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Trans Formations in the Vatican's War on "Gender Ideology"

On July 29, 2017, only a few days after President Donald J. Trump first tweeted out his intention “not [to] accept or allow . . . transgender individuals to serve in any capacity in the U.S. Military,” Archbishop Timothy P. Broglio, the Roman Catholic Archbishop for the US Military Services, issued a statement of his own “on President Trump’s decision to disqualify transgender individuals from military service,” making reference to what he saw as “the essence of the issue—the dignity of the human person” and to “a Catholic response to gender ideology . . . consider[ing] multiple insights including medical, psychological, philosophical, theological, pastoral, and legal perspectives.”¹ Broglio concluded that it was “opportune to reaffirm that personal choices in life, whether regarding the protection of the unborn, the sanctity of marriage and the family, or the acceptance of a person’s God-created biology, should be made not solely for a penultimate reality on this earth but in anticipation of the ultimate reality” (2017). In its own way, Broglio’s four-paragraph statement is as much of a word salad as so many of the pronouncements associated with his commander in chief. The words Broglio used contain more syllables and a fancier pedigree than those favored by Trump, but what exactly they mean when strung together can be equally difficult to decipher. Broglio’s words also echo what another Catholic culture warrior, Roger Severino, now the director of the Office of Civil Rights in the Department of Health and Human Services (HHS) and the guiding force behind the Trump administration’s draft memo “defin[ing transgender] out of existence” under federal law (Green, Benner, and Pear 2018), had said about an earlier policy concerning transgender troops, promulgated in June 2016 by the Obama administration, which welcomed their service. Severino, who at the time was head of the DeVos Center for Religion and Civil Society at the Heritage Foundation, decried the Obama policy as ignoring biological facts in favor of “a radical new gender ideology” (2016).

This essay will situate Broglio’s and Severino’s statements in a number of broader contexts, which will help not only to explicate the statements but, more importantly, to shed light on those broader contexts. The contexts include the contemporary American phenomenon of a “surprising ecu-

¹ Donald J. Trump, @realDonaldTrump, Twitter, July 26, 2017, at 7:55 and 8:04 a.m.

menism . . . developing between Evangelical fundamentalists and Catholic Integralists brought together by the same desire for religious influence in the political sphere,” a development recently criticized even by close associates of Pope Francis in a Vatican-approved publication (Spadaro and Figueroa 2017). But the central context to be considered is the Vatican’s decades-long, worldwide, multifront war on what it has come to call “gender ideology.” While far from the only conservative religious opposition to feminism and sexual rights, the Vatican’s is a long-standing and globally influential one, and, as discussed in this essay, its links to other religious efforts along similar lines have recently grown much stronger. The Vatican’s declared aim in this war is to put a stop not only to the English word “gender” as it is used in legal and policy-making documents by such bodies as the United Nations and the European Union but also to those many reforms in secular law governing the sexes, sexuality, reproduction, and the family that the Vatican associates with what it calls “the gender theory.” These include laws leading to the dismantling of sex roles, to the acceptance of homosexuality, to the recognition of a diversity of family forms and of sexual and gender expression, and to access to the new reproductive technologies, condoms, other contraceptives, and abortion—in short, most of what goes under such diverse headings as sexual and reproductive rights, protections for sexual orientation and gender identity (SOGI), family law reform, and the elimination of sex stereotyping (Case 2017). Exactly these and no others are the “personal choices in life” that Broglio lumps together in flagging the issue of the human dignity implications of trans military service.

Among the historical claims this essay will make is that the conceptual apparatus behind the Vatican’s anathematization of the complex of issues it has for a quarter century lumped together as “gender ideology” was already fully developed in the early 1980s, in the report that Joseph Cardinal Ratzinger, the future Benedict XVI, issued about the state of the Church (Benedict XVI and Messori 1985) shortly after his move from the Archbishopric of Munich to the position as head of the Congregation for the Doctrine of the Faith he was to occupy until ascending to the papacy. In ways not previously analyzed, Ratzinger seems to have been reacting directly to then-recent events in Germany, including, on the one hand, the presence of books by feminists highlighting the social construction of gender roles (e.g., Scheu 1977; Beauvoir and Schwarzer 1983) on local best-seller lists and, on the other hand, the constitutionally mandated German federal legislation guaranteeing individuals an opportunity legally to change their sex. Trans rights claims were, together with feminist claims, thus a foundational component, not a recent addition, to the Vatican’s sphere of concern around “gender” and to the focusing of that concern on developments in secular law.

Just as Ratzinger may have carried his memory of events in Germany with him to Rome, so Jorge Mario Bergoglio, as he traveled to Rome in 2013 to become Pope Francis, left behind an Argentina that had only the year before passed, with opposition from Bergoglio but none within the legislature, a law on gender identity that is among the most generous in the world toward people who wish legally to change their sex. A second claim of this essay is that, far from easing up on his more obviously conservative predecessor's opposition to "gender ideology," Pope Francis has given this opposition new visibility and traction, wrapping it up in condemnation of what he calls "ideological colonization" (Francis 2015) on the part of governments and NGOs from the European Union and the United States. Pope Francis's popularity and appeal beyond traditional conservatives, as well as his highlighting of trans issues in particular, has allowed the specific language of opposition to "gender ideology" and the rhetorical and pseudoscholarly apparatus associated with it (Kuhar and Paternotte 2017) finally to begin to take root in the United States where, for reasons this essay will explain, it had not previously been able to find fertile ground despite several decades of coordinated religious opposition, by the Catholic hierarchy in concert with Mormons and evangelical Christians among others, to many of the elements that the Vatican encompasses under this umbrella term, such as same-sex marriage and other gay rights (*Mormon Proposition* 2010).

