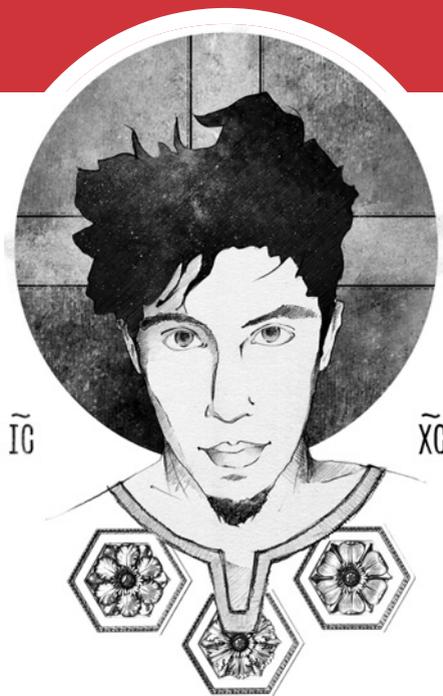


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## Reflections for educational institutions in relation to laws on gender identity and gender expression

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**YOUTH MINISTRY SECTOR**  
Salesiani di don Bosco SEDE CENTRALE SALESIANA



# Reflections for educational institutions in relation to laws on gender identity and gender expression

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The laws on gender identity which are passed in some countries influence many areas of social life and therefore have many important implications in the field of education. These pages aim to offer some food for thought and some useful guidelines.

## 1 Alphabet of diversity

[a] In Catholic educational centers (School, Vocational Training Centre and the Salesian presence in Higher Education) there is a growing interest **in the approach, accompaniment and guidance** of the sexual-affective education of students, particularly regarding sexual diversity. Educational centers, as privileged spaces of socialization, have a key role to play in the affective and sexual education

of students at all stages of development in a context in which, on the one hand, *diversity is increasingly visible and sexual minorities are increasingly valued*, but in which diversity continues to be a cause of stigmatization and violence in our classrooms and educational communities.

The impression shared by the majority of the educational world is that “**diversity**” is a **broad concept** that includes: diversity of gender, age, learning styles/differences/difficulties, ethical and cultural minorities, risk groups, physical/psychic/sensory disabilities, etc. In many cases, it falls into the category of *special educational needs*. However, a certain ‘ecology of language’ has been followed: there has been a shift from the language of ‘disorder’ and ‘deficits’ to that of ‘attention to diversi-

ty'. All possible categories respond to the principle: every person must be considered according to his or her characteristics

In the case of sexual diversity, it is ***an emerging and new reality***, and as a result it is thought best to 'leave the subject alone' or only address it when it becomes urgent or indispensable. On the contrary, sexual diversity has always existed, but the message of a few decades ago was clear, even though not formally stated: diversity is not to be discussed.

Undoubtedly, this is a delicate and complex issue, in which ***accepting and respecting people*** must be present. In the exhortation '*Amoris laetitia*', Pope Francis emphasizes that "every person, regardless of sexual orientation, ought to be respected in his or her dignity and treated with consideration, while 'every sign of unjust discrimination' is to be carefully avoided, particularly any form of aggression and violence" (no. 250). In this sense, the educational and pastoral response of our Salesian centers has been guided by the principle of respect and acceptance put forth by the Holy Father, by treating each young person with the personalized attention they require.

**[b]** Many of today's education laws emphasize the recognition of sexual-affective diversity and include the promotion of the actual equality between women and men, sexual-affective education and the prevention of gender-based violence among the various goals of education. ***And we are legally obliged to do so.*** Actions promoting a culture of respect and the fight against discrimination, whatever its cause, are a laudable goal, desired by all, and it suggests the existence of injustice. Pupils belonging to sexual minorities often undergo victimization at school, including discriminatory language, insults, bullying and even abuse by the school staff. Moreover, let us not forget that in many countries most hate crimes are motivated by sexual orienta-

tion or gender identity, rather than other personal characteristics such as ethnic minority or disability.

