Catholic Sexual Ethics - a Necessary Revision: Theological Responses to the Sexual Abuse Scandal

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Human Trafficking

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HUMAN TRAFFICKING

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Catholic Sexual Ethics – a Necessary Revision: Theological Responses to the Sexual Abuse Scandal

HILLE HAKER

It is certainly not trivial to reflect upon the multiple facets of the sexual violence that priests and bishops committed against children and, one should add, women, under the eyes of diocesan authorities – and also, we must add, under the eyes of Pope John Paul II and Pope Benedict XVI.

The Catholic Church continues to suggest that sexual abuse of children has been the act of individuals who turned out to be ‘weak’ priests. They are considered guilty not only in legal terms, but also in moral terms. For the Church it is painful that they did not live up to the sacrament of priesthood. Even though the Church has by now acknowledged that sexual abuse cannot be dealt with internally only, it still tries to individualize the problem, and in fact it medicalizes it. Apart from the handling of the sexual abuse cases, mostly due to public pressure, however, not much has happened institutionally.

It is from within this context that I propose to reconsider Catholic sexual ethics, the concept of priesthood, and the power structures within the Church.

I am certainly not arguing that there is a direct line from Catholic sexual ethics and/or Church authority to sexual abuse. Rather, I would like to argue that Catholic sexual ethics has been rather indifferent about sexual violence, as it has about the structural, gender-related violence underlying institutional structures. Both need to be addressed, critically reflected upon, and incorporated into a new approach to both sexual ethics and the institutional order of the Catholic Church. Here, I will focus mainly on sexual ethics and merely allude to the structural violence of the gendered order within the Catholic Church.

1 The legacy of the natural law tradition in sexual ethics

The natural law tradition and the teleological interpretation of human nature in medieval Christian theology interpret marriage not so much as a social institution but rather as a naturalized gendered order of reciprocal partnership aimed ultimately at reproduction.

Sexuality was not denied as part of human nature but rather seen as instrumental to procreation, as explicitly stated by Thomas Aquinas:

... it is no sin if one, by the dictate of reason, makes use of certain things in a fitting manner and order for the end to which they are adapted, provided this end be something truly good. Now just as the preservation of the bodily nature of one individual is a true good, so, too, is the preservation of the nature of the human species a very great good. ... Wherefore just as the use of food can be without sin, if it be taken in due manner and order, as required for the welfare of the body, so also the use of venereal acts can be without sin, provided they be performed in due manner and order, in keeping with the end of human procreation.1

This reductionist interpretation of the meaning of sexuality denies any other than its instrumental role in the process of reproduction, and it is up to the individual to live in accordance with this understanding. The normative result of this interpretation is twofold: firstly, any sexual act outside of marriage does not meet the standard of the good life that is identified with the moral order of being and the telos of human persons and even the human species as such; and secondly, sexual acts within marital relations must also be restricted to reproduction-oriented acts. There are many ways to fall out of the moral order: you could be wrong as subject – being gay or lesbian, for example; you could ‘use’ the wrong body parts for sexual arousal, or you could be wrong about positions within sexual practices – as explained thoroughly in the Penitentials that were distributed for priests.

The Natural Law theory that became the leading systematic framework of anthropological, moral, and theological reflection in the Middle Ages, however, is neither based on these practical ethical guidelines nor is it merely based on an overall metaphysical anthropology. Rather, it reflects upon (a) moral agency as rooted in reason, and (b) human nature
striving toward perfection that – in the Christian interpretation – is ultimately self-fulfillment in God. While philosophical anthropology emphasized the first part and elaborated the concept of human dignity as moral capability to make responsible decisions, theological anthropology complemented this concept with the notion of Divine Law, necessitating the interpretation of God’s revelation by the Church authorities. In this specific theological anthropology, sexual ethics plays an important part, due to the normative ideal of the transcendence of bodily needs or desires.