A large and growing body of critical scholarly literature, much of it by sociologists, examines the contemporary manifestations of anti-"gender" campaigns in dozens of countries around the world, from monographs on individual countries (e.g., Garbagnoli and Prearo 2017; Graff and Korolczuk 2018) to collections covering whole regions (e.g., Kováts and Pöim 2015; Bracke and Paternotte 2016; Paternotte, Van Dusen, and Piette 2016; Kuhar and Paternotte 2017).² This essay seeks to supplement this literature in several different ways. It analyzes the development of anti-"gender" ideology, not from the bottom up, as country-specific work on grassroots and political movements by sociologists has done, but from the very top down—not only from the Vatican itself but more specifically from the two popes who have most thoroughly theorized and most actively campaigned against what they call "gender ideology" and who have encouraged others around the world to follow their example. Yet, by rooting the theoretical approaches

² Another rapidly growing relevant body of scholarship by historians (e.g., Robcis 2013) analyzes related reaffirmations over the long twentieth century of political and ideological commitments to what Catholic political actors and theorists see as traditional family values threatened by, inter alia, the sexual revolution and individualism, particularly feminist individualism.

of each of the two popes in specific legal and cultural developments in their respective countries of origin at the time their views were developing, the essay also contributes to connecting the local to the global and to complicating the interplay over time between the political and the ideological, suggesting that the ideology of opposition to gender, which now has been shown to fuel political action in countries around the globe, was itself fueled and shaped by local politics in Ratzinger's Germany and Bergoglio's Argentina, as well as by broader intellectual currents. Before concluding, the essay will then, using the example of Archbishop Broglio's proclamations, go on to examine the way in which the specific language of opposition to "gender ideology" has very recently returned to the United States, from whence it originally came but in which it was long prevented from flourishing largely because of the constraints resulting from the development of American constitutional law.

Underlying this essay's largely descriptive, analytical, and historical account is a normative aspiration: feminists and advocates for LGBT and other sexual and reproductive rights would have much to gain were we more closely to resemble what the Vatican all too incorrectly has long assumed we are—a united front working productively together to achieve a seamless garment of liberty and equality for all regardless of sex or gender. While the "ideology of gender" is, on the one hand, an invention of the Vatican, on the other hand it might be a useful umbrella for causes and commitments their current advocates too often defend in isolated silos (Case 2017).

Scholars looking for the origins of the Vatican's obsession with "gender" have generally centered on a series of UN conferences in the years before the turn of the millennium, including the 1992 Rio Conference on Environment and Development, the 1994 Cairo Conference on Population and Development, and above all the 1995 Fourth World Conference on Women in Beijing (Buss 1998). Looking to the UN conferences foregrounds the role of Americans on both sides of formulating the debate around "gender." Judith Butler, whom later generations in this debate would call "the popess of gender" (Bracke and Paternotte 2016), does not figure at all prominently at this early date, when the emphasis is on law and policy rather than theory. Rather, the Vatican and allied representatives in UN settings in the 1990s saw their primary opposition in Bella Abzug, who had been campaigning for women's and reproductive rights vociferously since Rio, and in Hillary Clinton, then first lady of the United States and head of the US delegation in Beijing. Taking the idea of a war over gender ideology a bit too literally, American Austin Ruse, now head of C-FAM (the Center for Family and Human Rights) and a *Breitbart* contributor but at the turn of the millennium a diplomatic attaché of the Permanent Mission of the Holy See to the United Nations, reported in 2000 that a priest in the Vatican's UN delegation had

offered him absolution were he to kill Hillary Clinton (Kissling and O'Brien 2001).³

On the Vatican's side in Beijing was the head of its delegation, Harvard Law professor Mary Ann Glendon, an early adopter of the trope of ideological colonization.⁴ In presenting the Holy See's Final Statement to the Conference in Beijing, she expressed regret at an "exaggerated individualism" and "the colonization of the broad and rich discourse of universal rights by an impoverished, libertarian rights dialect," saying, "surely this international gathering could have done more for women and girls than to leave them alone with their rights!" (United Nations 1995, 159–62). More concretely, she criticized "the Beijing documents for a 'new colonialism' designed to control rather than liberate women" since, as she saw it, "much of the foundation money that swirled around the Beijing process was aimed at forging a link between development aid and programs that pressure poor women into abortion, sterilization, and use of risky contraceptive methods" (Glendon 1996, quoting the *Lancet*). Yet in Glendon's view, the "controversy over the word 'gender' that loomed before the conference had been largely defused with a consensus that gender was to be understood according to ordinary usage in the United Nations context," although at her direction the Holy See did attach a reservation in which "it dissociated itself from rigid biological determinism as well as from the notion that sexual identity is indefinitely malleable" (Glendon 1996).

Far less sanguine about the result in Beijing than Glendon, American Catholic activist and future blogger Dale O'Leary, who had participated with NGOs on the outskirts of the Cairo and Beijing conferences, wrote up and distributed her concerns in a paper she titled "Gender: The Deconstruction of Women/Analysis of the Gender Perspective in Preparation for the Fourth World Conference on Women" (1995). O'Leary's may have been the first of what soon became a worldwide cottage industry among conservative Catho-

³ As heard on a tape recording whose transcript was disseminated through Catholics for Choice in a 2001 report, Ruse told the ultraconservative Cardinal Mindszenty Foundation that Hillary "Clinton is the conquering queen at the United Nations. I was standing on the floor of the UN a couple of months ago, when she was thinking about running, and I was talking to a priest from the Holy See delegation and I shouldn't tell you this but he offered me guaranteed absolution if I just took her out and not on a date."

⁴ It is somewhat ironic that the Vatican, especially now under Pope Francis's leadership, complains of ideological colonization. After all, Pope Francis recently canonized Californian missionary Junipero Serra despite the objections of descendants of the indigenous peoples for whom he was the colonizer. And the United Nation's own rights discourse has roots in Catholic colonization, as Samuel Moyn helped demonstrate by tracing the evolution of the term "human dignity" in twentieth-century legal documents (2015).

