Denying the Binary – A Non-Boolean Approach to Queer Bodies in Theology

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Our theological discourse is hampered by the shadow of philosophical and scientific atomism that brings to the table unquestioned, as an *a priori* truth, the fact that the world and people are divisible into parts. However, our current scientific ontology suggests that our division of the world and the people within it in to distinct Boolean categories rests not in truth about the fundamental nature of the world, but in our limited epistemology. I will argue that the introduction of a Non-Boolean account of personhood in to our theological discussion allows us to acknowledge the full spectrum of sex and gender apparent in humanity, but in doing so raises deep ethical and theological issues regarding the treatment of LGBT people by the Church. In particular I will argue that the Non-Boolean nature of trans and intersex bodies can raise important questions for our theological treatment of homosexuality.

Introduction

Perhaps one of the most contested spaces where body and politics ask us to reform our theology is the place of queer lives and bodies within and without our faith communities. Whilst sexuality has long found itself within a contested space in Christian theology, the "new" challenge appears to rest in manifold diversity of human embodiment, especially those who are visibly or vocally differently embodied. The challenge of trans, intersex and non-binary bodies to the "official" position of the Anglican church rests in their divergence from the male-female "norm" provided by the Biblical account of human nature. Yet in their divergence from the norm these bodies challenge our theology, and the narrative that the Anglican church has used to decry the validity of the variety of human sexuality.

This chapter explores a scientific account of the world that moves beyond our ingrained binary understanding towards a more nuanced view of the world around us and the people in it. I offer an initial survey of the place of transgender and intersex bodies within the Church of England's seminal docu-

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ments on sexuality and Gender: Issues in Human Sexuality: A Statement by the House of Bishops (1994) and Some Issues in Human Sexuality: A Guide to the Debate (2003). The work is a preliminary survey to tease out the potential interplay between Non-Boolean accounts of the world and a scientifically informed theology of the body. After setting out the scientific move from Boolean to Non-Boolean accounts of the world I explore how this can and should be reflected in our understanding of human embodiment. The final part of this chapter examines the theological "problem" of queer bodies, how the logical argument against homosexuality can be seen to



be based in three premises, and the very existence of intersex bodies undermines the argument against homosexuality. I conclude that it is the arbitrary demarcation of "appropriate" bodies that has led to the "official" dehumanization of LGBT+ bodies within the Anglican community instead of recognizing the beauty of diversity involved in God's creation.

Before exploring examining the issues noted above it is necessary for a preliminary note on terminology. Theological language is important, and this is particularly true when key terms have been conflated or narrowed in their definition in a manner that doesn't reflect their common usage. Transgender and transsexual will be used interchangeably, whilst the non-pathologized term transgender is preferred and will be used where possible, in some instances to minimize confusion following citation transsexual(ity) will be used. Whilst acknowledging that transgender can be taken to refer to individuals who identify as non-binary, gender neutral or third gender, in order to limit the dissimilarities between transgender and binary bodies discussed by the church transgender will be taken to refer to those who have undergone medical and/or surgical intervention to embody a binary sex that is opposite to the one assigned at birth.

Within the church documents, one of the major semantic stumbling blocks is the conflation of intersex, hermaphroditism and ambiguous genitalia. Some Issues frequently refers to Holder's texts 'The Ethics of Transexualism' (1998a, 1998b) in which all three stand in contrast to transgender bodies. 'Hermaphroditism, which is a congenital disorder in which both male and female gonads are present and the external genitalia are not clearly male or female' (Holder, 1998a, 90). This definition of intersex bodies is problematic for several reasons, firstly it conflates all intersex conditions with hermaphroditism, which is only one form of intersex variation. Secondly, it conflates hermaphroditism with ambiguous genitalia which is not a necessary marker for hermaphroditism which is defined as the coexistence of both ovarian and testicular tissue within the same individual. Finally, there are a variety of disorders that cause ambiguous genitalia, or genitalia incongruent to the chromosomal phenotype. Unless otherwise noted references to intersex bodies refer to the diversity of intersex bodies and not solely hermaphrodites and/or those with ambiguous genitalia.