Over the last two centuries, the Catholic Church’s authority in the political sphere has diminished as a result of secularization. Politically speaking, its authority now more or less rests upon its religious integrity only – that is, its spiritual and moral integrity. In Western societies that have strong roots in Christianity, the repressive understanding of sexuality, the hierarchical interpretation of gender, and the authoritarian understanding of religious leadership have all come under attack. The norms that are maintained, or rather over and over again reinforced by the Church, are taken as one view among others in public debates, and are certainly not received as arguments trumping all other considerations by nature of their source. Rather, in the context of public debate, the authority of moral norms is dependent firstly on the persuasiveness of arguments, secondly on the integrity of the agents and institutions making moral claims, and thirdly on the persuasiveness of the constructive sense of human existence.

II A constructive approach to sexual ethics

I can only indicate here the direction of a constructive approach to sexual ethics today, as one way to conceptualize and give meaning to sexuality. As a phenomenological analysis may show, sexuality is one of the most striking exposures of a human being’s desires, an exposure necessarily accompanied by the feeling of vulnerability. Sexuality involves the emotional and physical nakedness of the self, which is part of embodied human existence; but it is also an important part of intimate relationships, and ultimately one dimension of the infinite alterity of selfhood itself. Sexual ethics interprets this existential embodiment, this ‘exposure’ of desire and vulnerability, and the concept of alterity of the self and the other. It is not necessary, and in fact not very helpful, to reduce sexuality to a function of reproduction. It is more important to understand that sexuality threatens and yet overcomes the self-centeredness of the self and that it is perhaps for this reason the object of multiple kinds of disciplining. Ideally, sexuality is driven by love of the other, which is, to say the least, the desire to reach out to the other, driven by the longing to overcome the otherness between oneself and the other. And yet it is exactly the dynamic of this otherness that feeds the desire. Love is about caring for the other, protecting oneself and the other against harm, and finally, the desire to be and stay with the beloved other.

An approach that takes the line of these indications into account may become the hermeneutical basis for a critical examination of contemporary practices of sexuality. This, at least in part, is what Christian ethics, and a revised Christian sexual ethics, is about. It can clarify why certain practices may impoverish the potentials of human life, and why it is worthwhile to defend another vision in our contemporary culture. Said as a footnote only, I cannot see a reason why the concept of priesthood could not integrate this dimension of experience.

Put in normative terms, however, the criterion for an ethical critique of sexual practices is violence. This needs to be carefully spelled out, but tentatively I would say that sexual violence, as one form of violence, is based upon the domination of another, individual or collective. It involves the exploitation of an asymmetric relationship, and it involves the tacit acceptance of damaging or even destroying another person’s identity, as in cases of sexual abuse, rape, domestic violence or rape as part of warfare. Sexual violence disrespects the other as moral agent, and potentially threatens the victim’s moral agency and well-being. Ethically speaking, this is why, among other things, sexual abuse by those who as leaders of a religious community have so much power over others, especially over children, is met with so much outrage and indignation.

III Moral reasoning and contemporary Catholic sexual ethics

In the context of sexuality, contemporary debates take place about different kinds of biochemical contraceptives, assisted reproduction, and
pharmaceutical methods to end pregnancies at a very early stage or about the handling of ageing. But they also address women’s liberation, homosexuality, sexual discrimination or sex trafficking (even though, as existing theological works demonstrate, the link between sexual ethics and the social ethics of sex trafficking is rarely explored). Ethical works are based on the concern for political participation and for democratic concepts of citizenship in a globalized world, addressing structures of care and the overall gender order. In socially, culturally, and political diverse contexts individuals as well as societies try to find new ways to make sense of human existence and social relations; they envision new forms of personal relationships that respect the freedom of those involved, including sexual relationships and gender roles; they struggle to develop new social practices concerning, for example, the family, care work and community structures that will provide a sense of belonging; and, last but not least, citizens debate about participatory institutions and structures. What does globalization mean with respect to democracy and power? How is the normative gender order affected by it?

Let us now turn for a moment to the theoretical framework of the natural law tradition, stated exemplarily by John Paul II: ‘No circumstance, no purpose, no law whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church’ (Evangelium Vitae).

