning the signs of the times, as the Council affirms, must be done in the light of the Gospel, so as to “respond to the perennial questions which people ask about this present life and the life to come, and about the relationship of the one to the other”. It is necessary, therefore, to be open to the interior promptings of the Holy Spirit, who invites us to understand in depth the designs of Providence. He calls consecrated men and women to present new answers to the new problems of today's world. These are divine pleas which only souls accustomed to following God's will in everything can assimilate faithfully and then translate courageously into choices which are consistent with the original charism and which correspond to the demands of the concrete historical situation. Faced with the many and pressing problems which sometimes seem to compromise or even overwhelm the consecrated life, those called to it cannot fail to feel the commitment to bear in their hearts and in their prayer the entire world's needs, while at the same time they work with zeal in the fields determined by the founding charism. Clearly, their dedication must be guided by *supernatural discernment*, which distinguishes what is of the Spirit from that which is contrary to him (cf. *Gal* 5:16-17,22; *1 Jn* 4:6) . . . this discernment safeguards full communion with the Church. In this way the consecrated life will not be limited to reading the signs of the times but will also contribute to elaborating and putting into effect *new initiatives of evangelization* for present-day situations. All this will be done in the certainty of faith that the Spirit can give satisfactory replies even to the most difficult questions. . . .” Pope John Paul II. 1996. *Vita Consecrata*, n. 73, accessed online June 03, 2024, at [www.vatican.va/content/john-paul-ii/en/apost\\_exhortations/documents/hf\\_jp-ii\\_exh\\_25031996\\_vita-consecrata.html](http://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_25031996_vita-consecrata.html).

<sup>54</sup> “... The *reply* of the consecrated life is above all in the *joyful living of perfect chastity*, as a witness to the power of God's love manifested in the weakness of the human condition. The consecrated person attests that what many have believed impossible becomes, with the Lord's grace, possible and truly liberating. Yes, in Christ it is possible to love God with all one's heart, putting him above every other love, and thus to love every creature with the freedom of God! This testimony is more necessary than ever today, precisely because it is so little understood by our world. It is offered to everyone – young people, engaged couples, husbands and wives and Christian families – in order to show that *the power of God's love can accomplish great things* precisely within the context of human love. It is a witness which also meets a growing need for interior honesty in human relationships. . . .” Pope John Paul II, *Vita Consecrata*, n. 88.

<sup>55</sup> “... The consecrated life must present to today's world examples of chastity lived by men and women who show balance, self-mastery, an enterprising spirit, and psychological and affective maturity. Thanks to this witness, human love is offered a stable point of reference: the pure love which consecrated persons draw from the contemplation of Trinitarian love, revealed to us in Christ. Precisely because they are immersed in this mystery, consecrated persons feel themselves capable of a radical and universal love, which gives them the strength for the self-mastery and discipline necessary in order not to fall under the

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domination of the senses and instincts. Consecrated chastity thus appears as a joyful and liberating experience. Enlightened by faith in the Risen Lord and by the prospect of the new heavens and the new earth (cf. *Rev* 21:1), it offers a priceless incentive in the task of educating to that chastity which corresponds to other states of life as well." Pope John Paul II, *Vita Consecrata*, n. 88.

<sup>56</sup> "The *third challenge* comes from those *notions of freedom* which separate this fundamental human good from its essential relationship to the truth and to moral norms. In effect, the promotion of freedom is a genuine value, closely connected with respect for the human person. But who does not see the aberrant consequences of injustice and even violence, in the life of individuals and of peoples, to which the distorted use of freedom leads? An effective *response* to this situation is the *obedience which marks the consecrated life*. In an especially vigorous way this obedience reposes the obedience of Christ to the Father and, taking this mystery as its point of departure, testifies that *there is no contradiction between obedience and freedom*. Indeed, the Son's attitude discloses the mystery of human freedom as the path of obedience to the Father's will, and the mystery of obedience as the path to the gradual conquest of true freedom. It is precisely this mystery which consecrated persons wish to acknowledge by this particular vow. By obedience they intend to show their awareness of being children of the Father, as a result of which they wish to take the Father's will as their daily bread (cf. *Jn* 4:34), as their rock, their joy, their shield and their fortress (cf. *Ps* 18:2). Thus they show that they are growing in the full truth about themselves, remaining in touch with the source of their existence and therefore offering this most consoling message: 'The lovers of your law have great peace; they never stumble' (*Ps* 118:165)." Pope John Paul II, *Vita Consecrata*, n. 91.