From Boolean to Non-Boolean Descriptions of the World

A Boolean account of the world has been given a privileged position within our scientific discourse. Boolean logic is based in three laws:

- 1. The law of contradiction: nothing can be both *A* and *not-A*
- 2. The law of excluded middle: *anything* must be either *A* or *not-A*
- 3. The laws of identity: that if anything is *A* then it is *A*

These logical premises allow scientists to make unambiguous empirical statements that can be repeated and tested by their peers. However, this doesn't prove that Boolean logic is the result of a universe formed of ontologically discrete parts. Yet the ability to proceed by particularization (irrespective of its accuracy) has been such a successful tool that it has become ingrained in our consciousness as an ontological fact.

The scientific method is dependent upon a world that can be examined in parts and can neatly and completely fit in to discrete categories. To achieve this, scientists must decide which features are irrelevant -not based in "natural" categories but through "some convention, or by our own interest, or by our cognitive apparatus, or by the evolutionary history, or by pattern recognition devices" (Primas 2007, 11). Thus, in practice, there are no unprejudiced or a priori classifications outside of those that we describe. To make an experiment repeatable we decide what data is irrelevant and don't include it. Boolean classification deals in discrete individuals that can be placed in clearly defined classes according to certain shared criteria, but which shared criteria are important is dependent on where we choose to draw the lines. Whilst Boolean classification is a useful practical tool it fails to take in to account the fundamentally interconnected nature of world as suggested by certain interpretations of quantum theory.

This is not to say in a world that admits a quantum reality that Boolean descriptions have no place, but rather descriptions of such a world cannot be contained in a single Boolean description. A prime example is wave-particle duality and the idea that in some instances light (or matter) exhibits wave-like behaviour and in other instances particle-like behaviour. This description refers to a duality in which the photon exhibits either/or, wave/particle where



wave and particle are in separate classifications. Current research has shown that photons can be "in particle-like and in wave-likes states, but they can also be in infinitely many other states which are neither particle-like nor wave-like" (Primas 2007, 15). It is the "infinitely many" other states that mean we should talk of complementarity over duality. Complementarity acknowledges wave-like and particle-like (and the infinite many) without placing them in incompatible sets. Instead complementarity describes a world in which both descriptions are true, but it is not ontologically possible to reduce the world down in to those discrete parts. Complementarity highlights a world in which all that it is possible to know about a given object is not able to be known simultaneously and, crucially, both descriptions are needed in order to get a full understanding of the object. It may seem paradoxical, but it is only paradoxical if we insist in maintaining discrete classes in which wave-like and particle-like can be decided on a Boolean system. This example is only intended to highlight the difficulties a Boolean account can pose even within the physical sciences. If Boolean descriptions do not offer a full reflection of the objects of scientific study, it seems unsurprising that they fall even further short of the objects of the social sciences, and yet within our theological, political and ethical approaches to those 'objects' we see fit to proceed by particularization into discrete binary categories.

From Boolean to non-Boolean Descriptions of Persons

Our propensity for Boolean descriptions is most pronounced in our descriptions of people, and it is here that it starts to cause theological problems. I will present an analytic approach to the question of queer bodies in theology, not because the validity of LGBT+ people is a question of logic, but because difficulties with the orthodox Christian response can be highlighted by this approach. The traditional response to anti-LGBT+ thought within the church has rested in a hermeneutic and/or anthropological approach to the issue, it raises questions about the translation of scripture and the role of sexuality and love within Christian life. Whilst not denying the validity of these approaches an entirely analytic approach is able to shed new light and raise new questions regarding the premises of anti-LGBT+ religious justification. Transgender and intersex bodies

hold the key to developing this discussion as once we can understand people within a non-Boolean framework, the argument against queer bodies descends into argumentum ad absurdum.

Having stated this would not be a hermeneutical perspective is not to say that there is no room for scripture, after all this is analytical theology. At the heart of the Boolean discussion of personhood lies a single verse in Genesis: "So God created man in his own image, in the image of God he created him; male and female he created them" (Gen 1:27). The final part of this verse places male and female in separate sets - it describes a binary nature to our human bodies and it is this binary statement that causes the greatest harm in our theological approach persons. This is not a passage that fluctuates between translations; and it appears to support an assumption that people are 'either unequivocally and exclusively male or unequivocally and exclusively female in physical terms' (Gross 1999, 65). Interestingly within Judaism there is a 'rabbinical gloss' suggested by the grammatical shift from singular to plural within the verse that has led to the following tradition: "When the Holy one Blessed be He created the primal man ['the primal Adam'], he created him an androgyne, and it is therefore said: 'male and female he created them" (Gross 1999, 71). This understanding highlights that the apparently binary distinction, once translated, perhaps isn't as conclusive as it first seems.

