

**ACCOUNTABLE TO GOD ALONE?  
THEOLOGISING WITH A HAMMER:  
THE HIV/AIDS CRISIS, CONDOMS AND  
CATHOLICISM.**

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## **DECLARATION**

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Signature

Date

## SUMMARY

Theological positions are usually considered as coterminous with ethical considerations. That which the Church has earnestly considered in the light of what is believed to be God's will, as elucidated in religious texts and through prayerful contemplation, are considered to be ethical without contradiction.

Recently the Roman Catholic Church adopted a position forbidding the use of condoms as protection from contracting HIV/AIDS. Instead, the Church has declared that the way to controlling the AIDS pandemic is *via* sexual abstinence for the unmarried and sexual faithfulness within marriage.

It is acknowledged that it is not possible for all the church's theological positions to be driven by pragmatic concerns within society. Nor can a church easily be seen to be promoting sex outside of marriage by recommending the indiscriminate use of condoms. However, the Roman Catholic Church, by forbidding the use of contraception, puts itself in an ethically questionable light relative to other Christian churches.

The Catholic Church needs to reconsider its stance on contraception from first principles, divorced from dogmatic beliefs and practices which were derived by men and which have endured beyond their usefulness or theological veracity. It is evident that a church should not adhere to dogmas that are ungodly in their impact and ethically questionable in their import. If a church needs to revise its dogmatic stance on such issues, it should have the courage to do so.

This research considers whether the stance of the Catholic Church on condoms can be considered ethical. The position of the Catholic Church is considered critically from a

variety of philosophical, empirical and ethical viewpoints. In so doing, it highlights the principled and practical problems of resolving differing moral positions that cross the religious and secular divide.

The approach adopted is one of an applied ethical nature, given the probable effects of participating in unprotected sex. Pregnancy and contracting HIV/AIDS are the likely outcomes of not using condoms, and these conditions will create enormous problems for the individual concerned, her, or his, family, as well as for the greater society.

The position taken in this research is that the Catholic Church's stand on abstinence before marriage and faithfulness in marriage, as the answer to the HIV/AIDS crisis, would be a realistic ethical position, if, and only if, it was at all feasible and realisable in practice. However, it is the contention of the author, based on empirical considerations, that the idealistic stance taken by the Catholic Church is out of touch with the realities in our contemporary South African society and is doomed to failure.

Given this perspective, the Catholic stance is morally questionable, as, if sexual relationships continue to occur outside of marriage, and if condoms are not used, the result will be unwanted pregnancies, HIV infections of both mothers and their babies, crises for families and society at large, and ultimately widespread death from AIDS. Given the pandemic facing South Africa, the Catholic position in banning the use of condoms, is ethically questionable and morally suspect. The Church needs to be called to account for the implications of its dogmatic stance.

The HIV/AIDS pandemic is simply too serious for a public institution, such as the Catholic Church, to be involved in perpetuating theological niceties and holding idealised positions. The Church is not divorced from the society it exists in and a realistic, responsible and accountable response is needed in the current context of hundreds of thousands of persons facing death from AIDS and its related diseases.

## OPSOMMING

Teologiese standpunte word gewoonlik beskou as gelyktermig met etiese oorwegings. Dit wat die Kerk met erns beskou het word sonder weerspreking as eties aanvaar in die geloof dat dit die wil van God is wat belig word in religieuse geskrifte en deur gebedsoordenking.

Onlangs het die Rooms-Katolieke Kerk 'n standpunt aanvaar wat die gebruik van kondome verbied as beskermingsmiddel teen MIV/VIGS-besmetting. Daarteenoor het die Kerk verklaar dat die VIGS-pandemie beheer moet word *via* seksuele weerhouding vir ongetroudes en seksuele getrouheid binne die huwelik.

Daar word toe gegee dat dit nie moontlik is om al die die kerk se teologiese standpunte aan pragmatiese kwellinge binne die gemeenskap te onderwerp nie. Daarmee saam kan die kerk ook nie buite-huwelikse seks aanmoedig deur aan te beveel dat kondome onoordeelkundig benut word nie. Relatief tot ander Christelike kerke plaas die Rooms-Katolieke Kerk homself egter in 'n etiese bevraagtekenbare posisie deur die gebruik van voorbehoedmiddels te verbied.