<sup>57</sup> "He came to do the will of the Father who sent him, and he did it steadily, learning obedience through suffering, and becoming a cause of salvation for all who obey." Letter of His Holiness John Paul II to the Bishops of the United States, *Essential Elements in the Church's Teaching on Religious Life*, April 3, 1983, no. 15; accessed online October 3, 2024, at [https://www.vatican.va/roman\\_curia/congregations/ccsrlife/documents/rc\\_con\\_ccsrlife\\_doc\\_31051983\\_magisterium-on-religious-life\\_en.html](https://www.vatican.va/roman_curia/congregations/ccsrlife/documents/rc_con_ccsrlife_doc_31051983_magisterium-on-religious-life_en.html).

<sup>58</sup> Following are links to two articles on canonical aspects of consecrated life that may be relevant to the current concern with the relationship of transgenderism and consecrated life, in particular the eremitical life.

María Areitio: Asociaciones de fieles y vida consagrada: distintas relaciones y sus perspectivas canónicas; <https://dadun.unav.edu/handle/10171/36313>

Amy Hereford, *See I Am Making Something New: New Institutes, Diocesan Hermits and Consecrated Virgins and New Forms of Consecrated Life* (CreateSpace Independent Publishing Platform, 2018); <https://www.amazon.co.uk/See-Making-Something-New-Consecrated/dp/1717148026>

**PASTORAL GUIDE**  
**Regarding Policy §650 Gender Identity**  
**Diocese of Springfield in Illinois**

*This guide is intended as a commentary to help foster a proper understanding of the diocesan policy regarding gender identity, in recognition of the pastoral sensitivities regarding this matter.*

**I. Gender Dysphoria, Transgenderism, and the Pastoral Imperative of Compassionate Concern**

Gender dysphoria is a real psychological condition, in which a biological male or female believes he or she is the opposite gender. It is of paramount importance to handle such situations with gentle and compassionate pastoral skill and concern. All forms of discrimination and harsh treatment must be strongly resisted and corrected. It is also important to recognize the difficulties parents and families face when a child or family member is dealing with gender dysphoria. This disorder affects the entire family. In a culture that promotes a false and overly sentimentalized conception of love, many families of an adult or child with gender dysphoria will feel a sense of obligation to support their loved one in “whatever is going to make them happy.” Family members likely wrestle with a sense of confusion, guilt, and uncertainty over how best to support their loved one; and they face pressure, either directly or indirectly, from the prevailing culture to celebrate and reinforce their loved one’s gender dysphoria and feel compelled to “solve” the problem by surgically and hormonally changing the biological sex of the affected person. Such treatments, especially for children, are invasive and disruptive physically, chemically, psychologically, emotionally, and spiritually.

For the parents of a child who is dealing with this condition, the first priority must be to assist the child in this difficult situation. Fueling the confusion that families face in these circumstances is not merciful. For the sake of the family and the loved one, it is imperative to be clear on the reality of human biology as a gift from God that we cannot change. In this regard, Pope Francis has questioned whether “the so-called gender theory is not an expression of frustration and resignation, which seeks to cancel out sexual difference because it no longer knows how to confront it. Yes, we risk taking a step backwards. The removal of difference in fact creates a problem, not a solution” (General Audience, April 15, 2015).

The Holy Father’s concerns are grounded in the Church teaching that our identities as male and female are part of God’s good design in Creation, that our bodies and sexual identities are gifts from God, and that we should accept and care for our bodies as they were created. A person cannot change his or her gender. A person should accept and seek to live in conformity with his or her sexual identity as determined at birth. The human person is a body-soul union, and the body – created male or female – is a constitutive aspect of the human person. Therefore, the Catholic Church teaches that the removal or destruction of healthy sexual and reproductive organs is a type of mutilation and intrinsically evil. Procedures, surgeries, and therapies designed to assist a person in “transitioning” his or her gender are morally prohibited. “Everyone, man and woman, should acknowledge and accept his sexual identity. Physical, moral, and spiritual difference and complementarity are oriented toward the goods of marriage and the flourishing of family life. The harmony of the couple and of society depends in part on the way in which the complementarity, needs, and mutual support between the sexes are lived out.” See Catechism of the Catholic Church

(“CCC”), §2333. “Each of the two sexes is an image of the power and tenderness of God, with equal dignity though in a different way.” See, CCC §2335.