The problem is that in reality people do not come in clear-cut binary categories. God may have created them male and female, and yet with over 50 diagnosable intersex conditions, estimations that "the presence of genital anomalies [...] could be as high as 1 in 300 births" (Rothkopf and John 2014, 23) and suggestions that "something in the order of one in 2000 infants is born intersex" (Gross 1999, 65) then it seems that we are not created solely within a binary. When one considers, in addition, that intersex conditions do not solely refer to genital anomalies but to "congenital conditions in which development of chromosomal, gonadal, or anatomic sex is atypical" (Rothkopf and John 2014, 23) then the numbers may even be much higher. On this basis we are left with two options (a) those 1 in 2000 are anomalous individuals who have a medical condition excluding them from the categories of 'man' and 'woman' (b) those 1 in 2000 exemplify the diversity and complexity of the human race. In adopting the former stance, we are making a statement about the place of those who fall short of perfection to a greater extent

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than the majority, it views being intersex as a disorder or disability that raises questions about how the individual concerned can be understood as being "according to His likeness" (Gen 1:26). If we understand being made in His likeness to refer not just physical appearance but also 'relationship and activity' then, our "theological perspective and reflections result from our physical experiences as much as from our mental and spiritual understanding" (Deland 1999, 38). Consequently, our embodied experiences reveal God, and for those whose bodies diverge from the "norm" there is a question about whether that experience is different to those in the majority. This highlights the issues associated with adopting (a) and the need for a position in which "vulnerability, dependence, and disability are not perversions of God's creation, but rather integral parts of its essence and infinite variety which God proclaimed 'very good.'" (Deland 1999, 52) Viewing the world through a lens of expected Boolean norms leads to "the devaluation and elision of unusual bodies and identities" (Cornwall 2008, 185) and therefore lessens humanity, as the Body of Christ (1 Cor 12:26) as whole, by not acknowledging the actual diversity of its constitution.

If we understand intersex bodies as representing part of the variety of creation, then we need to re-evaluate how we understand 'man' and 'woman' and the way these terms are currently being used in divisive and dehumanizing ways. Once intersex bodies are an integral part of the diversity of creation then our Boolean categories of 'male' and 'female' cease to be able to offer a complete description of the nature of personhood. By their very nature intersex bodies need to be described through a combination of complimentary descriptions none of which will fully describe the nature of the body in question but when held together allow for a full description. Cornwall highlights that intersex and transgender bodies deeply undermine the view that sex is a certainty on the basis of embodiment at birth, and that we have not always viewed "maleness and femaleness, masculinity and femininity as either-or, mutually-exclusive categories" (Cornwall 2009, 8). Because of the existence of 'atypical' views of male and female within the history of Christianity Cornwall argues that "intersexed or transsexual bodies therefore already map onto the mixed-up, much-inscribed Body of Christ. These bodies' distinct, specific existences can speak to what all bodies mean in relation to one another" (Cornwall 2009, 9 [italics in original]). Ironically the Church's deeply unsatisfactory consideration of intersex bodies as the 'natural' contrast to 'unnatural/chosen' transgender bodies sets out the importance of acknowledging that intersex bodies are to be understood in terms of "sex-ambiguity as a physiological fact at birth [...] between two distinct things" (Evangelical Alliance 2000, 58) without considering the fact that intersex bodies existing between the male/female binary shows that the binary model is false "since any objection to a dualistic model necessarily undermines the model in its entirety" (Cornwall 2009, 17).

The Theological 'Problem' of Queer Bodies

Boolean Logic works on the principle that defining characteristics can be sorted in to discrete (mathematical) sets or subsets that can be logically manipulated and unfortunately all too often our definitions of male and female are used in a similar manner. It can be argued that the "binary sex-gender categories [...] used to demarcate humans in our society is no more than a deep-rooted convention" (Cornwall 2008, 188) especially when we consider that for the intersexed infant classification as male or female "can depend on a few millimetres' glans size" (Cornwall 2009, 16).