Die Katolieke Kerk behoort sy standpunt oor geboortebeperking te heroorweeg in die lig van primêre prinsiepe - geskei van dogmatiese oortuigings en bedrywe wat deur mense bedink is en wat hulle bestaansreg as nuttigheid of teologiese waarheid oorskrei. Dit is duidelik dat 'n kerk nie dogmas behoort aan te hang wat onverantwoord in haar impak en eties bevraagtekenbaar in hulle belangrikheid is nie. Indien 'n kerk sy dogmatiese standpunte oor sulke sake moet hersien, behoort dit die moed te hê om dit te doen.

Hierdie navorsing skenk oorweging aan die vraag of die Katolieke Kerk se standpunt oor

kondome as eties beskou kan word. Die posisie van die Katolieke Kerk word krities beskou vanuit 'n verskeidenheid filosofiese, empiriese en etiese standpunte. Dit verlig die beginsels en praktiese probleme wat verband hou met die resoluëie van die verskillende morele posisies wat die kloof tussen die religieuse en sekulêre moet oorbrug.

Die benadering wat benut word is van 'n toegepas etiese aard, gegewe die waarskynlike gevolge van deelname aan onbeskernde seks. Swangerskap en besmetting met MIV/VIGS is die waarskynlike resultate indien kondome nie benut word nie. Dit lei gevolglik tot enorme probleme vir die betrokke individu, familie en die breër samelewing.

Die aanspraak van hierdie navorsing is dat die Katolieke Kerk se standpunt - dat weerhouding van seks voor die huwelik en getrouheid binne die huwelik as antwoord dien vir die MIV/VIGS krisis - 'n realistiese etiese posisie verteenwoordig indien, en slegs indien, dit toepasbaar en haalbaar binne die praktyk is. Dit is egter die bewering van hierdie skrywer, gebaseer op empiriese oorwegings, dat die idealistiese standpunt van die Katolieke Kerk uit voeling is met die realiteite van ons kontemporêre Suid-Afrikaanse samelewing en dat dit gedoem is tot mislukking.

Gege hierdie perspektief, word dit duidelik dat die Katolieke standpunt moreel verdag is, veral as in gedagte gehou word dat - indien seksuele verhoudings buite huweliksverband voortduur en kondome nie gebruik word nie - die resultaat onbeplande swangerskap, MIV besmetting van beide moeders en babas, krisisse vir families en die samelewing en uiteindelik wydverspreide sterftes as gevolg van VIGS sal wees. Gegewe die pandemie wat Suid-Afrika in die gesig staar word die Katolieke standpunt waarin die gebruik van kondome verbied word eties bevraagtekenbaar asook moreel verdag. Die Kerk moet tot verantwoording geroep word vir die implikasies van sy dogmatiese standpunt.

Die MIV/VIGS-pandemie is eenvoudig te ernstig vir 'n openbare instansie soos die Katolieke Kerk om betrokke te bly in die voorsetting van teologiese kieskeurigheid en die verkondiging van geïdealiseerde standpunte. Die Kerk is nie los van die samelewing waarbinne dit bestaan nie en 'n realistiese, verantwoordelike en toerekenbare respons word benodig binne die huidige konteks waarbinne honderde duisende mense dood as gevolg van VIGS in die gesig staar.

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# **CHAPTER ONE: CATHOLICISM, CONDOMS AND THE AIDS CRISIS IN SOUTH AFRICA: AN APPLIED ETHICAL CONSIDERATION**

## **1.1 INTRODUCTION**

In this chapter, the problem of adopting an applied ethics approach to ascertain the ethics of a theological position, as evidenced in a church dogma, is outlined. A topical case study is presented which presents the challenge outlined above and the ensuing discussion revolves around contentions raised in the case study and public perceptions surrounding the issue.

## **1.2 THEOLOGY AND ETHICS: THE ESSENTIAL PROBLEM**

Throughout history, morality has been identified in the minds of many to be synonymous with religious injunctions, which in turn are predicated on the commandments of God (or the Gods<sup>i</sup>). Morality, and behaving ethically, have been commonly perceived to be based on a religious foundation, sanctified by the will of God. In more extreme instances, the collocation of 'secular ethic' is seen as a contradiction in terms. Good is either seen as good because God has sanctified it, or because He only wills for His people that which is good for them.