With this teaching in mind, gender dysphoria can be reasonably compared to anorexia. Each is a condition in which a person, for a complex set of reasons, has a self-perception of his or her physical biology that is dislocated from reality. Just as it would be pastorally reckless to provide weight-loss resources to a visibly gaunt anorexic who thinks she is overweight, it is equally reckless to encourage someone with gender dysphoria to undergo hormone treatment and/or genital mutilation.

None the less, the presentation of this truth must be made with love, compassion, and patience. As the policy itself states, our schools, parishes and other institutions embrace with compassion those families and individuals with gender dysphoria and patiently supports them in their journey. However, it must be clear that our schools and Church institutions (including sacramental records and school records) will refer to such persons with the gender pronouns, along with bathroom and locker room use and sports activities that acknowledge their God-given biology. Some families may not be willing to agree with this approach, and we need to respect their freedom; but they must likewise respect the Church’s duty to adhere to revealed truth if they are to participate actively and fully in our faith community, especially our Catholic schools.

## **II. The importance and timeliness of a policy regarding gender dysphoria and Transgenderism**

Given the gravity of concern regarding gender dysphoria and transgenderism, in particular for our young people, the Congregation for Catholic Education of the Holy See recently published a thorough and important study and directive of guidance on this matter, entitled “Male and Female He Created Them”

[http://www.educatio.va/content/dam/cec/Documenti/19\\_0997\\_INGLESE.pdf](http://www.educatio.va/content/dam/cec/Documenti/19_0997_INGLESE.pdf).

This document was developed, in part, due to the increased pressure on Catholic schools and other institutions through the courts and legislatures, requiring schools to allow boys who believe they are girls to use girls’ restroom and locker room facilities and play on girls’ sports teams, and vice versa. Many public schools have begun to implement such policies. In a notable case in Illinois, news coverage included a teenage girl in tears on television over her discomfort with the fact that a biological boy was being allowed to change with her and other girls in the girls’ locker room. Her comments reflect the concerns of many parents and children:

*“For me, the idea of this proposal scares me,” she said during the public comment session. “When I get out of practice from a long, tiring workout, I do not want to see a transgender student naked in the locker rooms. I do not want my privacy invaded against my will. I am just one girl, in the midst of an entire district, but I have feelings too and am against this policy.”*

Some have shared concerns that the diocesan policy mistakenly assumes adults would use children as pawns in such a political scheme, but the evidence is clear that such activism is well underway in the State of Illinois. In fact, in some cases, parents are submitting their children to hormonal therapies at pre-pubescent ages in order to prepare for sexual transgender surgeries later.

Viewed through a Christian lens, such cases amount to child abuse and genital mutilation. One may look to the United Kingdom for a glimpse of the trajectory of this trend. According to a report based on interviews with some of the 35 psychologists who left Britain's Gender Identity Development Service (GIDS), a report (*Transgender Children: Crisis in Care*) noted that the number of children referred to the GIDS rose from 77 in 2009-2010 to nearly 2,600 in 2018-2019, and there were 3,000 more children on a waiting list. In particular, the number of girls being referred to the GIDS has increased by 4,500% over that time. This trend presents moral, psychological, and physical dangers to our children.

The transgender policy is not, in and of itself, sufficient to address these threats; but it is necessary as a foundation of clarity and certainty regarding Church teaching regarding human biology, sexuality, and morality. Further, in an aggressively activist political climate — often fueled by social media — our pastors, principals, and administrators of parishes, schools, and affiliated groups and institutions deserve the clarity and protection of consistent diocesan policy on the matter of gender identity. Such policy protects our leaders from being forced to sort through these complex and sensitive matters reactively, under the pressure of inevitably sensitive situations. Such policy also protects our leaders at the local level from being pressured and intimidated on the basis of what is believed to be their own personal interpretation and opinion.

It is outside the scope of this document to provide concrete and detailed training on the skills required for pastoral conversations in such situations. However, resources are available to our priests through the Vicar for Priests and the Vicar General; and for school administrators through the Superintendent of Schools. Further, given the sensitivity and climate regarding these matters, our curial Office for Communications is available for consultation and/or direct support in situations that involve or portend the involvement of social media, secular media, and/or community relations. Pastors and administrators are strongly encouraged to solicit help when questions or situations arise regarding this policy.