Indeed, inclusion' is sometimes perceived exclusively as a process referring to disability and, more generally, to special educational needs, with a certain focus on intercultural-sociocultural and linguistic disadvantages.

On the other hand, *gender* is often linked to the words 'crisis' and 'ideology'. ***Not all approaches to gender are ideological.*** The so-called *gender approach* is one thing and *gender ideology* is another, as we will see below. However, some legislation addresses the postulates of so-called *gender ideology* through legislative instruments. According to this perspective, the alleged difference between men and women and the traditional gender system are exclusively a product of culture, they are the result of a 'social construction'<sup>1</sup>. Therefore, it has also been proposed to expand the number of genders and to give rise to several possible sexual identities, chosen at will and modifiable at various stages of life. Biological sex thus becomes irrelevant, liquid, temporary, fluid and thus subject to change by self-determination several times throughout life.

As a result, laws establish certain measures which, beyond the fight against discrimination or harassment, ***seek to make this ideology compulsory for all educational centers***, which is particularly serious when it concerns school-age children. At times they legislate aspects that concern the school curriculum; at other times, the content of the teaching material - informative, educational and formative - used in the education of pupils,

<sup>1</sup> Following Michel Foucault's analysis in his *History of Sexuality* (2005), which defines sexuality in terms of a 'social construction', and in accordance with the so-called *Queer theory*, formulated by Judith Butler, Eve Kosofsky Sedgwick and other feminist gender scholars, "*biological sex must be replaced by gender, which is cultural*".



regardless of the form and medium in which it is presented; still others, ordinary life, such as the consideration of all pupils' requests as a compulsory criterion for the center (for example, access to toilets and changing rooms at the pupils' discretion).

**[C] For the teaching profession, having to deal with the affective and sexual education of children and adolescents in the classroom is a complex issue.** Since affectivity and sexuality are things that involve us as people, with our beliefs, values, experiences and rep-

resentations in these areas, it is not easy today. Added to this are generational differences, the tensions and pressures of the environment and the lack of specific training for teachers in order to deal with this task. There are three factors that inhibit teachers' action: the absence of school-approved guidelines, fear of parental disapproval and inexperience.

Silence on the part of teachers and school administrators is one of the most important risk factors, as it facilitates the opposition between the strongest and the weakest, mak-

ing the homosexual pupil (or perceived as such) even more fragile and alone. Therefore, there is no room for *silence as a response* to the expressed or implicit needs of our adolescents and young people.

On the other hand, we witness experiences related to sexuality that, regardless of sensitivities and prejudices, raise important questions, because we see girls and boys, even at an early age, putting their safety, dignity, and physical and emotional health at risk. The increase in the use of pornography is one of these experiences.

**[d]** Without going into further considerations, what is evident is ***the antagonism of the anthropological concept embedded in some legislation in relation to Christian anthropology***. This aspect is particularly of great importance for education in our schools and touches on very important issues concerning the concept of the person that is to be conveyed, touching on - and at times clashing head-on with - the anthropological assumptions of a Christian vision of the person.

In the Christian anthropological perspective, affective-sexual education must consider the whole person (personalistic approach) and, therefore, have as its educational objective the integration of biological, psycho-affective, social and spiritual elements. A true education cannot be limited to informing the intellect but must pay particular attention to the education of the will, feelings and emotions, because in order to reach full human maturity, self-control is indispensable, which presupposes the acquisition of virtues such as modesty, temperance, respect for oneself and others, and openness to others.

What are we to think of these legal provisions that contain prescriptive rules of action for schools in the event that a pupil raises a particular issue relating to his or her 'gender identity'?

The most relevant matters that directly affect schools will be presented below. We do not intend to exhaust the reflection on these issues. Our intention is to deepen the knowledge of these issues and their implications, with the help of trusted professionals from different disciplines and in line with the teaching of the Church, in order to be able to offer criteria in line with our Salesian identity.

