

WHEN RESPECT FOR PERSONS GOES DEEPER

P.J. Cullinane

November 2014

The need to respect more radically the dignity of persons has been an emerging sign of our times. The theological significance of this will not be lost on those of the Judeo-Christian tradition which teaches that each person is made in God's image. Its ethical significance will be recognised by those who can agree that "natural law" means taking responsibility for making life, for ourselves and others, more authentically human.

Deeper recognition of personhood will also require a modified style of exercising authority in the Church – a style based more on catechesis than regulation; more akin to author-ising or en-abling others to flourish as persons. This might cause unease among some – whether in authority or subject to authority – who underestimate what it means to be fully human and fully alive. This aspect of deeper respect for persons is the focus of this essay.

Progress in the direction of greater respect for persons has had a bumpy ride. Various human and civil rights that we now take for granted were originally condemned by the Church, at highest level (Popes Pius IX and X). Closer to our own time, efforts were made by the Congregation for Rites (later called the Congregation for Divine Worship & Sacraments) to thwart the liturgical reforms of the Second Vatican Council. Archbishop P. Marini, who as a young priest worked in the Congregation and saw this happening, attributes it to a "tendency to mistrust the episcopate and its genuine loyalty to the Holy See, and an obsessive concern to return to the previous centralisation of all liturgical authority" (*A Challenging Reform* p. 71). Other examples could be given, but those two are recalled only to make the point that obstruction to legitimate change does not necessarily come from ill-will. Rather, it is often well-intentioned, and comes out of a highly protective mindset on the part of churchmen who seem to have difficulty moving away from social patterns more typical of feudal societies.

They have first cousins in those who feel a deep need for law and order at all costs. Jesus himself was for such people first and foremost a disturber of the peace and threat to established order. The law and order mindset of our day still reports to higher authorities anything that deviates from their own rigid interpretations of the law and perceptions of order. This can lead to the life of the Church being influenced more by their fears than by the faith, freedom and joy of the Gospel.

Devolution in the direction of greater personal responsibility will be a little messy. It does not sit easily with those who prefer more paternalistic ways of leading or of being led. But whether we like it or not, it is implicit, and even explicit, in some of the teachings of the Second Vatican Council, especially concerning religious freedom, and it echoes the teaching of Thomas Aquinas, J H Newman & others concerning the paramountcy of conscience.

The paternalistic way of helping people to choose right and avoid wrong tends to be controlling – restricting people's opportunities to decide for themselves. By being restrictive and strongly regulating, it also contributes to a condition of over-dependency. On the other hand, a way of exercising authority that fosters personal responsibility prefers to offset the risk of people making wrong choices by providing a formation aimed at helping them to understand the issues and to choose well. Such formation includes catechesis, as well as the other components of moral formation, the processes of listening and dialogue, and a supportive community.

Pope Francis rightly regrets the way secondary matters tend to usurp centre stage on the Church's public image as a result of being more talked about; (cf *The Joy of the Gospel* 34-36). But perhaps the debates on "hot button" issues go around in endless circles because they are wrongly framed as being about the difference between right and wrong when often they are more directly about different "styles" of promoting right and discouraging wrong. The following examples might serve to illustrate the point:

1) Debate about general confession/absolution:

Canons 960 and 961 concern the forgiveness of serious sins, for which individual confession and absolution is "the only ordinary way" of being "reconciled to God and to the Church". In what follows, my premiss is that these canons must be fully respected. What is extraordinary should be restricted to extraordinary circumstances, which is what the canons explain.

At the same time, fully respecting the canons includes not extending them to mean more than they actually specify; (canon 18 explicitly says this.) Sinning of the kind that does not result in being unreconciled to God and the Church, and that does not result in being "deprived of sacramental grace or Holy Communion ..." is not the subject of these canons, or of papal teaching supporting these canons. Even allowing for the very real value of confessing lesser sins, there is no canonical obstacle to general confession/absolution for those who seek the sacrament only "out of devotion", as many devout Catholics like to do especially during the seasons of Advent and Lent.

Some will object that the availability of penitential services involving general confession/absolution, even though advertised as being only for those who do not have grave sins to confess, might be seen as a soft option by others who do have grave sins to confess. That is a risk, and a matter for proper pastoral guidance; however, it does not change the canons. Which brings me to the point of this essay: one way of preventing that risk is to ban general confession/absolution for *everybody* (which the canons do not do) thereby denying people who legitimately desire the experience of communal forgiveness that opportunity. Another way of obviating the risk is to help people to understand the canons and underlying doctrines, and in this way prevent misuse of the sacrament. The former style takes the easy way out: it does not even attempt the catechesis. The latter style is more respectful of the person and of personal responsibility.

2) Welcoming wrong-doers while not condoning their wrong-doing.

It seems an obvious distinction, and one that Jesus himself lived by. Yet there are people who seem to think that when Pope Francis encourages the Catholic community to be more welcoming of all, including people of a same sex attraction, he is somehow compromising Catholic doctrine. Similarly, there are Catholics who go beyond the disapproval of irregular marital situations to presuming that all who are in irregular situations are "living in sin"; (cf Corbett & others, in *Nova et Vetera*, English edition, Vol. 12, No. 3 (2014): 601-630.) This is not necessarily the case, due to influences affecting their thinking or pressures affecting their freedom; (knowledge and consent).

If people in these situations seek Holy Communion, would allowing them to do so be perceived as meaning the Church's teaching on marriage, or its teaching on receiving Holy Communion worthily, no longer matter as much? That is how it will be perceived if the Catholic faithful are left unaware of the Church's moral tradition, which teaches that sometimes people whose actions are objectively wrong can be subjectively in good conscience. Candidates for the priesthood are taught this tradition; why would we not teach the same to the Catholic lay faithful? Again, it comes down to the need for good catechesis, which both upholds the Church's teaching, and acknowledges the

circumstances that can diminish or even nullify culpability (cf *Catechism of the Catholic Church*, n. 1735.)