The 'divine command theory' is summed up by Henry (in Pojman 2002: 196) as follows:

'Biblical ethics discredits an autonomous morality. It gives theonomous ethics its classic form - the identification of the moral law with the Divine will. In Hebrew-Christian revelation, distinctions in ethics reduce to what is good or what is pleasing, and to what is wicked or displeasing, to the Creator-God alone. The biblical maintains always a dynamic statement of values, refusing to sever the elements of morality from the will of God...The good is what the Creator-Lord does and commands. He is the creator of the moral law, and defines its very nature.'

The implications are quite clear. God decrees moral rightness and moral wrongness. An act is right in virtue of being permitted by the will of God, and an act is wrong in virtue of its being against the will of God.' So, for example, some divine command theorists would permit contraception on the grounds that God has not specifically prohibited contraception in scripture.

The implication of the divine command theory should be noted. Because God decrees morality, no further rationalisation or justification of the right or wrong action is necessary. God wills, QED. Some debate is possible around what the will of God is on a certain matter or issue, but such debates tend to be not only within the confines of a faith, but decided by the very upper echelon of the theologians in that particular faith. The idea of a declaration by the Church being challenged on ethical grounds, either within a church, or by those outside the faith, is relatively rare. Even debates on positions adopted by one church within a family of churches (say Christian denominations, where the origin of church theology is the same, but where theological or ethical positions can differ markedly) are unusual. Differences between churches, where they are debated, usually consist of a spirited declaration of one's own position, rather than a direct attack on the other church's position.<sup>ii</sup>

The corollary of the Divine command theory is the autonomy thesis, which holds that morality does not originate from God; nor is it dictated by His<sup>iii</sup> will. At best, that of God which is in the spirit of each person may have an influence on what is considered moral or ethical, but man creates concepts of what is ethical behaviour and the substance of what is considered moral. In some cases, it is even postulated that God Himself is subject to the moral law, as the moral law is independent of God Himself. If a religious sect states 'God commands us to kill'<sup>iv</sup>, most persons would consider God to be unethical in this instance. The debate is likely to be between the various churches/sects as to whether this is truly the word of God. At a certain level, every ethical injunction attributable to God can be challenged in this way and there is no

final arbiter to decide the matter. It comes down ultimately to faith within a religious persuasion/community and the conscience of good men and women, noting that conscience may have been informed by the faith in the first place and thus be beyond an objective and dispassionate consideration of the facts for this reason.

It is further noted that a secular contestation of an ethical position by a church is very difficult, as the church relies on religious modes of thinking, whereas a philosophical consideration of a position adopted by a church is usually based on logic, reason and civil community values. There is little common ethical grammar, or conceptual meaning, to make such a debate viable and feasible. There are no universal independent criteria of right and wrong by which ethical disputes between secular and religious positions can be settled.

Yet churches throughout the eons have committed very unethical actions, or adopted very immoral positions, which society has the right, and duty, to challenge. Faith and an interpretation of the word, or will, of God have not been infallible criteria of ethical correctness. Indeed, sincere, serious and devout religious devotees have perpetrated frightening actions, sometimes in the very name of God and their faith, such as in the Inquisition for example.

### 1.3 THE CATHOLIC BISHOPS' CONFERENCE STAND ON THE USE OF CONDOMS IN THE FACE OF THE HIV/AIDS PANDEMIC: A CASE STUDY

In the first week in July 2001, the Rustenburg Bishop, Kevin Dowling, called for the total ban on condom use by Catholics to be lifted, because AIDS was killing so many people that the issue of condom use could not be ignored.<sup>v</sup> Cardinal Napier responded by saying that the South African Bishops' Conference was fully committed to its belief in sexual abstinence before marriage and the faithfulness of each partner during marriage. The debate on the sanctioned use of condoms by Roman Catholics to

prevent the spread of HIV/AIDS would be discussed at the Conference, but cautioned that the use of condoms would have to be weighed against the backdrop of the Church's traditional teaching. The Church would debate its response to the HIV/AIDS pandemic, as the disease posed a serious threat to the survival of the country.<sup>vi</sup>

On 30 July 2001, at the plenary session of the Southern African Bishops' Conference at St Peter's Seminary, the Catholic bishops responded to the HIV/AIDS crisis with a 'Message of Hope'. The position taken by the bishops included, *inter alia*, the following issues<sup>vii</sup>:

- 1 Christ and the Church are with you in your affliction.
- 2 Families and communities are asked to show mercy, compassion and love towards those afflicted by AIDS.
- 3 The widespread and indiscriminate promotion of condoms is an immoral and misguided weapon against HIV/AIDS, as the use of condoms goes against human dignity, changes the beautiful act of love into a selfish search for pleasure (while rejecting responsibility), their use does not guarantee protection against HIV/AIDS and may be one of the main reasons in the spread of AIDS, and their use contributes to the breakdown of self control and the loss of mutual respect.
- 4 The promotion and distribution of condoms for having 'safe sex' are rejected, as it gives the wrong message, namely, that it is all right to sleep around, even for the young, as long as you do not contract HIV/AIDS, that it is all right to use another person for selfish pleasure, and that it undermines values such as self-control and faithfulness to a future spouse.

- 5 A lack of self-control and a lack of respect for others, unfaithfulness and irresponsible sexual behaviour, and loose living (which destroys human dignity and self-respect) undermines the morals of a country.

The alternative to condom usage is proposed as 'Abstain from sex before marriage and be faithful to your spouse in marriage'.

The youth are urged to 'choose life by following God's way', thereby saving lives and growing in self-control and responsibility for others. Although it is difficult to maintain, sexual abstinence is not impossible through Christ and mutual support. Lust is not love. Young men are urged to respect girls and young women.

Married couples are urged to be faithful to each other, as promised in their marriage vows. If a spouse has HIV/AIDS, the couple should jointly decide the appropriate contraceptive means, according to their consciences, in order to defend the life of the innocent spouse.<sup>viii</sup> It is not made clear why this concession is offered to a married couple, but not to other couples, who thereby lose their right to freedom of conscience in the use of condoms.

An appeal is made for persons to take responsibility for their actions before God, listening to God's word and to the teaching of the Church in order to have 'informed and mature consciences'. The media messages, which promote uncontrolled sex and infidelity, must be offset by the message of the Gospel, which is returning to the way of self-control and fidelity.

An appeal is made for those in the Church to speak out on the HIV/AIDS issue and to continue to assist those afflicted by the disease, especially the innocent children. God does not want people to die of AIDS, but the AIDS crisis is a challenge to inner transformation and following Christ in his ministry of healing, mercy and love. As

God helped South Africa in our last struggle, He will help us 'to choose the right way to uphold human dignity in our new struggle'.

#### 1.4 THE CONDOM CONUNDRUM AND THE CATHOLIC CHURCH

The concern raised by Bishop Kevin Dowling arose from his pastoral role with people on the platinum mines and his shared responsibility for coordinating the Bishops' AIDS office, a national portfolio, which has exposed him to the extent of suffering caused by AIDS throughout South Africa.<sup>ix</sup> The Catholic clinic in his pastoral area records the HIV infection rate at 50% and he regularly has to minister to his adherents where a member of a family has AIDS. His appeal for the use of condoms is based on his wide contextual experience and his sense of humanity.

Dowling<sup>x</sup> expressed the hope that the Church would walk with people who are dominated by those who choose not to follow the values it upholds. If a condom is used to prevent infection, at least some measure of responsibility is shown. He evoked two well-known principles of Catholic moral theology according to which his view is both morally and pastorally defensible, namely the principle of double effect and the principle of the greater good or the lesser evil. Archbishop Emeritus Denis Hurley supported Bishop Dowling in his stance on using condoms to protect lives<sup>xi</sup>.

The Dominican Order in Pietermaritzburg felt that while abstinence and faithfulness would be better, people who did not share these values could not be allowed simply to die.

A group of Catholic nuns, called Sisters for Justice, have similar concerns to Bishop Dowling, and believe the condom issue is only a surface issue. What is really at stake is how the church should express compassion to those in mortal danger who have no other means of defending themselves. Their especial concern is for the many women and children who are in situations of sexual oppression or abuse. They call for the need

to reform people's consciences in terms of developing moral responsibility. However, they are aware of the many complex issues underlying the condom issue. These include:

- the kind of church we would like to be as we reach out in compassion, as disciples of Jesus, to those who are in mortal danger,
- our feeling for people in complex socio-cultural-economic situations,
- the challenge of educating people so that their consciences are formed in making responsible moral choices,
- our accompaniment of young people, and particularly of young women, at this crucial time in their lives, as they face choices that are about life and death,
- the way we search humbly and sincerely for truth, justice and compassion without seeing everything in black and white terms as if there are no grey areas in between, and
- the gender imbalance in society and church, and the ongoing injustice, violence and discrimination against women<sup>xii</sup>.