## 2 Clarification on terms

**[a]** This point concerns ***the use of words and their effects in the various contexts of life***.

Words can be windows or walls. We are dealing with key words related to sexual difference and their declinations. We do not always master them. We need to understand them well in order to free them from the misunderstanding, powerlessness or censorship that silences them.

To guide us in this semantic and conceptual nebula of *gender*, it is useful to recall the main categories:

- The first category, relating to the physical dimension of the body, is *biological sex*, which is given by genetic, somatic and cerebral components.
- Another category, relating to the psychic dimension, is *gender identity*, which refers to the individual's perception of themselves, in accordance or not with their biological sex. This category, which indicates the psychic feeling of one's own sexual being, is most immediately referred to by the term *gender*. Based on the belief that it is the result of multiple factors, most studies closely correlate neurobiological and psychological aspects, which go hand in hand with the formation of personal identity, i.e. the gender category arises from the need to clarify the tan-

gle of meanings and biopsychosocial processes that take place in human development. Sexuality has thus become a field of greater complexity and, therefore, gender studies compel us to abandon an oversimplified vision of sexuality.

- Linked to psychological gender identity are the categories of *sexual orientation* (according to the emotional, affective and/or sexual attraction felt for other people) and sexual behavior, which refers to the ways in which it is realized.
- An additional category, referring to the socio-cultural dimension, is *gender expression or gender role*, which indicates the sexual behavior that a society expects and fosters in a subject.

**[b]** The Catholic Church's position on the *gender* issue can be traced by taking into account pontifical declarations at the magisterial level and the various trends within the ecclesial community. Thus, in the face of the assumption of the term *gender* in international and local political documents, the Church accepts its use, but on condition that it is linked to the biological difference of sex, which does not dissolve all specificity and complementarity between men and women. Rather than its impossible acceptance, ***the critical reservation of the term is emphasized.***

Indeed, the papal magisterium considers the *ideological drift of the concept of gender* and its anthropological incompatibility with the Christian vision of the human person. "When we move from the sex-gender distinction to dissociation, we enter into ideology" (Bishops' Conference of France, 2014). Thus, ideology begins if one claims that sexual identity is 'entirely socially constructed', or that it is 'entirely determined by nature' (we would be making the same mistake if we considered genitality or biology to be the final word in this process of a person's identity).

Our intention is to read human sexuality not on an exclusively biological but on an anthropological level, from a perspective that goes beyond understanding only the physiological mechanisms, the anatomy or the mechanical functioning of the sexual organs.

*The category 'gender' is an essential complement to the variable 'sex' that makes it possible, without falling into deterministic issues, to analyse the complex interactions that take place between biological factors and those that, from birth, take place in the psychosocial context.*

It is true that people can be subject to ideological influences that condition the exercise of freedom. However, we cannot ignore the fact that various sciences (medical, psychological and psychiatric) point to the existence, in some people, of discrepancies between biological and experienced sex. The accounts of these people should be compared with the knowledge of these scientific disciplines, *without immediately suspecting ideology.*

Regarding the postulates of gender ideology, it is worth recalling the words of the Pope: "It needs to be emphasized that "biological sex (sex) and the socio-cultural role of sex (gender) can be distinguished but not separated.... It is one thing to be understanding of human weakness and the complexities of life, and another to accept ideologies that attempt to sunder what are inseparable aspects of reality. Let us not fall into the sin of trying to replace the Creator. We are creatures, and not omnipotent. Creation is prior to us and must be received as a gift. At the same time, we are called to protect our humanity, and this means, in the first place, accepting it and respecting it as it was created'" (Amoris Laetitia, 56).

In short, two attitudes can be observed: *a decisive condemnation of 'gender ideology'* (bio-

logical sex is a socio-cultural construct) and *a critical acceptance of the gender perspective* - both of which can be found in Church pronouncements, albeit with varying degrees of emphasis.