A few examples of resources include:

### **Instructional Videos**

This page (<https://canavox.com/dear-katy/category/transgender/>) includes a series of brief videos that can be useful instructional videos for staff, faculty, and parents on how to approach conversations about gender identity and transgenderism with both sensitivity and clarity. These may be used directly as resource for parents, or for help in training and preparing for conversations with others.

### **Male and Female He Created Them**

This document, referenced above, was produced by the Congregation for Catholic Education in Rome: [http://www.educatio.va/content/dam/cec/Documenti/19\\_0997\\_INGLESE.pdf](http://www.educatio.va/content/dam/cec/Documenti/19_0997_INGLESE.pdf)

### **Transgender Children: Crisis in Care**

This study (*Transgender Children: Crisis in Care*), referenced above, is based on interviews with several psychologists who previously worked in the UK's Gender Identity Development Service. It highlights concerns and dangers of the trend toward accelerating gender dysphoria patients toward invasive transgender procedures.

## §650 GENDER IDENTITY

*The Church teaches that our identities as male and female are part of God’s good design in Creation, that our bodies and sexual identities are gifts from God, and that we should accept and care for our bodies as they were created. A person cannot change his or her gender. A person should accept and seek to live in conformity with his or her sexual identity as determined at birth. The human person is a body-soul union, and the body – created male or female – is a constitutive aspect of the human person. Therefore, the Catholic Church teaches that the removal or destruction of healthy sexual and reproductive organs is a type of mutilation and intrinsically evil. Procedures, surgeries, and therapies designed to assist a person in “transitioning” his or her gender are morally prohibited. “Everyone, man and woman, should acknowledge and accept his sexual identity. Physical, moral, and spiritual difference and complementarity are oriented toward the goods of marriage and the flourishing of family life. The harmony of the couple and of society depends in part on the way in which the complementarity, needs, and mutual support between the sexes are lived out.” See Catechism of the Catholic Church (“CCC”), §2333. “Each of the two sexes is an image of the power and tenderness of God, with equal dignity though in a different way.” See, CCC §2335.*

### §650.1 General Policy Concerning Gender Identity

*While the Church has a duty to teach the truth about the human person (anthropology) and human sexuality, and incorporate this teaching into her policies and procedures, the Church has compassion and empathy toward all her members who suffer from confusion about their identity, including their sexual or gender identity.*

**650.1. Policy** It is the policy of the Diocese of Springfield in Illinois that all Catholic agencies, including parishes, schools, institutions, departments, or other entities, shall respect the biological sex with which a person is born and shall apply all policies and procedures in relation to that person according to that person’s biological sex at birth.<sup>1</sup>

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<sup>1</sup> An "agency" as used herein shall include any department, institution, office, parish, school, Juridic person or any subdivision thereof governed by the moral authority of the Roman Catholic Bishop of Springfield in Illinois. (The authority to determine policies for these entities is stated in the, **2017 Diocesan Synodal Statues, Part I, General Norms #9**, “*Diocesan policies further specify and delineate in greater detail the fundamental particular laws of these statutes and require all diocesan, parish and Catholic school personnel to act in a prescribed manner in handling specified situations. Diocesan procedures are uniform methods or standards of implementing diocesan policies.*”)

***Procedures:***

- a) While this policy is published in Book II, The People of God, it applies equally to the subject matters of the other Books. This policy applies to all interactions the Diocese or her agents have with any persons, whether said person is an employee, volunteer, student, or a general member of the faithful.
- b) The Sacramental and Liturgical Life of the Church will also reflect this policy in as much as it corresponds with the moral teachings of the Church and the provisions of Canon Law.
- c) Examples of this policy in practice include the following:
  - 1. All persons will be addressed and referred to with pronouns in accord with their biological sex;
  - 2. All correspondence, documents, and records will reflect the subject person's biological sex;
  - 3. All persons will use bathrooms and locker rooms that correspond with their biological sex while on Diocesan or Parish property.
- d) The Diocese also supports and encourages counseling for those who suffer from or are diagnosed with gender dysphoria by licensed counselors or other medical professionals who hold a correct Christian anthropology of the human person and who understand and adhere to Catholic teaching.
- e) While the Catholic Church does not support transgender therapies and/or surgeries that assist a person in "transitioning" his or her gender, the Church recognizes that appropriate medical care may be necessary in rare cases of true genetic or physical anomalies, such as hermaphroditism or intersex.