Many ethicists, including moral theologians, are – to say the least – uncomfortable with the paradigm underlying this statement, a statement that was actually made in the context of abortion and has been repeated in similar ways up to today. Ethicists point to the circularity of the argument: the Law of God is the criterion for licit or illicit acts; this Law, however, is interpreted by the Church, which then declares its own findings to be reasonable and comprehensible by anyone. But even if we take this paradigm seriously, as I will try to do, several questions arise: What exactly makes an act illicit? It is the breach of God’s Law. But what exactly is the breach of God’s Law when it comes to concrete practices? When the ‘heart’, reason, and the Church’s interpretation of morality converge, the statement does not seem to cause too many problems. Ethics, reflection upon morality as practice, however, extends to the many conflicts when this is exactly not the case. Fortunately, not every area in sexual ethics is contested. Sexual abuse is such an area. Let us see what happens to the normative framework if we give it some content with view to the context of our debate: ‘No circumstance, no purpose, no law whatsoever can ever make licit the act of sexual violence and sexual abuse, which is intrinsically illicit. It is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church.’

If sexual abuse is called a ‘grave sin’ in Canon Law, and rape or sexual abuse of minors termed ‘intrinsically illicit’, one would expect to see such a statement being repeated again and again by the Church. Surprisingly we do not find it at the centre of the Church’s normative sexual ethics or any sex/gender-related documents. It is disturbing to see how the Church prioritizes wrong acts in its own moral order. But let us turn to the theoretical framework again and see how the three sources of moral reasoning could be applied to the normative analysis of sexual violence:

First, our moral sense may be very aware of the destructive potential of sexuality when it turns into violence. We may also sense the effects of a male-centred gender order that in many ways results in structural violence. But it is also true that the moral sense is not automatically part of our understanding but needs to be informed, not only by normative reasoning but also by experiences. If we have, for example, experienced the manifold facets of sexual and gender-related violence, we will be more sensitive to it. If we have experienced what it means to be assessed as potential objects of sexual desire, and if we have been silenced, excluded, or treated disrespectfully just because we are girls or women, or indeed little boys who become the object of sexual desire, then our moral sense about sexual violence is certainly sharpened. But if these experiences are not expressed and communicated, if it is not possible to speak about them, if they are not heard or just ignored and kept shut away in a secret place, they may not find their way into the moral sense. This is another facet of why the abuse scandal, on the theoretical level of ethical reasoning, becomes a scandal about sexual ethics, too. For even though one can find the condemnation of sexual violence in church history and even in Canon Law, the victims’ perspective is rarely addressed or heard. Their silencing shows how little space they were given in the overall interpretation of sexual abuse. The ‘scandal’ clearly appeared not so much to be about the raped and/or abused children; it was and is much more about the priests. And up to
today, the whole debate is still centred on the priests: their sins, their social incapacity, their illness, the consequences for them, the question of accountability, particularly in cases of a medical condition such as paedophilia, and also the call for forgiveness as part of the Christian ethos. For decades, there was no encyclical letter, no instruction, no official statement to which the victims could turn and which would have made clear what matters in normative sexual ethics. And even today, when there is so much talk about love as the centre of Christian ethics, the connection between love and justice, as recognition of the persons being ill-treated, is anything but clear. 3

If the moral sense, however, is to be a source of moral reasoning, it is not to be conceived as a natural source of moral insights, but as informed and formed by subjective, historically concrete narratives, based on the experiences of shame, violence, and injustice. If moral outrage about injustice is a source for ethical reasoning and change of action, the testimonies of the victims are of utmost importance for moral reasoning and moral practice itself.

Secondly, as the Church acknowledges, it is not only the ‘heart’ or, put in more modern terms, the moral sense that tells us that sexual abuse is morally wrong; it must also be argued for by way of reason. In the case of sexual violence, we can, to give but one prominent example, employ Kant rather than Thomas Aquinas to clarify our understanding of human dignity: sexual abuse violates the principle of human dignity, the respect of any other person as an end in herself. Sexual violence instrumentalizes another person for one’s own use without leaving any space for a trustful, reciprocal relationship. Morality, Kant holds, is based upon the reciprocal respect of human dignity, and thus sexual violence in practice not only destroys the victim but also destroys the normative basis of morality itself. Now, to claim that in the normative analysis context does not matter is difficult. We all know that in moral reasoning context does in fact matter, scientific findings matter, experiences matter, and phenomenological analyses matter. All of these have an impact on the overall normative evaluation, even though the moral principle of respect for others and responsibility for one’s actions is not touched in its status. The Church, however, confounds the moral principle, taken as natural law, with concrete normative analyses. This is impossible, because a principle is not specific enough; it does not leave room for any other than the most fundamental consideration. The question, then, is whether or in what way circumstances affect the normative evaluation; and this is exactly what practical ethics is about.