### 3 Seven practical reflections in our centers

The integration of sexual-affective diversity in an educational establishment has to do with *certain criteria for reflection and channels for intervention*:

[1] In sexual-affective education, as in all education, the axiom of the 'impossibility of non-communication' is realized. Not addressing an issue already implies sending a message on how to position oneself in the face of this reality. That is why sexual-affective education and, specifically, the approach to sexual diversity in education may be conscious or unconscious, voluntary or involuntary, invisible or open, but **failing to educate is impossible**.

On the other hand, the Salesian school, as part of its vocation for the integral education of its pupils, takes up the challenge of sexual-affective education in response to the identity guidelines of Catholic schools: "They must be given, as they advance in years, a positive and prudent sex education", with the aid of the latest advances in psychology and the arts and science of teaching"<sup>2</sup>.

[2] In any case, it is a question of going about things with moderation and common sense, with the educational spirit that should distinguish us, without responding to the intent of certain organizations or social sectors to cause

extremism to achieve their own ends. Today we are living in a conflict of paradigms, we are going through a period of research and uncertainties even in terms of sexuality; in this sense, **it is necessary to distinguish legislative texts from the intentions behind them** (at times a sexuality without ethics or codes). We must not forget that the priority must always be to protect and reduce risks and harm to minors.

**It is therefore necessary to be formed with a clear and elaborate conceptualization of each topic.** The 'gender' category itself encompasses great ambiguity and confusion. We need tools and models to respond effectively to educational situations involving a component of sexual diversity. We also need "an adequate and serious psycho-pedagogical preparation to enable us to grasp special situations that require special attention"<sup>3</sup>. Please refer to the book: Antonella Sinagoga and Miguel Ángel García Morcuende, *A youth ministry that educates to love*, CCS, Madrid 2022.

The message of the Gospel must be the basis of our discussion; the appeals to approach people while taking into account their needs and condition, starting with the value of each person, must occupy an important place. Our aim is also the right and the obligation to offer and present students with *a Christian vision of the sexual-affective dimension and to make ourselves heard*.

We have the right to have our own center's mission statement and act in accordance with it. For this reason, a pedagogical vision and a way of thinking that opposes it cannot be imposed on schools by law; this is an important issue.

[3] In order for pupils to achieve the full development of their personalities, it is nec-

<sup>2</sup> Vatican II. *Gravissimum educationis on Christian education*. 28 October 1965, n. 1; cf. Congregation for Catholic Education. *The identity of the Catholic School for a culture of dialogue*. Vatican City, 25 January 2022.

<sup>3</sup> Congregation for Catholic Education. *Educational guidelines for human love*, Rome, 1 November 1983, n. 81.



essary to include in their education those aspects related to sexual-affective education that may help them in their maturing process, in complete harmony with the Center's Educational Project and with respect for the pupils' personal rights and freedoms. For this reason, it is important, and not only because of these laws, that schools have **a sexual-affective education program** adapted to the different ages of the pupils. Sentimental and affective illiteracy is one of the main factors responsible for inner discomfort, dependency, psychological loneliness and the inability to fully and safely emancipate oneself.

These programs must guarantee three fundamental elements:

- An affective education that helps to *outline and discern various emotional states*, in order to be able to engage in them without fear, knowing how to distinguish passing emotions and impulses from our deepest desires. And, starting from these, to structure one's identity and options.
- *The experience of corporeality and spirituality*, as indispensable requirements that interact with intellectual training, so that all of us (children, adolescents and adults) assume a progressive knowledge of our own biological rhythms, in the discovery of the beauty and harmony of a body made for communication and relationship.
- An *integral formation* that announces and proposes happiness as a horizon of meaning in life, a happiness that is built progressively, listening to one's conscience and based on bonds of love, tenderness and respect. And in this context, an anthropological vision of human sexuality, complex and articulated, combined with an education in human love.

It is called 'integral' because it is not limited only to providing information on the biological aspects of sexuality but **covers all the dimensions of the human being**: physical or biological (genitals, chromosomes, hygiene, physical activity), social (how we relate to others), psychological (feelings, emotions, affections and intellect) and spiritual (transcendence, values or life plan). For this reason, in some countries a broader concept of global sex education is used, which includes affectivity and human relationships in this same area<sup>4</sup>.