**§650.2 Specific Policy Concerning Employees and Volunteers**

**650.2. Policy** Employees and volunteers are expected to live virtuous lives guided by Gospel values and the teaching of the Church. Employees and volunteers shall conduct themselves in accord with their biological sex at all times. Likewise, all employees and volunteers shall perform their duties, and tailor their interactions with other persons, in accord with the Diocese's general policy concerning gender identity (§650.1).

***Procedures:***

- a) Examples of this policy in practice include the following:

1. All employees and volunteers will be addressed and referred to with pronouns in accord with their biological sex;
  2. All employee or volunteer correspondence, documents, and records will reflect the employee's or volunteer's biological sex;
  3. All employees and volunteers will use bathrooms that correspond with their biological sex while on Diocesan or Parish property.
- b) Violation of this policy by any employee may include immediate corrective action, suspension, and possible termination of employment.
- c) Violation of this policy by any volunteer may include immediate corrective action, suspension, and possible termination of volunteer status.

### **§650.3 Specific Policy Concerning Students**

<p><b>650.3. Policy</b> Students and their parents are expected to live virtuous lives guided by Gospel values and the teaching of the Church as described in the Family School Agreement (<b>BK3§404.1</b>). Students shall conduct themselves in accord with their biological sex at all times.</p>
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#### ***Procedures:***

- a) A student diagnosed with gender dysphoria should not be denied admission to a Catholic school as long as the student and his or her parents agree that the child will abide by the Family School Agreement and this policy.
- b) Respectful, critical questioning of Catholic teaching in the classroom is encouraged as long as its intent is to help the student progress toward greater awareness and understanding.
- c) Examples of this policy in practice include the following:
  1. All students and their parents will be addressed and referred to with pronouns in accord with their biological sex;
  2. All school correspondence, documents, and records will reflect the student or parent's biological sex;
  3. Students will participate in competitive athletics in accord with their biological sex;
  4. Catholic schools will not allow, or otherwise cooperate in, the administration of puberty-blocking or cross-sex hormones on school property;

5. All students will use bathrooms and locker rooms that correspond with their biological sex. Students who have been clinically diagnosed with gender dysphoria, however, may request the use of a single-person, unisex facility. Such requests will be assessed on an individual basis by the appropriate school administrator.
- d) A student of any Catholic school who insists, or whose parents insist, on open hostility toward, or defiance of, Church teaching, or who otherwise intentionally violate this policy, may be expelled from the school pursuant to this policy and the provisions of **BK3§404.1.3**.

## Appendix B



### Committee on Canonical Affairs and Church Governance

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3015 • FAX 202-541-3166

#### MEMORANDUM

To: All Bishops

From: Most Reverend Jerome E. ListECKi, J.D., J.C.D.  
Chairman, Committee on Canonical Affairs and Church Governance

Date: September 22, 2021

Re: Transgenderism and Seminary Formation

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Your Eminence / Your Excellency,

Recently, the Committee on Canonical Affairs and Church Governance was made aware of instances where it had been discovered that a woman living under a transgendered identity had been unknowingly admitted to the seminary or to a house of formation of an institute of consecrated life. In one instance, the individual's sacramental records had been fraudulently obtained to reflect her new identity. In all instances, nothing in these individuals' medical or psychological reports had signaled past treatments or pertinent surgeries. Luckily, each case was discovered prior to a celebration of Holy Orders.

As you know, canon law requires the diocesan bishop to admit to the major seminary and to promote to Holy Orders only men who possess the requisite physical and psychological qualities (cc. 241, 1024, 1029 CIC). Moreover, a diocesan bishop can require various means to establish moral certitude in this regard (c. 1051, n. 2 CIC). As bishops consider the various options that are available to them for fulfilling their obligation, some members of the Committee on Canonical Affairs and Church Governance observed that a bishop could consider requiring a D.N.A. test or, at a minimum, certification from a medical expert of the bishop's own choosing, to assure an applicant is male.

I was encouraged by the Committee to alert you to these occurrences so that you will exercise special vigilance as a new year of seminary formation begins. Thank you for your kind attention to this Memorandum.

**Physical Examination – (to be completed by examining physician)**

Last Name	First	Middle
Height	Weight	Blood Pressure
Pulse	Vision: Right	Corrected Vision: Right
Color Blindness	Left	Left

For the following, please check if normal or comment upon any abnormal conditions.