The entire discussion of both the perversion of homosexuality (Bishops 1994, 7) and the damage that might lead to transsexuality (Bishops 1994, p. 26–27) is framed by an *a priori* belief that all other important aspects of our humanity are to be understood in light of the "man-woman partnership" (Bishops 1994, 7). The church goes as far as to argue that it is only through the recognition of the differences ('complementarity') between men and women that we are able to grow into mature adults – "It is important for the mature development of both individual men and women and of society that each person should come to understand and value [...] complementarity" (Bishops 1994, 37) and that the heterosexual union is of crucial importance in order to ensure "the fostering of true man-woman complementarity" (Bishops 1994, 38). Furthermore, love itself is dependent upon the differences rooted in their sex: "Personal bonding and mutual self-giving happen between two people who, because they are of different gender, are not merely physically differentiated but also diverse in their emotional, mental and spiritual lives." (Bishops 1994, 37) This passage carries with it an implication that emotional, mental



and spiritual difference only occurs due to the gender of the people involved. In referring to the non-physical gender differences perhaps there is a, probably unintentional, implication that *gender* differences can rest in our emotional, mental and spiritual selves, that reach beyond the outward appearance of our bodies. However, such a reading does not fall within the spirit of the text, and it fails to allow for love between those people the same gender. The implication that men and women have different emotional lives that are fundamentally rooted within their sexually different bodies, implies that without such disparity personal bonding and mutual self-giving cannot take place.

With gender forming such a deep-rooted place in the development of one's identity and maturity it is hardly surprising that intersexed and transgender bodies are so problematic. Yet their very existence challenges the view of the male-female binary holding an "essential place in God's providential order" (Bishops 1994, 38). Such a view is only able to allow for healthy and mature development of one's gender and relationships provided this supervenes on unambiguous (and non-incongruous) biological sex. However, the existence of intersexed bodies necessitates reexamining base assumptions about the role of biological sex as the defining characteristic of identity and sexuality. To understand why adherence to the sex binary descends into an argumentum ad absurdum, are 3 key propositions that reflect explicit or implicit claims within the Church's approach to homosexuality, which are fundamentally challenged through the existence of inter-sex bod-

- P1. The only appropriate sexual relationship is between people of the opposite sex
- P2. Sex is a "fixed, biological category, as the physical reality of what it means to be a man and woman" (Bishops 2003, 180)
- P3. The category of man and woman is defined by the nature of the genital organs

P1 is not intended to validate the illegitimacy of homo-/bi-/trans-sexuality, but to mirror the starting point of the debate within the church and the assumed undeniability of this statement. Likewise, P3 is based on the statement in *Issues* that "it is the interaction of the male and female genital organs which makes procreation possible", therefore "the biological evidence is at least compatible with a theological view that heterosexual physical union is divinely intended to be the norm" (Bishops, 1994,

36). Based on P1-P3 it is possible to see that homosexuality 'cannot' be allowed due to the 'interaction' of the genitals concerned. However intersexed bodies challenge both P2 and P3.

The first challenge aimed at P2 is in relation to those born with ambiguous genitalia. To determine the sex of an infant with ambiguous genitalia various other tests are performed that include chromosomal testing to see if the infant is XX or XY phenotype and medical imaging to try and diagnose which gonads are internally present. Based on these results a decision is made as to the "most likely" sex of the infant. That this arrives at the 'most likely' sex rather than a definite answer immediately points towards sex not being a being a fixed biological category, and highlights the variety of factors (chromosomal, hormonal and physical) involved. Whilst many will argue psychological criteria should be brought to bear on discussions of gender the role of psychology in both the Church of England documents is heavily swayed towards a discussion of psycho-pathology and therefore the discussion focuses on 'fixed biological' characteristics.