The third concept the Church wants us to consider is divine law. Obviously, this is a difficult concept, not the least because it is not clear whether it is a principle, whether it is spelled out in specific norms, or whether it is a source of morality. The moral views in the biblical narratives, in prescriptive codes, in the poetic imaginations, or in the Wisdom literature all need to be interpreted – and in fact, to come back to our topic, it will be difficult to find a consistent normative framework condemning sexual violence or the hierarchical order of sex and gender in the Bible. In the Bible, as well as in Christian theological reflection, we find different philosophies of sexuality and gender, social norms concerning, for example, the social and political inequality of women that we obviously judge to be wrong, and many prescriptions that are too clearly rooted in patriarchal societies to become candidates of either natural or divine law. Is there a normative understanding in all these diverse texts that is directly deducible as divine law? This would be a strange understanding of the study of biblical texts and the theological tradition. Hence, contexts, circumstances, motives and backgrounds do actually matter not only in the philosophical analysis that is part of any theological moral reasoning, but also in the more specific theological analysis and reasoning.

If the divine law is, however, summarized in the love of God and love of one’s neighbour, the sexual abuse crisis is to be seen in light of a specific, violence-indifferent clerical culture, as well as in a culture of indifference in many parishes, school communities, and societies. In this respect, we need to ask why we did not ‘recognize our neighbours’? Why did we leave it to the most vulnerable individuals to break the silence? What does this say about our Christian community? What does it tell us about the overall power structure of the Church hierarchy that has resulted rather in a culture of fear than in a culture of life?

IV Conclusion

As Alfons Auer stated in his famous response to Humanae vitae more than forty years ago, Kant’s claim about moral agency as autonomy of moral reasoning does not only entail a new interpretation of autonomy and dignity as responsible agency, but it also rejects any authoritarian
legitimization of moral claims. Had Catholic moral theology gone this way, it would have changed its moral reasoning considerably. Christian ethics however, particularly Christian sexual ethics today, needs to acknowledge that moral sense, moral reasoning, and the analysis of religious sources must be integrated in one methodology of mutual interpretation and correction. Its starting point will be the experiences of indignation and injustice, to be met with compassionate responsibility. We need to change the structures and institutions of domination and structural violence, or, if this is too much ask, we need at least an open and respectful conversation about all structures and institutions that do not respect the dignity and well-being of individuals. The sexual abuse crisis is a crisis of love, of compassion, of care, and last but not least, a crisis of justice within the Church. Ethics has begun to analyse the different faces of sexual violence, as well as the structural violence in relation with sex and gender. We need to communicate further with all sources of reasoning, and offer thorough analyses of our own moral tradition. Ultimately, however, we, the Church, need to change radically. The coming years will show whether we have the courage to do so.

Notes

2. CCI No 2356. Rape is the forcible violation of the sexual intimacy of another person. It does injury to justice and charity. Rape deeply wounds the respect, freedom, and physical and moral integrity to which every person has a right. It causes grave damage that can mark the victim for life. It is always an intrinsically evil act. Graver still is the rape of children committed by parents (incest) or those responsible for the education of the children entrusted to them.
3. It was after quite a long time that Pope Benedict found the right words, in the spring of 2010, in his letter to the Irish church, in an otherwise disturbing letter:

You have suffered grievously and I am truly sorry. I know that nothing can undo the wrong you have endured. Your trust has been betrayed and your dignity has been violated. Many of you found that, when you were courageous enough to speak of what happened to you, no one would listen. Those of you who were abused in residential institutions must have felt that there was no escape from your sufferings. It is understandable that you find it hard to forgive or be reconciled with the Church. In her name, I openly express the shame and remorse that we all feel. At the same time, I ask you not to lose hope. It is in the communion of the Church that we encounter the person of Jesus Christ, who was himself a victim of injustice and sin. Like you, he still bears the wounds of his own unjust suffering. He understands the depths of your pain and its enduring effect upon your lives and your relationships, including your relationship with the Church. I know some of you find it difficult even to enter the doors of a church after all that has occurred. Yet Christ’s own