Musculature	_____	Comments: _____
Nutrition	_____	Comments: _____
Skin	_____	Comments: _____
Eyes	_____	Comments: _____
Nose	_____	Comments: _____
Teeth	_____	Comments: _____
Tongue	_____	Comments: _____
Tonsils	_____	Comments: _____
Throat/Pharynx	_____	Comments: _____
Neck/Nodes	_____	Comments: _____
Thyroid	_____	Comments: _____
Chest/Lungs	_____	Comments: _____
Heart	_____	Comments: _____
Abdominal		
Palpable Masses	_____	Comments: _____
Hernia	_____	Comments: _____
Rectal	_____	Comments: _____
Genitalia	_____	Comments: _____
Extremities	_____	Comments: _____
Biological Sex:	_____	<i>Physician must confirm that the applicant is biologically male</i>

Urine: VDRL or Equivalent \_\_\_\_\_ Microscopic \_\_\_\_\_ Sugar \_\_\_\_\_  
 ALB \_\_\_\_\_

Recommendations (Please comment on the health or fitness of the applicant, including your perception of mental health as well as physical health). \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Printed Name of Physician: \_\_\_\_\_ Date \_\_\_\_\_

Signature of Physician: \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_

## Appendix D

### ATTESTATION OF BIOLOGICAL SEX OF SEMINARIAN CANDIDATE

#### **Preamble:**

This attestation is a serious requirement of the Catholic Church, essential for maintaining the integrity of its religious practices and beliefs. According to Canon 1024 of the *Code of Canon Law*, “[a] baptized male alone receives sacred ordination validly.” This requirement is rooted in the Church’s understanding of the sacrament of Holy Orders and its adherence to the teachings of Jesus Christ and the Apostles.

The Catechism of the Catholic Church states: “The Lord Jesus chose men to form the college of the twelve apostles, and the apostles did the same when they chose collaborators to succeed them in their ministry...The Church recognizes herself to be bound by this choice made by the Lord himself. For this reason, the ordination of women is not possible.” (CCC, ¶ 1577).

Furthermore, “No one has a right to receive the sacrament of Holy Orders. Indeed, no one claims this office for himself; he is called to it by God. Anyone who thinks he recognizes the signs of God’s call to the ordained ministry must humbly submit his desire to the authority of the Church, who has the responsibility and right to call someone to receive orders. Like every grace, this sacrament can be received only as an unmerited gift.” (CCC, ¶ 1578).

#### **Attestation (Choose one):**

I attest that \_\_\_\_\_ [Candidate’s Full Name], a candidate for Catholic seminary for the Diocese of Springfield in Illinois, is unambiguously a biological male. This determination is based on a thorough medical examination and a review of the candidate’s reported medical history. \_\_\_\_\_ (initial)

I **cannot** attest that \_\_\_\_\_ [Candidate’s Full Name], a candidate for Catholic seminary for the Diocese of Springfield in Illinois, is a biological male without further review of the candidate’s medical history and/or genetic testing. \_\_\_\_\_ (initial)

I further acknowledge that any fraudulent statement of fact or willful misrepresentation in this attestation may open me to personal liability. \_\_\_\_\_ (initial)

Signed,

\_\_\_\_\_  
Doctor’s Signature

\_\_\_\_\_  
Doctor’s Medical License Number

\_\_\_\_\_  
Doctor’s Printed Full Name

\_\_\_\_\_  
Date

## Appendix E

### **Appendix E: Further analysis of CIC c. 1191 §3**

The following appendix provides a deeper linguistic analysis of c. 1191 §3 with the author's opinion on how this might apply to the working example of a transgender person seeking to make a public vow as a diocesan hermit. Canon 1191 §3 CIC states: *Votum metu gravi et iniusto vel dolo emissum ipso iure nullum est*. This appendix addresses the Latin structure of the c. 1191 §3 CIC. From its structure, the author proposes questions for further consideration and suggests where an authentic interpretation from the *Dicastery for Legislative Texts* (DLT) may be needed. Section 3 of the canon gives three structural phrases:

1. *Votum ... emissum ... nullum est*
2. *Metu gravi et iniusto vel dolo*
3. *Ipsa iure*