Again, the substantive point: one way of preventing misunderstanding and scandal is to exclude such people from Holy Communion regardless of whether or not they are guilty of serious sin. Another way, more consistent with the Church's moral tradition, both upholds the Church's teaching regarding marriage and allows for the possibility that at least some of these people might be in good conscience – which only they and God can judge! A profound respect for conscience will mean that even as we justifiably judge between right and wrong actions, we desist from judging the person. And all the more when there is so much other evidence of their goodness. It might be objected that such ones are not eligible to receive Holy Communion because their *objective* situation is in conflict with the full ideal of Christian marriage and its significance for the Church (Eph. 5:32). But the same could be said where the objective lack of full ecclesial communion is the reason (even greater reason) for not sharing eucharistic communion. And yet the Church allows this in particular circumstances.

Nor does this amount to moral relativism, or to saying that there is one law for some and another for others. It simply acknowledges that individuals' ability to live up to the full requirements of the law develops gradually, and that not everybody is at the same stage. That is the objective situation. Pope John Paul II was making this point when he affirmed the "law of gradualness", which he distinguished from any supposed gradualness of the law. (*Familiaris Consortio* n 34)

3) The Church's teaching on contraception:

The Church's teaching on the relationship between conscience and Church authority has been pithily expressed by Pope John Paul II: "the Church puts herself always and only at the service of conscience" (*Veritatis Splendor* n 64) There are many married couples who have conscientiously studied the Church's teaching on contraception, and nevertheless felt allowed, or even obliged, to practise contraception, at least for periods of time. This simple fact does not make the Church's teaching wrong, nor make it redundant; those who believe that life is a gift usually do not mind being reminded that ultimately our dominion over human life, and over the giving and the taking of a human life, is limited, not unlimited dominion. That is why they include the Church's teaching in their discernment process.

The difference between "styles" of exercising authority is more sharply illustrated in the matter of contraception outside of marriage. The Church's teaching that contraception is wrong concerns sexual intercourse freely entered into between husband and wife. Its teaching on contraception is not about activity outside of marriage (or even forced intercourse inside marriage). Sexual intercourse outside of marriage is wrong, but the use of contraceptives in that context is a different ethical question. For example, when the Holy See condoned the use of contraceptive measures by Religious sisters living in fear of being raped (in the Congo), it was not even a matter of making an exception. It was simply that intercourse in those circumstances falls outside the Church's teaching on contraception. There was no marriage being contracepted.

Whether and when contraceptives should be used outside of marriage, i.e. when sexual activity should not be taking place, is a matter for prudential judgement, distinguishing between circumstances in which their easy availability will diminish people's incentive for self-restraint (chastity) and increase the risk of promiscuity and of spreading infection, and on the other hand circumstances in which the use of contraceptives might be the only realistic way of preventing the spread of infection.

The fact that the use of contraceptives can in some circumstances be moral means that to speak of them as if their use were *in all circumstances* wrong not only misrepresents the Church's teaching, but also deprives people of any scope for exercising their own judgement where they can be entitled to do so. The less paternalistic "style" is equally opposed to wrongful contraception, but seeks to prevent it by means of good formation, helping people to understand the issues and make good choices.

Summary: in the first of the above three examples, the "style" of exercising authority that requires good catechesis upholds the Church's law restricting general absolution, but leaves the option of communal forgiveness open for those in circumstances outside the restriction stipulated in the canons. The paternalistic style removes that option. It just excludes everybody.

In the second example, the catechetical style upholds both the Church's teaching on marriage and allows for what the Catholic moral tradition teaches about subjective morality and the law of gradualness. The paternalistic style puts that tradition aside, making no allowance for any of those in irregular situations seeking Holy Communion who might be in good conscience.

In the third example, the Church's teaching on contraception within marriage is acknowledged, and is then distinguished from the use of contraceptives in some circumstances outside of marriage. The paternalistic style ignores the difference and just makes a blanket ban, leaving no room for personal judgement even where the Church's own teaching does.

What these disparate examples all illustrate is a kind of clumsiness that results in some people being hurt or excluded. It is a lazy interpretation of canons 960 & 961 that ignores the difference between what the canons prescribe for the forgiveness of "serious sin" and the different situation of those who seek the sacrament only "out of devotion". There is a kind of convenient pragmatism about excluding from Holy Communion all whose marital situations are irregular regardless of whether or not they are "living in sin". And it is careless and misleading to ascribe wrongness to contraceptives themselves rather than to the contracepting of marriage. A paternalistic style of exercising authority tends to acquiesce in these misunderstandings rather than correct them. A leadership that intends to help people grow will pursue the truth that sets them free – free to be themselves, and free to be for others.

Of course, there is always the risk that sometimes people will "get it wrong", or make wrong choices. But clearly God must have thought the benefits of creating us with the gift of free will far outweighed all the evils that have ever come out of misusing that gift. Who are we – made in God's image – to diminish others' freedom when there are other ways, more respectful of personhood, to help them make good choices?

Finally, perhaps there is a question here for the psychologists: the propensity to inflate the Church's teaching on contraception and to forbid more than the Church forbids; and the propensity to inflate the Church's teaching on general absolution and to ban more than the Church bans; and the propensity to inflate the Church's teaching on receiving Holy Communion worthily and to exclude some who need not be excluded – what accounts for this propensity? And what accounts for others' acquiescence in it?