Bishop Dowling called for the issue to be addressed urgently so that: 'we can offer people the experience of the compassionate, caring God who is with the people no matter what.

The question needs to be asked: why did the Church reject his call to condone the use of condoms, given the ravages of HIV/AIDS?

### 1.4.1 THE HUMAN DIMENSION

Many within the Catholic Church, and outside the Church, feel that in our times, a prohibition on the use of condoms, whether to act as a contraceptive or as protection against sexually transmitted diseases such as AIDS, is an unrealistic and unattainable ideal. The Church could be charged with being out of touch with 'fallible man'. At the time of the publication of Vatican II, those opposed to the findings against the use of contraceptives held the 'Man was not made for the Sabbath, but the Sabbath was made for Man'. The appeal for forbearance in sexual relations until marriage, and fidelity to one's life partner after marriage, whilst attractive as an ideal for those who have the will to keep to such dogmatic requirements, is simply not a realistic option for many.

The spread of AIDS is proof of the lack of sexual abstinence in the population in general. If the dogma of sexual abstinence was 'obeyed' within the Catholic Church, the Sexually Transmitted Disease (STD) infection rate would be lower amongst Catholics. There is no evidence that this is so. Similarly, if the dogma against the use of contraceptives was 'obeyed' in Catholic families, their birth rate would be statistically higher, given that the sexual needs within marriage would approximate the sexual needs within the general population and the fallibility of the 'natural method' of birth control is well documented. Being Catholic does not mean a reduced sexual drive; rather, it means an imposed doctrine to control the sexual drive. It is evident from such circumstantial evidence, supported by statements of persons within the Church which are reported in the media at times, such as commenting on Vatican II, that the prohibition on the use of contraceptives is widely disregarded by Catholics. It would be cynical if the Catholic Church policy was to cling to its long standing doctrinal and theological position, whilst turning a blind eye to the disregard of these dogmas in practice by its members.

The Catholic Church has a clergy of priests and nuns, who have to take vows of obedience, poverty, and chastity to enter their respective orders. Such vows are freely

taken. If these vows are transgressed, theoretically, the person should be removed from their Church office. Yet the press reports from time to time of the inability of even such highly screened persons in religious orders, supported in a cloistered life, to obey their vow to the church requirement of chastity. Piper (1960: 176) comments concerning sexual abstinence amongst the Catholic clergy:

‘Life in a fellowship with a fixed set of rules and customs tends effectively to support the efforts of self-discipline. For this reason the requirement of continence has been found possible among the clergy and the religious orders of the Roman Catholic Church. A person is greatly helped when he does not have to stand alone against temptation, but lives in an environment that holds the same convictions and ideals and seeks the same goals in life.’

In a press article<sup>xiii</sup>, it was reported that the Vatican had been shocked by a report of sexual abuse by priests and missionaries in twenty-three countries, including the United States, Ireland and Italy. The Vatican acknowledged the report, which included claims of nuns being forced to have sex with priests, at times constituting rape. In some cases, these nuns were being forced to take the contraceptive pill, or have abortions. The Church appealed for understanding, citing the good deeds of the missionaries around the world, as well as acknowledging their failings. Ironically, Africa is cited as a problematic area in the report, as nuns are perceived to be ‘safe’ as sexual partners in the light of the AIDS pandemic. The report claims, citing names, that the Church had been informed of these endemic problems in the Catholic clergy throughout the 1990's. If priests and missionaries, who have taken a vow of chastity, are unable to carry out the injunction of the Church on sex and contraceptives, how much more unrealistic is it for the Church to have such policies for the population in general?