lics of pamphlets, books, and training sessions warning of the dangers lurking in the word “gender” and the ideology they associated with it. Among the leading entrepreneurs in this cottage industry have been Belgian American Marguerite Peeters, German Gabriele Kuby, and French Lacanian psychoanalyst priest Tony Anatrella. The latter appeared for decades as a talking head on French media condemning same-sex marriage, which he claimed would lead to mass psychosis once sex distinctions were removed from the law, and as a Vatican-sponsored envoy to events in the developing world such as SECAM (the Symposium of Episcopal Conferences of Africa and Madagascar), where he urged attendees to resist vigorously the imposition by Western NGOs, the United Nations, and the European Union of “gender theory,” which he described as an “intellectual virus,” which “like Marxism is contrary to human interests” but which also, in promoting “moral and anthropological deregulation,” presented risks analogous to those of unfettered market capitalism (Anatrella 2010).⁵ The magnum opus of this cottage industry against “gender” was the nearly thousand-page-long Pontifical Council for the Family’s 2003 *Lexicon: Ambiguous and Debatable Terms regarding Family Life and Ethical Questions* (Pontifical Council for the Family [2003] 2006). An abbreviated version of this lexicon, published by Anatrella as “*Gender la Controverse*” in 2011 coincident to debates among French parliamentarians concerning the use of the concept of gender in public high school textbooks, helped kick off French antigender campaigns that continue to this day to prevent the adoption of educational materials that promote sex equality and fight gender stereotypes (Case 2017). One of the industry’s more recent incarnations was the “conference, titled Framing a Catholic Response to Gender Ideology held . . . May [2017] at Saint John Vianney Theological Seminary in Denver” referred to by Archbishop Broglio in his statement on trans military service (2017). Materials such as these have the quality of a hall of mirrors or an echo chamber. In them a small group of committed conservative Catholics, largely clerics and laywomen, few with strong academic training in or direct experience of the theoretical apparatus they are critiquing, do their best to gin up apocalyptic fear of the consequences if legislators, schools, and other public authorities succumb in any way to the dangers of “gender.”

Genealogies of “gender theory” are a hallmark of these training materials, but no two are alike, and no one name is guaranteed to be on everyone’s list. O’Leary, for example, acknowledges that she takes her use of the term “gen-

⁵ Anatrella’s acceptability as a Vatican spokesperson has finally now ended more than a decade after he was first accused by multiple patients of having abused them sexually while they were under his psychiatric care to deal with their unwanted homosexual attraction (see, e.g., Shine 2018). For an early report of accusations against Anatrella, see Palmo (2006).

der” from long-time American Enterprise Institute fellow Christina Hoff Sommers’s polemic *Who Stole Feminism?* (1994) in which Sommers applies the term “gender feminists” to an otherwise disconnected bunch of women of whose views she disapproves, ranging from Gloria Steinem and Catharine MacKinnon to Marilyn French and Carolyn Heilbrun, none of whom seems to have applied this term to herself. Judith Butler is not so much as mentioned in Sommers’s book, although she is in O’Leary’s position paper, together with Bella Abzug, Friederich Engels, and a series of theorists identified as Marxist, including Shulamith Firestone and Nancy Folbre. As in the Beijing debates themselves, Anne Fausto-Sterling makes an appearance; although O’Leary reproduces fairly accurately Fausto-Sterling’s 1993 claim about five sexes including herms, merms, and ferms, subsequent Vatican-inspired manuals distort these five sexes to gay men, lesbians, and transsexuals, in addition to men and women. Important for a consideration of the role of trans issues in the demonization of “gender ideology,” the earliest genealogies do not yet seem to include, as later ones do, natural scientists like Robert Stoller, who helped define gender identity as a term of art, and John Money, who gave ammunition to the opponents of “gender ideology” through his fraudulently deceptive claims about the malleability of gender in certain patients who had involuntarily undergone sex reassignment surgery (Colapinto 2000). Perhaps the very multiplicity of genealogies is a marker of the perceived success of “gender ideology.” But the multiplicity and variety also indicate how very little actual scholarly work Catholic so-called experts on gender theory have done concerning the origins and parameters of the theories they deplore.

O’Leary’s is a key contribution to the intellectual history of opposition to “gender ideology” but not because she herself became an important figure. Although she continues to blog her opposition to related issues such as same-sex marriage, the transgender movement, and gender mainstreaming, she is not a prominent presence among either activists or theorists combating “gender ideology.” Rather, she had the opportunity at a key moment in 1995 to present her pamphlet directly to Ratzinger, who was primed to receive it.

Ratzinger may not have had the word “gender” before O’Leary and others made him aware of lobbying activities in Beijing and the theorizing behind them, but, a dozen years before Beijing, in the *Ratzinger Report*, he had already put together as a coherent whole all of the elements of what conservative opponents came to call the “ideology of gender.” Ratzinger, who began the Vatican II era as something of a progressive, had moved far to the right, in part as a result of his discomfort with the student and other liberation movements of 1968, which he later came to categorize as part of a “dictatorship of relativism” (Benedict XVI 2005). Narrowly within the sphere of Church

doctrine, by the early 1980s he was concerned with defending, among other recent conservative doctrinal developments, *Humanae Vitae's* 1968 prohibition on artificial contraception and abortion, *Inter Insigniores's* 1976 prohibition on the ordination of women to the priesthood, and the proposition “that homosexual acts are intrinsically disordered and can in no case be approved of” as set forth in the Congregation for the Doctrine of the Faith’s 1975 “*Persona Humana: Declaration on Certain Questions concerning Sexual Ethics.*” He was shocked by “medical-technical experiments” that made “procreation . . . independent of sexuality”—that is, by new reproductive technologies (Benedict XVI and Messori 1985 at 84). He was equally concerned with resisting the justifications for premarital relations, masturbation, homosexuality, “the admission of the divorced and remarried to communion,” and “radical feminism” (Benedict XVI and Messori 1985, chap. 7). He was particularly determined

to get to the bottom of the demand that radical feminism draws from the widespread modern culture, namely the trivialization of sexual specificity that makes every role interchangeable between man and woman. . . . Detached from the bond with fecundity, sex no longer appears to be a determined characteristic, as a radical and pristine orientation of the person. Male? Female? They are questions that for some are now viewed as obsolete, senseless, if not racist. The answer of current conformism is foreseeable: “whether one is male or female has little interest for us, we are all simply humans.” This in reality has grave consequences even if at first appears very beautiful and generous. . . . It means that sex is viewed as a simple role, interchangeable at one’s pleasure.