We mean an education 'for' and 'in' the person of each student, which begins at the first level of the education system, but actually begins in the heart of the family. Because of its personal and personalizing dimension, sexuality is not merely genitality; it is the value of the person that manifests the meaning of life and the specific way in which it is accomplished. Accepting that it is a dimension of the person means *extracting sexuality from the sphere of 'having' in order to include it in the order of 'being'*. It is not something that is possessed or manipulated. Respecting sexuality in its personal condition means respecting the person as such.

One of the key points to note is that the school's response to sexual diversity is not limited to educating or targeting minority students, but also sexual majorities with gender, sexual identity, sex roles and sex orientation. **Sexual education is an education of and for all.**

Teaching teams should be formed within the same subject or in an interdisciplinary manner, within an area or among different

areas. At least one professional from the school should be included in these teams: educational adviser, psychologist, psycho-pedagogue, guidance department personnel, etc.

However, teachers should not refer education to diversity to 'health specialists', always treating these topics as an exception or a difficulty, if not explicitly rejecting them. Biology is not the only 'natural' curricular space for sex education. *Sexuality is an object of knowledge that can be articulated with different subjects and disciplines*. Understanding sexuality requires crossing disciplinary boundaries and placing oneself 'between' the social and natural sciences, philosophy, ethics, psychology, religious experience and other knowledge.

In any case, although this area is addressed in the school curriculum in a transversal way, there is another high percentage of schools where *this training is offered specifically by external personnel*, most often by professionals who insist on providing information on how to use condoms and prevent sexually transmitted infections and unwanted pregnancies in adolescents. This training is reductionism, a mere study of the anatomy and physiology of sexuality. *It does not respond to an integral vision of the person that takes into account all his fundamental dimensions (biological, psychic, ethical and spiritual).*

**[4]** Although it is undoubtedly a difficult balance, the Church itself offers us a path in its dialogue with the issue of gender in education: **listening, reasoning and proposing.**

Although education in the various areas concerning the development and maturation of the person must take place in groups, the *individual accompaniment* must be established in a comprehensive manner. Schools should address situations related to gender identity experienced by students, which

<sup>4</sup> For example, England updated its sex education policy in 2020 and the terminology used is "Relationships Education, Relationships and Sex Education (RSE) and Health Education". In New Zealand, sex education plans were also updated in 2020 and use similar terminology: "Relationships and Sexuality Education".

require specific attention and accompaniment from a perspective that focuses on the individual.

Since these cases are matters that touch the most intimate core of one's personality, they require *careful and prudent handling*, always to the benefit of the minor, in particular starting from our principles and values contained in the Center's Educational Project, always taking into account the decisions made by the parents or legal representatives of the minors.

With regard to students whose gender identity is different from their biological sex, in scientific terms this is not considered a disorder or disease. However, there are people for whom this difference between their biological sex and their identity creates *significant discomfort*. It is essential to convey in our schools a message of support and full respect for each person, in the awareness of their individuality. As educators, it is a question of accompanying and facilitating the lives of all pupils, especially *those who find themselves in a complex life situation and are experiencing a painful situation* (in the form of anxiety, depression, irritability...) which, at times, may also be due to their lack of integration, so it is essential to interpret the moment they are experiencing in an appropriate manner.

They need time and a trusting environment to grow. It is therefore important to create a friendly and welcoming atmosphere for all pupils who may feel 'different' or have problems defining their personal identity, a place that facilitates patient and understanding listening, free of moral judgement, but secure in its criteria. Likewise, *the privacy of students who wish to keep their condition hidden must be respected and protected*.

In the circumstance of a particular case concerning a pupil's gender identity, with the consent and cooperation of the family or legal

guardian, who must be informed of the facts observed, and while respecting the pupil's privacy, an *action plan* must be drawn up to respond to the pupil's needs in an appropriate manner. The school must guarantee psycho-pedagogical support.