#### 1.4.2 THE EFFECTS OF THE CHURCH POLICY ON BANNING CONDOMS

The effects of the stand against contraception qua contraception is not fatal, even although there may be severe consequences in falling pregnant, for the married couples as well as for single women. For a married couple to follow the teachings of the Catholic Church and bring offspring into the world, which they cannot afford (financially or in terms of the health of the mother), because they have a normal sex life, is unfair, but ultimately bearable. For a young unmarried girl to fall pregnant may appear catastrophic, but there are options, albeit tough options, to keep the child (with pressure on her family usually), to marry the biological father (although such a marriage may be under too much pressure to survive as a functional marriage), to give the child up for adoption (which is a traumatic option in most instances), to rely on charity to bring up the child until the mother, and perhaps the father, can accept full responsibility to bring up the child (by foster homes or members of the family having to act as putative parents in the interim period), or to have an abortion (with all the pain that is caused by breaking such a strong societal and religious taboo).

Without using condoms in order to prevent AIDS, the effects of the Church position on the use of condoms as prophylactic devices, coupled with an inability to contain one's sex life exclusively to a marriage partner, will usually result in the contraction of a horrible and expensive disease such as AIDS, and the virtual certainty of an early death. These consequences would not only affect the person indulging in risky sex, but the wider effects will be felt by her child, by her family and by the economy. The AIDS deaths affect everyone in our society. It is not possible for the Catholic Church to counter the fact that many of these deaths would have been preventable if condoms had been used. To hold that the use of condoms could increase the incidence of HIV/AIDS is duplicitous, if the fact the non use of condoms will cause deaths is not specifically acknowledged by the Catholic Church as well.

### 1.4.3 THE CONTENTION THAT THE CHURCH IS ONLY TAKING A STAND FOR ITS OWN ADHERENTS

Surely the Church is entitled to take a stand on matters, which it feels strongly about, without fear of censure, if the effects of the Catholic stance on the use of condoms will only affect its own adherents? If the Church adherents have a problem with such dogmatic statements, they are free to leave the Church and join another Church, which accords with their beliefs in faith and conscience. These assertions need to be tested.

The stance taken by significant institutions in our society, such as churches, does not only impact on the immediate congregation. In this age of communication *via* mass media, any position adopted immediately and pervasively acts on a wide range of persons. Not everyone is Catholic or Christian, yet theological positions adopted by churches have an impact on society and hence are of concern to every person. For example, Catholic clinics situated in rural areas may be the only access to condoms for that population, which may consist of persons from all denominations.

It is known that the stance of the government on the AIDS crisis is equivocal, given the limp-wristed policy on AIDS in the face of the pandemic and the well-known polemic created by State President Mbeki on the nature of HIV/AIDS. The governmental policy is to provide AIDS education and free condoms, although it has been accused in the press of not being proactive enough in this regard. The ABC policy of the state prioritises Abstinence, then Be faithful and lastly Condomise. It does not promote irresponsible attitudes to sex. But it is pragmatic in its policy and, unlike the Catholic Church, it does include condom usage in its arsenal of means to fight the AIDS pandemic. Whether the Catholic Church has the right to undermine the ABC campaign of the government, is a moot point. This is an especially cogent point when it is known that the state, and other agencies active in the AIDS education field, are battling to get persons to use condoms. The oft repeated myth 'have sex with a virgin and your AIDS will be cured' and the dislike of using condoms in 'having sex

with a condom is like eating a toffee with the paper on it', make the promotion of the use of condoms problematic as it is, without a major church institution complicating the position further with its romanticised and idealistic views on sex, albeit theologically based.

A study conducted at the University of Cape Town<sup>xiv</sup> found that women students were knowledgeable about how HIV is transmitted, but reported that there is little evidence that young adults are using condoms or diminishing the number of their sexual partners. This is in spite of a one in four chance of a twenty two year old women contracting HIV, making AIDS the primary cause of death for this age group. The reasons cited by the students are very human:

'(...they feel that it is)...less embarrassing to have unprotected sex than to ask their boyfriends to use a condom, because the request would imply that they don't trust their men.'

'My man doesn't like the feeling so I have to agree or he will find someone who will satisfy him' (on why a condom is not used).

'Most people see AIDS as the disease of the 'other', which doesn't really affect you.'

The Catholic stance on condoms is unlikely to be successful in these typical cases of youthful sexuality and the bishops could be accused of being out of touch, or in denial, if they were to gainsay this contention.