What follows from that? (Benedict XVI and Messori 1985 at 95)

What follows, for Ratzinger, are, inter alia, dangerous claims for trans and for women’s rights, linking legal and social demands to technological advances:

It is not by chance that among the battles of “liberation” of our time there has also been that of escaping from the “slavery of nature,” demanding the right to be male or female at one’s will or pleasure, for example, through surgery, and demanding that the State record this autonomous will of the individual in its registry offices. . . . Nor is it by chance that the laws immediately adapted themselves to such a demand. If everything is only a culturally and historically conditioned “role,” and not a natural specificity inscribed in the depth of being, even motherhood is a mere accidental function. In fact, certain fem-

inist circles consider it “unjust” that only the woman is forced to give birth and to suckle. And not only the law but science, too, offers a helping hand: by transforming a male into a female and vice versa, as we have already seen, or by separating fecundity from sexuality with the purpose of making it possible to procreate at will, with the help of technical manipulations.

Are we not, after all, all alike? . . . So, if need be one also fights against nature’s “inequity.” But one cannot struggle against nature without undergoing the most devastating consequences. (Benedict XVI and Messori 1985 at 96)

To understand why, of all the many components of what he was soon to call the “ideology of gender,” the question of the legal recognition of transsexual identity in particular and the making of “every role interchangeable between man and woman” more generally were at the forefront of Ratzinger’s mind as early as 1984, it helps to consider the Germany he left to assume his post in Rome in 1981. In 1978, the German Federal Constitutional Court held that, after a sex change operation, transsexuals in Germany were entitled to obtain an official change of their legal sex. In so doing, the court relied on the constitutional rights to human dignity and free development of the personality. According to the Court, “Article I (I) of the Basic Law protects the dignity of a person as he understands himself in his individuality and self-awareness. This is connected with the idea that each person is responsible for himself and controls his own destiny. Article 2 (1), when seen in relation to Article I (I), guarantees the free development of a person’s abilities and strengths.”⁶ In 1980 this decision was implemented in legislation providing for the possibility of name change before surgery and change of legal sex after surgery.⁷

But questioning the extent to which “sex no longer appears to be a determined characteristic, as a radical and pristine orientation of the person,” went well beyond trans issues in the Germany Ratzinger left behind. A best seller, even outside academic circles, was psychologist Ursula Scheu’s 1977 *We Are Not Born as Girls, We Are Made into Them: On Early Childhood Ed-*

⁶ 49 BVerfGE 286 1978, as translated in Kommers and Miller (1989).

⁷ Federal Republic of Germany. 1980. “Transsexuellengesetz (Gesetz über die Änderungen der Vornamen und die Feststellung der Geschlechtszugehörigkeit in besonderen Fällen)” [Transsexual law (law concerning the change of given names and the confirmation of gender identity in certain cases)]. Through a combination of court decisions and legislation, the preconditions and procedures for a legal change of name and sex have become increasingly less restrictive for Germans since the 1980s, but the 1980 legislation put Germany in what was then the vanguard of trans rights.

ucation in Our Society, whose cover bears a sketch of two otherwise identical toddlers, one colored blue, the other pink. Scheu begins with precisely the premise Ratzinger rejects, that “children are from the first day systematically forced into a gender role and deformed into beings that we call ‘feminine’ or ‘masculine.’ This process limits both, albeit the girl more so than the boy. . . . Those qualities seen as essentially feminine, such as motherliness, emotionality, sociability, and passivity are not at all naturally feminine and inborn, but culturally produced” (1977 at 7). Also circulating widely in Germany in the early 1980s was a collection of interviews German feminist journalist Alice Schwarzer had conducted with Simone de Beauvoir (1983) and a monograph by sociologist Carol Hagemann-White, *Socialization: Masculine—Feminine?* (1984). While trans issues may have captured Ratzinger’s attention as he moved from Germany to become the Vatican’s doctrinal arbiter at the Congregation for the Doctrine of the Faith, as he himself made clear in the *Ratzinger Report*, at the root of the problem was feminism, with its initially apparently “extremely noble and, at any rate, perfectly reasonable” but on closer inspection terribly dangerous claims in “favor of a total equality between man and woman” and freedom from biologically determined roles (Benedict XVI and Messori 1985 at 94).

An emphasis on the cultural production of sex and gender roles was directly counter to the innovative theological anthropology of sexual complementarity that John Paul II, elected to the papacy in 1978, had brought from his philosophical work in Poland to the Vatican (Case 2016b). For both John Paul II and Ratzinger, complementarity entailed that “man and woman” have “equal dignity as persons” but that this equal dignity is premised on and manifest in essential and complementary differences, “physical, psychological and ontological” (Benedict XVI 2004). The differences they had in mind as essential included most of the characteristics that secular law would characterize as sex stereotypes and that scholars like Scheu posited as socially produced. John Paul II sought to defend complementarity affirmatively, through paeans to the dignity of woman and through encouraging letters to the diplomats gathered in Beijing (John Paul II 1995). But Benedict XVI’s was always a darker vision. He developed a theology of human ecology in which “rain forests deserve indeed to be protected but no less so does . . . the nature of the human being as man and woman” (2010). It was, in Benedict XVI’s view, the proponents of what he called “gender ideology”—feminists and advocates for reproductive rights, SOGI, and new family formations—who threatened the destruction of the human being as male and female. They were on the verge, if not stopped, of clear-cutting human nature the way loggers do the rainforest (Case 2011). In contrast to both his predecessor and his successor in the papacy, Benedict XVI focused almost

obsessively on secular law, both as risk and as solution; he saw humans as an endangered species principally because of “laws or proposals which, in the name of fighting discrimination, strike at the biological basis of the difference between the sexes” (Benedict XVI 2010), and he was seeking in response the equivalent of an endangered species act for the human being as male and female. It is worth noting that the level of influence on lived experience Benedict XVI attributed to secular law, and the level of coordination and of power he credited to the feminist and reproductive and LGBT rights activists he saw as shaping that law, vastly exceeded what those activists themselves could imagine.⁸

When Benedict XVI stepped down as pope, advocates of what the Vatican thinks of as gender ideology initially took heart at hearing his successor Francis observe early on, “We cannot insist only on issues related to abortion, gay marriage and the use of contraceptive methods” and even more so when he described these issues not, as his predecessor did, as part of a coherent whole ideology but rather as a “disjointed multitude of doctrines.” Yet in the very same sentence in which he urged that “it is not necessary to talk about these issues all the time,” Francis acknowledged that “the teaching of the church, for that matter, is clear and I am a son of the church” (Spadaro 2013). In context, what Francis appeared to be urging was a change in emphasis, not in position, and in the interests of what a cynic might call better salesmanship for the Church.