Some Issues relies heavily on the work of Rodney Holder who states that the 'fixed' sex of the intersex infant is arrived at through medical intervention -"generally treated in early childhood by surgery and hormone therapy, whereby the patient is assigned an unambiguous phenotype of either male or female" (Bishops 2003, 223). It is important to note the sex of the infant is assigned through the use of hormonal and surgical intervention, such an understanding of the possibility of medical professionals assigning a person's gender seems to directly move against the notion that sex is both a 'fixed biological category' and given determinately by God. Whilst it is theologically acceptable for an intersexed individual's sex to be determined through the use of hormone therapy and surgical intervention, in the case of the transgender individual, even though the treatment consists of "undergoing hormone treatment [and] [...] reconstruction of genitalia" (Bishops 2003, 223) there is "no doubt about their biological sex[...] they unambiguously belong to the sex to which they believe they do not belong" (Bishops 2003, 223). The justification for hormonal and surgical intervention assigning the sex of intersexed bodies but not of transgender bodies rests in an arbitrary assignment of which 'fixed' biological criteria are being used and the importance attributed to them. This arbitrary demarcation between appropriate hormonal & surgical intervention becomes even more pertinent

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when P3 is also examined and it is this that I shall now turn.

In *Issues* (1994) sexual desire and activity are, perhaps unsurprisingly, associated with the purpose of procreation. The purpose of procreation is, it is argued, evidenced through the "interaction of the male and female genital organs" (Bishops 1994, 36). Yet whilst acknowledging the importance of procreation they also note that there are "other, if related consequences [...] intimacy of the parents, and the pleasure they find in each other, serve to strengthen the bond between them and so enhance their co-operation" (Bishops 1994, 36) and that the 'utility' of sexual affection (procreation) can "help to create the same kind of bond whether there are children or not" (Bishops 1994, 37). So where does the question of genitalia fit in to our discussion of intersexed bodies? As already mentioned not all intersexed bodies have ambiguous genitalia, and for those that do it is theologically acceptable (although ethically questionable) to surgically intervene to 'normalize' them so that they can achieve the 'same' sexual functionality. But if we are to define sex based upon genital appearance then it appears in some instances we have to sacrifice the importance of the genetic, hormonal, and potentially physical (depending on how these are defined) characteristics that are so important to disallowing transgender bodies in Some Issues (2003).

The two key examples of intersex conditions that challenge the correlation between genital appearance and chromosomal/hormonal markers are Androgen Insensitivity Syndrome (AIS) and Congenital Adrenogential Hyperplasia (CAH). AIS occurs in XY (typically male body type) individuals, in utero AIS prevents their cells reacting to testosterone meaning their bodies are not masculinised. Because the foetus continues to develop along female lines, at birth the genitalia are unambiguously female. When certain forms of CAH1 affects XX individuals (typically female body types) it can lead to partial or total virilization of the external genitals (in cases of partial virilization the infant has ambiguous genitalia). Where virtually full virilization occurs the individual will be identified as male at birth, and will experience a typically male puberty, however they have internal female reproductive organs.

In both instances individuals would be able to engage in sexual activity with individuals with 'complementary' genitals. On the basis of P3 this would appear to be a heterosexual relationship. However, in both these instances we appear to arrive at the same 'problem' as experienced by the transsexual described in Some Issues in that "certain features of the original biological sex remain" (Bishops 2003, 224). Not only do individuals with CAH and AIS experience a disparity between their external bodies and their chromosomal (and for AIS hormonal) makeup which according to Holder is the distinguishing feature of transgender over intersexed individuals, but there is also a question of how they are to be understood in terms of the "validity of marriage" (Bishops 2003, 224). The question of their validity and some of the further issues associated with determining sex on the grounds of P3 can be seen through looking at R. Holder's comments on transgender sexual reassignment surgery (SRS). Holder argues that SRS "is successful in the case of male-to-female but so far it has proved impossible to construct a functional penis in the male-to-female case – a fact which might well impinge on an ethical judgment as to the validity of marriage" (Bishops 2003, 224). The question here is what is meant by functional genitals in both instances. It is possible to create a penetrable vagina for male-to-female transgender individuals and a penis that can penetrate in the case of female-to-male; therefore it would appear that in both instances 'interaction of the male and female genital organs' can occur in the same manner as with cis-gendered individuals. This is echoed in Cornwall's discussion of intersex surgery with the end goal being that "the penis and vagina are capable of penetrating and being penetrated" (Cornwall 2008, 192) and that "reproductive capacity as has been deemed rather unimportant" (Cornwall 2008, 192). So, if this is the definition of function why has it been deemed that SRS for female-to-male individuals does not create a functional penis? The apparent assumption, and the basis on which eligibility to marry is being judged is whether the male is able to ejaculate a somewhat tenuous definition of what it means to be 'fully male' and a return to an emphasis on man as the procre-