The spokesman for the Ministry of Health (Sibani Mngadi) said that:

'...the Minister hoped the decision by the bishops would not have an effect on the way people understood the value of condoms in the fight against the disease. It is sad that the church has taken such a decision, but the government's position is based on reality.'<sup>xv</sup>

Dr Brown, a world expert on population stated that the use of condoms was the 'cornerstone' of successful public health campaigns worldwide to arrest the spread of HIV/AIDS, and referred to Thailand, where the government's insistence on the use of condoms had resulted in the infection rate coming down. Such evidence undermines the contention of the Catholic Church that condom usage may increase the incidence of HIV/AIDS. Professor (Ms) Wilkinson, a University of Cape Town award winning researcher in the field of AIDS intervention, held the decision of the bishops to be:

'...very irresponsible in the context of a country severely afflicted by this disease. It sends out the wrong message to communities, because you get people who follow the decisions taken by their churches. This is a very influential body, and the decision it has taken will have serious ramifications.'<sup>xvi</sup>

These reactions demonstrate the concerns of civil society to the position adopted by the bishops on behalf of the Catholic Church and the deleterious consequences which could follow from their position on condom usage.

A Catholic adherent and health worker (Phindi Mqwambi<sup>xvii</sup>), who cares for her sister's child since the death of her sister from AIDS, accuses the bishops: 'They are just on top and they do not know what is happening to us on the ground'. They do not understand that a woman, who is faithful to her husband, may have a husband who is unfaithful and gives her AIDS, as happened to her sister. Women want to protect themselves, but the Church policy excludes their right to do so. In her view, the decision on whether to use condoms should be a matter of choice for the women who must take care of their lives.

Even with the significant press coverage and attempts to educate, especially the youth, on AIDS and the use of condoms, the dramatic increase in HIV infections and the increasing death rate attributed to AIDS is of concern to everyone in the South African society. This increase in the HIV/AIDS statistics is in spite of the promotion of the use of condoms. The statistics would no doubt be higher if condoms were not available or

not used. In fact the problem with the exponential increase in HIV figures is attributable in part to the lack of use of condoms. Trying to convince people to use condoms is a difficult task. Women are reported all too often in the press as saying that their husbands and lovers refuse to use condoms.

In this climate, it could be viewed as highly irresponsible for the Catholic Church to declare its opposition to the use of condoms on theological grounds. It will leave wives, lovers and the young (and rape cases of children under a year old which were reported in the media again recently are indicative of how young the pressure falls on immature and defenceless women) without any defence, in the form of appealing that condoms be used. This is likely to increase in incidence because the Catholic Church has called for the banning of condom usage, and this argument can then be used by unscrupulous males, who prefer sex without using a condom. The Church rider of only having sex in marriage with one's life partner will not be an effective and feasible argument that vulnerable women and girls will be able to use in their defence. The rape statistics of twenty-one thousand cases a year (the unreported figures are reputed to be excessively higher) is a reality in our society.

The news reports<sup>xviii xix</sup> of the incidence of HIV/AIDS infection are alarming:

- AIDS is the worst plague in human history. Forty million persons are infected, 28.5 million reside in sub-Saharan Africa and three million are children less than 15 years of age
- Some 11 million children less than 15 years of age in sub-Saharan Africa have lost one or both parents to AIDS and the numbers are rising every day. Many of these children grow up without parental supervision and many will have no education.
- Africa has a very high incidence of AIDS infection:

30% of adults in Lesotho, Swaziland and Zimbabwe

20% of adults in Namibia, South Africa and Zambia

In Botswana, 38.8% of the population between 15 and 49 are infected

- There is one rape on a woman or a child every twenty six seconds in South Africa.
- Two hundred HIV positive babies are born per day in South Africa.
- The incidence of AIDS in South Africa equals the entire population of Norway.

The adoption of a policy against the use of condoms by a significant institution is not merely a matter of 'in-house' theology; it has consequences that could increase the HIV infection rate, and consequently the death rate. The Catholic appeal for good works in aiding the AIDS victims is a matter of humanity, as per the Christian Creed. It does not mandate the Catholic Church in its theological stance, as admirable as its humanitarian interventions may be on behalf of HIV/AIDS sufferers. Charity would be better in ensuring that HIV/AIDS is not contracted in the first place, rather than in a pious assistance of AIDS sufferers and their families after they have contracted the dread disease, unnecessarily in many cases.