His salesmanship has indeed been excellent. Ironically from the perspective of those who hoped for change, although Benedict XVI had been warning of the risks from “gender ideology” throughout his papacy, it was not until Francis, too, spoke of the threat posed by what he called “gender theory” in apocalyptic terms, comparing it to nuclear war, Nazism, and one of the “Herods that destroy, that plot designs of death, that disfigure the face of man and woman, destroying creation” (Fullam 2015) that certain parts of the world took notice. Francis’s view of the threat is less abstract than his predecessor’s: he draws on concrete experience with what he calls “ideological colonization” by, for example, those who tie grants for the education of the poor to the condition that “gender theory [be] taught” (Francis 2015). As with Benedict, so with Francis, the statements in opposition to gender ideology are more clearly than usual the pontiff’s own personal views, expressed

⁸ Not all of those advocates were outside the Catholic Church. A host of Catholic feminist theologians, as well as queer theologians such as Mark Jordan, have opposed the Vatican’s view of gender, and a host of Catholic activists, including members of the clergy and women religious, have worked to help achieve components of what the Vatican demonizes as the “gender agenda.” See, e.g., Jordan (2017).

spontaneously in unedited interviews or off-the-cuff speeches rather than buried in official documents drafted by others. And, also as with Benedict, it is worthwhile to consider the influence of Francis's experience in the native country left behind on his pronouncements from Rome.

In Francis's case his archiepiscopal experience with the legalization of same-sex marriage in Argentina immediately drew international attention, with SOGI advocates encouraged by his apparent willingness to consider recognizing civil unions but discouraged by his writing at the time of the Argentinian vote on same-sex marriage in 2010 that this was "not simply a political struggle, but an attempt to destroy God's plan, . . . a move of the father of lies who seeks to confuse and deceive the children of God. . . . At stake is the identity and survival of the family: father, mother and children. At stake are the lives of many children who will be discriminated against in advance, and deprived of their human development given by a father and a mother and willed by God" (in Pentin 2010). The Argentina Francis left behind was among the most progressive in the world on many of the major legal components of what the Vatican calls "gender ideology." Although it still has quite restrictive laws against abortion, it not only legalized same-sex marriage in 2010, but in 2011 it legalized paid surrogacy and other forms of artificial procreation.⁹ In 2012, shortly before Jorge Mario Bergoglio left the country for the papacy, and over his strong objections, Argentina approved a far-reaching law on gender identity which allows a person (even a minor without parental consent) legally to change sex without restrictive preconditions and also provides for state-funded sex confirmation surgeries. Like the 2010 same-sex marriage law, the gender identity law affected the educational system, with the government education website insisting on materials that promote "equality between men and women, education against discrimination, denaturalization of gender stereotypes, and strategies of educational inclusion, taking into account the situation of girls, young women and women and their rights," although a proposed booklet "teaching kids to choose their gender, regardless of their sexual identity" was ultimately deemed "too explicit for five-year-olds" (San Martín 2016).

Francis's emphasis on ideological colonization, whether through the pressure of donor countries, NGOs, multinational or supranational organizations such as the United Nations or the European Union, or even through the dictates of educational ministries, has found resonance with the allegedly colonized, from the global South to Eastern Europe. In his own way, Francis is as focused on the dictates of secular law as was his predecessor, Benedict XVI.

⁹ A 2018 legislative attempt at liberalization of the abortion law failed despite widespread predictions of success. See, e.g., Politi and Londono (2018).

This is evident in the distinction Francis repeatedly makes between acceptance of individual gay or trans persons and acceptance of their demands for equal treatment under law. Thus, for example, Francis extended a warm welcome to the Vatican and a hug to a Spanish trans man who wrote him after having been rejected by his parish priest, but he nevertheless accepted a determination by the Congregation for the Doctrine of the Faith that no trans man could be a godparent to a Catholic child. When asked to reconcile his vehement opposition to “gender theory” with his receptivity to, for example, individual trans men or gay men, such as the gay former student whom Francis welcomed with his partner to a reception in the Vatican’s Washington Embassy in 2015, Francis replied by invoking his similarly controversial overtures to divorced and remarried heterosexual Catholics. His is the language of the Church as field hospital for the wounded and “transgender persons a[s] the lepers of today” (San Martín 2017), a language of accompaniment, that is to say, of meeting individuals where they are and seeking to bring them closer to the Church. Such an approach, however warm and comforting, can, in the end, be of only limited consolation to those affected. In Foucauldian terms it moves those who deviate from the Church’s traditional sex and gender norms along the road from sin, through crime, to disease, but they have not yet been accepted as fully healthy. In Francis’s words: “Life is life and things must be taken as they come. Sin is sin. And tendencies or hormonal imbalances have many problems and we must be careful not to say that everything is the same . . . in every case I accept it, I accompany it, I study it, I discern it and I integrate it. This is what Jesus would do today! Please don’t say: ‘the Pope sanctifies transgenders.’ It’s a moral problem. It’s a human problem and it must be resolved always . . . with the mercy of God” (2016).

Francis’s harshest condemnation is reserved for those who promulgate open-minded educational materials:

Wickedness . . . today is done in the indoctrination of gender theory . . . a French father told me that he was speaking with his children at the table. . . . And he asked his 10-year-old son: “What do you want to be when you grow up?”—“a girl.” The father realized that at school they were teaching him gender theory, and this is against the natural things. One thing is that a person has this tendency, this condition and even changes their sex, but it’s another thing to teach this in line in schools in order to change the mentality. This is what I call ideological colonization. (Francis 2016)

In his criticism of French education as indoctrination in gender theory, Francis is eliding a significant difference between an education that seeks to

free children from sex stereotypes, such as that criticized by deputies of Nicolas Sarkozy's party under Catholic influence in 2011 or that embodied in the failed French proposal for an ABC of Equality more recently, and a suggestion by the schools that children actually seek to change their sex (Case 2011). Telling a boy he can wear a dress to school, as has happened in the French school system, is importantly different from telling him he should want to grow up to be a girl. The new prominence of the transgender movement, both on its own terms and in the Vatican's more recent demonization of gender, unfortunately facilitates this elision of distinctions.