Whilst the AIS and CAH individuals have a slightly different physical make up they too face the same issues, CAH men are unable to impregnate and

¹ There are five kinds of CAH affecting XX or XY individuals. One form of CAH 21-hydroxylase deficiency causes the body to over-produce androgens, when this occurs in XX individuals it can lead to some or total virilization of the external genitalia.



have a genetically female make-up and AIS women are unable to fall pregnant and have a genetically male make-up. The argument is that the transgender individual has *chosen* to have their reproductive ability removed (which isn't necessarily the case even after SRS) whereas the intersexed individual is simply 'unfortunate'. If one is to define gender on the basis of genital appearance one can't cite that the chromosomal make-up is of no importance in intersexed individuals and of all importance in transgender individuals. Equally, if these additional 'physical' characteristics are referring to reproductive organs then one must allow for the CAH individual to marry an XY male or the AIS individual to marry an XX woman even though to all external appearances such a union would be a same sex marriage in terms of genitalia not being 'complementary' although the reproductive organs would be. Additionally, it fails to deal with those individuals who have conditions such as Klinefelter's Syndrome (are phenotype XXY), if chromosomal make-up is so important are they able to marry both XY and XX individuals? What about those with true hermaphroditism or mosaicism (cells within the same person have a different phenotype)? This level of inconsistency, especially when viewed in conjunction with the issues raised by P2 reduces the defining characteristics of male and female as binary God-given 'facts' to absurdity and challenges the brute 'factual' physicality of sex and gender and the understanding that male and female are separate Boolean categories.

Conclusion

A full examination of the treatment of diverse human embodiment within the central Anglican texts is not possible within the scope of this chapter. In *Some Issues* there is notable attempt to consider arguments from both sides of the debate and in doing so suggest that this is not an issue that has a "one size fits all" response. Therefore, the following conclusions are not designed to provide a definitive answer to the place of queer bodies within Anglican theology. Likewise, the purely analytic approach to the interaction between the Church's views on different aspects of the LGBT+ community was intended to highlight the inconsistencies that arise in a non-holistic approach to human gender and sexuality.

The fact that differently embodied individuals challenge our perception of male and female *must*

be brought in to our discussion of sexuality. Not because transgender people are individuals "whose sexuality feels at odds with their bodies" (Bishops 1994, 26), but because condemnation of relationships due to genitals, chromosomes, or reproductive capability is at the root of our treatment and dehumanization of intersexed and transgender individuals. Once the existence of those outside the binary categories of male and female is acknowledged then one must re-examine the principles on which we defining what is determined by God's providence. Although there are attempts in Some Issues to allow for the presence of queer bodies within the church community the compartmentalization of different groups within the discussion has left the approach fragmented and inconsistent as was highlighted by the issues raised in holding P1-P3.

If we are to define gender by chromosomes we must allow that there will be relationships sanctioned as 'appropriate' that appear to be 'homosexual' whether this lies in intersexed or transgender bodies. To sanction those relationships but to say two XY men are unable to be in a relationship even though their bodies appear very similar to those within a sanctioned relationship is to descend into absurdity. We either deny humanity to those outside the binary or welcome them as part of the diversity of creation. Once we have welcomed them and the challenge they present to 'male' and 'female', we must reexamine our understanding of relationships. To fail to do so is to make the decision of what is 'God-given' rest in mans' hands and that the line, when drawn, is based in our own arbitrary categories that are ultimately decided by society's comfort level with each situation.

A Non-Boolean account of personhood acknowledges the diversity of creation and, challenges the assumption that we live in a world marked by ontologically Boolean categories of parts. If the categories of 'male' and 'female' are in fact non-Boolean and thus only able to be understood in terms of complementarity, this challenges our treatment of diverse sexuality and gender as going against the binary norm. The challenge arises whether one considers the pastoral and practical implications of the diverse nature of human embodiment or not. There is much work still to be done and moving forward it is necessary to analytically examine the basis of theological treatment of diversely embodied people in a manner that critically examines the logical fallacies of assuming a Boolean account of the physicality of our sex. With the hope that, if nothing else,



such an exploration may lead to the church holding a theology of queer bodies that is at least internally consistent.

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