#### **Phrase 1: *Votum ... emissum nullum est***

This structural phrase provides the foundational framework for §3. It gives the subject and verb. *Votum* is the subject of the sentence. *Nullum* is an adjective that either qualifies *votum* or *emissum*. The opinion's author thinks the *nullum* qualifies the *votum*, which means the subjective expression of §3 is about a thing not existing. *Emissum ... est* is the functional verb expression. The perfect passive participial phrase, *emissum ... est*, is quite interesting. True, the phrase is not placed physically together in §3, yet the *emissum ... est* is coupled with the *votum nullum*. The structure provides a legal reality regarding when a vow does (*emissum ... est*) come into effect for the person, whether it is public or private (c. 1192 §1 CIC), yet with the *nullum* the action is negated. Please note that a private vow does not mean an unknown vow. *Emissum* is a perfect passive participle of *emitto*, a verb with many meanings. For our topic, it means “making,” yet it could also mean a sending out or letting loose of a vow (to God). Hence, per c. 1191 §3 CIC, no vow is made to God. Because of the *nullum*, the canonical structure may go beyond mere invalidation. For this opinion, invalidation means a legal reality of an action not having the force or effect of law. If c. 1191 §3 CIC expresses the legal non-existence of the vow made (publicly or privately), then there would be no possible way of a *Sanatio in radice* of the act because no vow exists to be healed. If an authentic interpretation to the Dicastery for Legislative Texts were to be presented, a form of the question may be: *Does c. 1191 §3 CIC give rise to the non-existence of a vow that a person attempted to make?*

#### **Phrase 2: *Metu gravi et iniusto vel dolo***

In this phrase, the conditions for the *votum ... emissum ... nullum est* are given. The phrase provides two independent aspects that cause the nullifying effect of the vow. The first aspect is *metu gravi et iniusto* (with grave and unjust fear). Since the *metu* has two adjectival qualifiers, it is most likely an ablative of manner, i.e., the vow is made null with grave **AND** unjust fear regarding the intention of one making it. The author

does acknowledge that *metu* may be an ablative of origin (“from grave and unjust fear). Both grave and unjust fear must effect the will of the person who makes the vow for this condition to be met. *Dolo* is the second aspect. *Dolus* is a rich term. It can be translated into things like malice, fraud, or deceit. *Dolo* is an ablative in this section. It is an ablative of means, so the *emissum ... est* is done by fraud or deceit. In the 1986 Münster commentary for c. 1191 §3 CIC, a definition of *dolus* is given: “*Argust (dolus) means consciously causing error in another person with the aim of getting them to take an action. The deception can be caused by actions, words, or silence.*” This definition may be helpful regarding CIC c. 603. Also, it is with *dolus* that a secondary question arises regarding a vow or other sacred bond (cc. 603, 1192 §1 CIC). Can *dolus* in c. 1191 §3 CIC nullify the vow if it is only from the one making the public vow, or can it be from the one receiving the vow (c. 1192 §1 CIC)? How might c. 125 §2 CIC affect this situation because of the *dolus* of the one receiving the vow?

### **Phrase 3: *Ipsa Iure***

The phrase *ipso iure* is singled out for its clarity regarding the canonical reality of c. 1191 §3 CIC. Canonical clarity resides in the law itself, which allows the nullifying effect to occur. If either grave and unjust fear or fraud is committed, no vow is made, a fact of profound significance in the canonical context as stated in the phrase 1 section of the appendix. The author's analysis of this phrase highlights the canonical reality of c. 1191 §3 CIC, which is a key point for consideration.

### **Summary:**

Canon 1191§3 CIC deals with the canonical nullity of a vow. Via the language analysis in this appendix, the author offers this translation of c. 1191 §3 CIC: *By the law itself, no vow is made with grave and unjust fear or by fraud.* The reality of the vow not being made, with no option for sanation, arises because of the poisonous condition which started at the attempt to make the vow. The code writers support this view because they saw the act of making a vow as an act of worship (*actus cultus*), which is why they left the canons on vows in Book IV even though some thought it should be in Book I (*Communicationes* 12, 374-375). An act of worship poisoned at its foundation could not be offered to God. The foundation of the act is the will from which comes the *promissio deliberate ac libera Deo facta*. Therefore, with *metu gravi et iniusto vel dolo* the vow does not exist. Through a linguistical analysis of c. 1191§3 CIC, in light of cc. 603 and 1192 §1 CIC, questions have been offered by the author in this appendix, noting that some may require an authentic interpretation from the DLT.