With this background in mind let us return to Archbishop Broglio's opening statements concerning transgender individuals in military service. I do not cite them because I believe them to be in the least influential, either on the Trump administration's decision making concerning trans individuals in the military or on the broader debate in the United States around either trans rights or any other component of the "gender agenda." Rather, I see myself as somewhat akin to a scientist looking under the microscope for traces of a particular pathogen when investigating the progress of a disease. This particular pathogen, the specific and iteratively formulated rhetoric of opposition to "gender ideology," has spread around the world since the turn of the millennium, in each place interacting somewhat differently with local conditions. Other pathogens could, by themselves or in conjunction with this one, produce similar symptoms in the form of popular, political, and religious resistance to various aspects of what could be called the "gender agenda," from reproductive and LGBT rights to comprehensive sex education. The symptoms themselves are far from new to the United States. But it is my contention that this specific pathogen, anti-"gender ideology," has rarely been seen in the United States in this millennium, despite its having developed from seeds planted by Americans such as Dale O'Leary. Without suggesting that Broglio is patient zero, I do think how he uses antigender rhetoric in a US context is worth close analysis.

Broglio, an American, was appointed to his present post in the US military after decades of study and service in Rome, including posts in the Vatican secretariat of state on the Central American desk and as a diplomatic emissary to various countries in Africa and Latin America. Although he did work on abortion and related issues in international and regional meetings, he has no recollection of hearing the term "gender ideology" before his return to the United States a decade ago (personal communication, September 20, 2017). Nevertheless, a disproportionate number of his public pronouncements as military vicar are on issues the Vatican considers part of the "gender agenda." In fact, other than greetings for major holidays, expressions of condolence when soldiers are harmed, and pleas for more military chaplains, virtually all

of the statements and speeches he has posted on his website pertain to gender issues. For example, even though corporate response to the Affordable Care Act's contraception mandate had no connection with the military, he condemned the mandate as a "severe restriction on religious liberty" in a January 2012 letter calling for prayer and political action (Broglia 2012).¹⁰ In a letter objecting to the repeal of Don't Ask Don't Tell (DADT), he assured soldiers with "a homosexual inclination" they could "expect . . . treatment worthy of their human dignity" but compared them to alcoholics, demanded that they remain chaste and secretive, and worried about the adverse implications any change in government policy more favorable to them might have on a chaplain's duties (Broglia 2010). At least with respect to DADT, Broglia was specifically asked for his opinion. On the question of trans soldiers, as on contraception, he seems simply to have volunteered it. By contrast, although undocumented immigrants, like gay and transgender individuals, have already enlisted in the military and are therefore part of his flock, Broglia issued no statement at all in response to Trump's announcing an end to Deferred Action for Childhood Arrivals (DACA) or to any other part of the Trump Administration's crackdown on immigrants to date.

It is not fully clear whether Broglia intends through his statement to support Trump's trans ban. On the one hand, Broglia speaks of "every individual" being "entrusted to the maternal care of the Church . . . regardless of personal choice or conditions" and further of the "Church honor[ing] human dignity by drawing near in order to accompany people" (2017). This seems to echo the individually welcoming and embracing language of Francis. What does Broglia mean, however, when he insists that Trump's announcement has missed the point by speaking of military readiness and not of human dignity? Unfortunately, in context, it does not seem likely that Broglia is reaffirming the individual human dignity of a trans soldier as evidence of his or her fitness to serve. Instead, Broglia seems to be speaking of human dignity in the abstract, in the same unfortunate way as Catholic Justice Anthony Kennedy did in his majority opinion for the US Supreme Court in

¹⁰ When the Obama administration interpreted the Affordable Care Act (AKA "Obama-care") legislative mandate for preventive care to require insurance fully to fund available forms of contraception for covered employees, a wide variety of employers, ranging from for-profit corporations to Catholic archdioceses and orders of nuns, challenged the mandate as a violation of their religious freedom because, they alleged, it would make them complicit in facilitating what they believed was wrongful. See, e.g., *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014) (holding that plaintiff closely held for-profit corporations were entitled to an exemption under the Religious Freedom Restoration Act from the contraception mandate of the ACA).

the so-called partial birth abortion case.¹¹ There, Kennedy ignored the individual human dignity of the affected fetuses, who would in any event wind up dead, and of the pregnant women, on whom his ruling would impose risk and suffering, in favor of an abstract idea of “the dignity of human life,” which for Kennedy found expression in the statute’s prohibition on partially delivering the fetus in the course of aborting it. Concrete human beings are in each case brushed aside to vindicate instead “a correct societal attitude” toward the idea “of the human person” (Broglia 2017). In both cases this is particularly devastating because there are down-to-earth countervailing considerations. Kennedy’s decision does not save the life of a single fetus, even while it hurts pregnant women. Excluding trans soldiers because they do not properly embody human dignity demeans them without even the potential practical benefits to the military readiness that Broglia in any event dismisses as beside the point.

Opposing trans rights, even when it comes to military service, does, however, allow Broglia to set his face against “gender ideology” in a particularly American way. For the first several decades of Vatican-inspired worldwide opposition to gender ideology, the United States was notably left out. Mary Ann Glendon, having served her time in Beijing in 1995, moved on to assist the Vatican in matters unrelated to sex and gender. Of the dozens of contributors to the Vatican’s aforementioned *Lexicon of Ambiguous and Debatable Terms*, none came from the United States. American Catholic culture warriors like Robert P. George, a founder of the National Organization for Marriage and promoter of the 2009 Manhattan Declaration, which described abortion, same-sex marriage, and restrictions on religious liberty as the greatest threats to America (George, George, and Colson 2009), had not even heard of the lexicon until more than a decade after it was written.