[5] The school must **guarantee a good atmosphere of coexistence** between the pupils and the educational community in general, both inside and outside the school. Activities must be planned with the aim of fostering a good environment of coexistence within the school.

To this end, it must promote values such as respect, *equality between men and women and non-discrimination*, regardless of the reason (disability, gender, sexual orientation, race, origin, ideology, religious belief or any other personal situation); it must work on inclusion and take specific measures to prevent and, where appropriate, resolve any behavior contrary to the dignity of persons, such as situations of violence, discrimination, harassment or toxic relationships.

The pupil not only comes into contact with the subject-specific contents established by the school curriculum, but they also encounter *a kind of 'implicit' or 'hidden' curriculum* made up of the set of messages conveyed by the teaching, the use of space, verbal and non-verbal communication and the attitudes that teachers determine in the educational relationship.

Our goal is to permeate the institution in all its layers, so that explicit and hidden curricula may be identified in the commitment that *all students can feel respected*, regardless of their sex, gender identity, gender role expression or sexual orientation. Therefore, all activities (curricular, pastoral, organizational, etc.), must form a protective (zero tolerance) and violence prevention framework, creating spaces that are free from bullying or



harassment for any reason. Quick and firm responses of disapproval by teachers against bullying are required.

[6] Teachers and educational staff play an important role in creating a positive and safe school environment; they have a great responsibility to intervene promptly so that *discriminatory attitudes and behavior towards students' sexual orientation and identity do not become chronic*.

The school's first response to sexual diversity is to **create safe environments** against all types of violence by developing effective response protocols to identify and respond when such violence occurs. Schools have the duty to play an active role, which implies *not minimizing, nor normalizing, but investigating and sanctioning acts of violence, abuse and harassment that occur against other people*, even when they are attributed to their sexual diversity. In other words, if situations of bullying or insults, rumors, mockery, derogatory statements, vulgar epithets and physical assaults arising from a student's sexual orientation occur, it is necessary to *act with determination and diligence* in order to prevent them, applying the educational, legal and communication measures laid down

in the school's coexistence plans and protocols.

Unlike the option of solving these problems privately and in a hidden way, the community approach to violence is also *an opportunity to educate and prevent future incidents*.

Emergencies and critical episodes often overwhelm us; therefore, all actions must be well thought out, **avoiding hasty responses and undesirable repercussions on the Educational-Pastoral Community**, taking into account the specific circumstances of each case and collaborating with the parents, both of the pupil concerned and of parents as a whole. For example, with regard to the use of school facilities, in particular toilets and changing rooms, the most appropriate alternatives must be sought, according to the school's configuration and facilities, so that the pupil's situation is taken into account with due respect, without infringing the rights and interests of the other pupils.

[7] It would be desirable for **parents to be informed about the content of these rules** by qualified and reliable people, who could also come from the school itself. This should always be done in a calm and balanced manner and, of course, with the Salesian school

concept in mind. Likewise, it is important to train teachers and create interdisciplinary teams with them.

Parents should also ***be aware of the school's programs*** to promote understanding and accompaniment in the affective maturation of children and adolescents, helping them to shape their sexuality and preparing them for positive interpersonal relationships.

Finally, there are different types of families with whom leaders will have to learn to communicate and collaborate, starting with the desire to achieve this constructive encounter: the majority of families, angry families, wounded families and diverse families.

- *The majority of families* know the school their children attend and are they grateful for the guidance and support that the school can offer in a task that is important to them, but which at times is beyond

their capabilities; our challenge with them will be to engage them.

- *Diverse families* need to know that their diversity will not be a disadvantage for their children at school; that being the children of divorcees, single parents or homosexuals will not be a source of rejection or exclusion for their children: our challenge with them will be to show respect and acceptance.
- *Wounded families* may be those who discover the diversity of their children and are sometimes full of fear, doubt and pain; our task will be to accompany them on their path to acceptance.
- *Angry families* think we are confusing, imposing or conditioning their children: our work with them will be to inform them and invite them to participate in the educational task from their perspective.