One reason for the comparative lack of traction opposition to “gender” had in the United States was the legal significance of the word “gender” in American law. The second half of the twentieth century saw the parallel development of two different meanings for the term “gender” among the sort of feminist intellectuals and activists the Vatican had set its face against. On the one hand, English-speaking scholars of women’s studies and scientific researchers into sex differences used “gender” to distinguish cultural or attitudinal characteristics associated with the sexes from biological characteristics (i.e., to distinguish masculine and feminine from male and female). Simultaneously, Ruth Bader Ginsburg, in the 1970s the leading US litigator for constitutional sex equality, used the term “gender” interchangeably with “sex”

¹¹ *Gonzales v. Carhart*, 550 U.S. 124 (2007).

in legal documents, to ward off from the minds of judges what she feared might be the distracting association of “sex” with what happens in porn theaters (Ginsburg 1975); her use of “gender” rapidly spread to other writers of legal documents written in English, including the drafters in Beijing. These two uses of the term “gender,” the academic and the legal, may seem antithetical, with the first stressing the distinction between sex and gender while the second uses the terms interchangeably and synonymously. But, from the Vatican’s perspective, there was the same reason to be concerned about both usages: each is associated with what Ratzinger condemned as “the obscuring of the difference or duality of the sexes” (Benedict XVI 2004).

The US constitutional law of sex discrimination that Ginsburg helped establish mandated precisely what Ratzinger feared: it categorically prohibited the instantiation in law of “fixed notions concerning the roles and abilities of males and females,” otherwise known as sex stereotypes.¹² Most of the Vatican’s newly preferred theological anthropology of complementarity rested precisely on such stereotypes, so slogans such as “don’t touch our stereotypes,” chanted by the anti-same-sex marriage protesters of the *Manif Pour Tous* (March for All) in France and endorsed by Gabriele Kuby and others in Germany (Case 2016a), were of no legal use in the United States. When US opponents of same-sex marriage like Robert P. George wished to invoke the language of sexual complementarity in legal arguments against the recognition of same-sex marriage, they were limited to making claims based on the putative physical complementarity of male and female sex organs, along the lines of “insert tab A into slot B,” rather than making reference to the putatively complementary personality traits much of the rest of the world still relied on in their arguments.

Only within the past few years have US Catholic culture warriors explicitly adopted the global Vatican-inspired language of opposition to gender ideology. The United States Conference of Catholic Bishops (USCCB) now has a website of “Select Teaching Resources [on] Gender Theory/Gender Ideology” (2017) with quotations from the last three popes and from the Catechism of the Catholic Church. In 2013, in a particularly cruel example of commitment to abstract principle over concrete human need, the USCCB reversed its prior support for the Violence Against Women Act because the reauthorization of the act, to be signed by President Obama, contained provisions “that refer to sexual orientation and gender identity,” which in the bishops’ view “undermine[d] the meaning and importance of sexual difference” (2013). As noted above, the Catholic Women’s Forum dedicated its

¹² *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 725 (1982).

2017 conference, directed at diocesan leaders, to Framing a Catholic Response to Gender Ideology, bringing it to the attention of Archbishop Broglio. In late 2014, with American financial sponsorship, the Congregation for the Doctrine of the Faith welcomed an international who's who of self-described proponents of traditional marriage and opponents of same-sex marriage from diverse faith traditions and continents to the Vatican for the Humanum Conference, an International Colloquium on the Complementarity between Man and Woman (Case 2016a). As part of the process that eventually led him to become head of the World Congress of Families, Brian Brown, a founder and longtime head of the National Organization for Marriage, in 2017 teamed up with the Spanish group Hazte Oír, now known worldwide as CitizenGo, which had tried to send a so-called Free Speech Bus plastered with antitransgender slogans around Spain to bring that bus (its language toned down from “boys have penises and girls have vaginas” to “boys are boys and girls are girls”) to the United States and later to Germany and elsewhere around the world.

How the pathogen of anti-“gender ideology” will grow on American soil remains to be seen. Up to now it seems to have little connection to populist movements in the United States, even populist movements that are in fact opposed to LGBT rights, reproductive rights, and feminism. Rather, the specific rhetoric is most often seen among the upper reaches of the Catholic ecclesiastical hierarchy and the laymen and women who work most directly with them. Efforts to popularize it, such as the USCCB’s website or even CitizenGo’s Free Speech Bus, have had limited visibility. And when it spreads beyond Catholic circles to broader conservative ones, it is not to the grass roots but to organizations such as the anti-LGBT American College of Pediatricians, whose website now warns that “Gender Ideology Harms Children.”¹³ The antigender movement is therefore now following the path for which it criticizes its opponents, of being a top-down, not a grassroots movement (Kuby 2017). Popularization may be imminent, however, as a 2018 book opposing “the transgender moment,” *When Harry Became Sally*, by Ryan T. Anderson, a Catholic culture warrior affiliated with the Heritage Foundation whose prior targets include same sex-marriage and whose prior collaborators include Roger Severino and Robert P. George, became an Amazon best seller even in advance of publication, and “gender ideology” became an apparently ubiquitous catchphrase at the 2018 Values Voters Summit, an an-

¹³ See <https://www.acped.org/the-college-speaks/position-statements/gender-ideology-harms-children>.

nual event for social conservatives whose keynote speaker for the year was Vice President Mike Pence (Greensmith 2018).

Even if the term “gender ideology” never becomes more popular in the United States, it has already proven more powerful in the United States than in most of those countries where its use is more widespread, given the powerful positions held by those who have adopted it and have devoted their energies to counteracting what they understand it to promote. One of these early adopters, as noted above, is HHS’s Roger Severino. Not only does his draft memo, as reported, seek to define transgender out of existence in federal law (Green, Benner, and Pear 2018), his position also gives him influence over Trump Administration policies concerning reproductive health, gay rights, and the accommodation of religious objectors to sexual rights. Another appears to be Leonard Leo, the Federalist Society official to whom the Trump Administration has essentially outsourced the selection of all federal judges, including Supreme Court Justices Neil Gorsuch and Brett Kavanaugh, and who was before that instrumental in the appointments of Chief Justice John Roberts and Justice Samuel Alito.¹⁴ Leo is listed on the advisory board of the International Center on Law, Life, Faith, and Family (ICOLF), one of whose “recurrent thematic issues” is “gender ideology.”¹⁵ His fellow advisors and contributors span the chronological and geographic gamut of anti-“gender” warriors, from pioneers such as Marguerite Peeters and John Klink, a Vatican envoy to the Cairo and Beijing conferences, to Italian right-wing politician Luca Volontè, and Grégor Puppinck, director of the European Center for Law and Justice.

A variety of factors account for the recent importation of the language of gender ideology to the United States. One factor, somewhat paradoxically, is the papacy of Francis, whose popularity attracted attention and whose apparent openness to gay and trans individuals seemingly made his condemnation of their rights claims more palatable. Another, also somewhat paradoxically, is the success of same-sex marriage claims in the US Supreme Court. This sent US opponents of same-sex marriage in search of other battlegrounds, like trans rights issues, on which to try to hold the line against the transformation of the traditional sexual culture they saw themselves as defending. It also sent them abroad. Thus, while the winners in the war for same-sex mar-

¹⁴ Of these four Supreme Court Justices, three, like Leo himself, remain devout Catholics while the fourth, Gorsuch, was raised Catholic though he now worships in a Protestant church. And the ranks of lower federal court judges that the Trump Administration, with Leo’s help, has pushed through the Senate include many culture warriors from the religious right, most famous among them former Notre Dame law professor Amy Coney Barrett.

¹⁵ See information available on the website <http://icolf.org>.

riage, like Freedom to Marry's founder Evan Wolfson, traveled the world to promulgate their successful strategies, losers like the National Organization for Marriage's Brian Brown went abroad to France's *Manif Pour Tous* and to Spain in search of inspiration and found there a warm welcome as well as an established vocabulary of opposition to gender ideology they could bring back home to the United States. The result has been a global exchange of personnel. Culture warriors without honor in their own country, like the US's Scott Lively and Brian Brown, find more receptive audiences in Africa and Europe respectively, and Gabriele Kuby, virtually unknown in her native Germany (Villa 2017) and long more popular in Eastern Europe, has made appearances in Ireland, Australia, and New Zealand in connection with those countries' recent same-sex marriage campaigns. During recent public appearances in the United States, Kuby rejoiced at the election of President Trump and blamed the allegedly destructive success of gender ideology, inter alia, on American citizens of Jewish extraction, including Wilhelm Reich, Henry Kissinger, Judith Butler, and George Soros, in league with the entertainment industry and multinational corporations (Kuby 2017; Kuby and Van Maren 2018).¹⁶ A few months later, the Alliance Defending Freedom (ADF) sent Rowan County, Kentucky, clerk Kim Davis to Romania to warn of the dangers of same-sex marriage for religious liberty. The ADF (previously Alliance Defense Fund), a largely Protestant American right-wing advocacy group, has vastly expanded both its international outreach and its cooperation with Catholics in the past five years, inter alia hiring Kuby's daughter Sophia Kuby, founder of European Dignity Watch, as their EU spokesperson.

The future of a US contribution to the ongoing war on "gender" lies at least as much with high-level interaction between culture warriors from many nations and religious traditions as it does in more broadly popular movements. The 2014 *Humanum* conference offers the public face of this future: with US money, it brought to the very heart of the Vatican representatives of faith traditions whose principal point of commonality with the Vatican is their mutual opposition to LGBT, women's, and reproductive rights, including Rick Warren of the Saddleback megachurch, Russell Moore of the Southern Baptist Convention's Ethics and Religious Liberty Commission, a high-ranking apostle of the Church of Jesus Christ of Latter Day Saints, a leader of the Bruderhof, Primate Nicholas D. Okoh of the Nigeria Anglican Communion, the former Chief Rabbi of the United Kingdom Lord Jonathan Sacks, and far less prestigious representatives of non-Judeo-Christian faiths (Case

¹⁶ Kuby's is yet another genealogy of "gender ideology" from those discussed above, prominently featuring population planning efforts, from those of Margaret Sanger to those she attributes to a 1974 report commissioned by Kissinger, then a Nixon administration official.

2016a). As important as who was speaking from the dais at the Humanum conference was who was in the audience, listening, tweeting, and making all-important connections in the coffee hours. On the long, nonpublic list of invitees were, among many others from the United States, Tony Perkins and Peter Sprigg of the Family Research Council, Robert P. George and Brian Brown of the National Organization for Marriage, and Mary Ann Glendon, reprising her role as papal spokesperson by personally drafting the remarks Pope Francis delivered to open the conference.

As a public event, the Humanum Conference may be regarded as a failure—scheduled immediately before the Vatican’s Synod on the Family and intended to persuade Pope Francis himself as well as a global video audience of the paramount importance of traditional family values centered around sexual complementarity, it seems to have fizzled out, with promised follow-up conferences apparently yet to occur. But as a networking opportunity, it seems to have been a spectacular success. Within two years of the conference, Brian Brown went from being head of the insolvent National Organization for Marriage to head of the World Congress of Families, an organization that now could unite Catholics, evangelical Protestants, and the newly influential Russian Orthodox Church in worldwide efforts to shore up traditional family values in law and to fight the implementation of all components of the “gender agenda,” from trans rights to abortion rights to comprehensive public education in sex equality.

The history set forth in this essay reveals a complicated interchange between the constellation of liberatory movements castigated by the Vatican as “gender ideology” and the constellation of reactionary movements the Vatican and other religious conservatives developed to counter them. Motivated by legal developments in Germany and at the United Nations and by the theoretical work of feminists in Germany and in the United States to conjure up an opposition more coherent and formidable than any he actually faced, Ratzinger was the first to declare war on “gender.” Francis provided powerful tactics and strategies for this war, with his rhetoric of anticolonialism and his combination of warm receptivity to individuals with continuing opposition to their rights. Most recently, opposition to gender ideology has united conservative Catholics with persons of other faiths around the world with whom they agree on little other than the need to fight “gender ideology.” Those who support what the Vatican demonizes as “the gender agenda” are doing our best to inform ourselves about the contours of our opposition, producing a wealth of scholarship and investigative journalism that swamps in quality if not in quantity what those under Vatican influence have produced about us. But opposition research, though important, is not enough. We should simultaneously both seek to emulate our opponents’ newly unified front and, more

profoundly, to be what they fear we are. Only in this way can we complete the transformation that our individual rights movements have begun.

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