The Catholic bishops have strongly criticised pharmaceutical companies which block the sale of generic drugs in South Africa, as 'verging on the criminal'.<sup>xx</sup> The South African Bishops' Conference said that the country could not go on with business as usual when HIV/AIDS was wreaking havoc in the communities of the region, especially among the young. They held that insisting on patent rights is indefensible. Pointing fingers in this manner is unfortunate, perhaps cynical, given the ban on condom use by the church and the effects that this policy has on population, whether Catholic or not.

The consequences of the position of the Catholic Church on the use of condoms are clearly brought home when the Church and its adherents do apply the policy in practice. The Sunday Tribune reported<sup>xxi</sup> that St Mary's Hospital, which is run by the Catholics, will continue not to supply condoms. Yet this hospital has analysed its admission rate, which shows that 75% of its patients are HIV positive. This translates into a figure of three hundred and eighty new cases of HIV per month.

With cuts in state subsidies, the hospital is not coping with the need and has to turn away terminally ill AIDS patients, despite the obvious concern for, and dedication in, assisting its patients, and despite the support of donors, both within the Church and from charitable and humanitarian organisations. It is ironic that the Rotary Club, at enormous cost, has had to build special new wards for palliative care for the terminally ill, most of whom are dying of HIV/AIDS. Such expenditure may have been unnecessary if condoms had been used. Similarly, considerable costs are born by the Catholic Medical Mission Board in its 'Born to Live' programme to provide the anti-retroviral drug, Nevirapine, to prevent mother to child transmission of HIV, including costs for follow up care of these mothers and their children. Condom use would again circumscribe a fair percentage of these costs.

This hospital alone sees some twelve thousand patients per month, 75% are women and children from historically disadvantaged families with an average income of less than R500 per month and 60% are unemployed. Catholic theology on condom use has wrecked havoc in these lives and the after care does not compensate for the opportunity of not getting AIDS in the first place by prophylactic condom use.

It is a debatable point as to whether the Church has really considered the plight of these people in this human tragedy. These statistics have further ramifications, in that an account must be taken of innocent members of families who lose breadwinners and their loved ones, such as spouses and children, the unnecessary costs the families (and society) have to incur, which they can ill afford, and the adult responsibilities and

family duties which young children have to endure after the loss of one or both of their parents, such as becoming breadwinners and childminders. Some of these effects of AIDS could be avoided by a change in the theology of the Catholic Church. St Mary's hospital is not responsible for the theological position of the Church, but it, and its patients, are suffering the consequences of the theological position adopted by the Church.

The Catholic Church, in adopting its position on the use of condoms, does not appear to have considered the implications of their position in terms of monetary value.<sup>xiii</sup> AIDS costs a family dearly in terms of loss of earnings. Leaving school prematurely to be a breadwinner, or a childminder, has financial implications for years afterwards in terms of unemployment, or underemployment, and the concomitant life chances of the next generation of that family. The costs of medication, and the cost of burial when the family member finally dies, also impact very negatively on families.

The costs are not borne entirely by the family however. The employers, the state and the taxpayers have to bear an enormous cost, *inter alia*, in terms of the loss of employee skills, increased payouts for insurance and pensions, the massive increases in the cost of hospitalisation and medication, the increase in the social welfare budget to sustain those who cannot afford to look after themselves (such as homes for orphans and welfare grants for the elderly, who would have been supported by their children in former times). The charity supplied by the Catholic Church is, in all likelihood, probably a fraction of the real costs incurred, arising out of their ban on condom use.

#### 1.4.4 CONSIDERATION OF THE CONTRACEPTIVE ISSUE AND THE OPTIONS THAT APPEAR TO BE OPEN TO DISSENTING ADHERENTS OF THE CATHOLIC CHURCH

The Catholic position on the use of contraceptives may be considered from a psychological and sociological perspective, rather than on a doctrinal basis. How do ordinary dissenting, but good Catholics cope with the dissonance between church teaching and their everyday lives?

It has been commented upon that the Church is a patriarchy. Hastings (2000: 120) makes the ‘...suggestion that churches are best understood as rule-governed forms of life or ‘systems of signs’ governed by biblical or theological categories’. As such, it is queried how in touch with, and how sympathetic towards, contraceptive issues the Church can be.

It is noted that the lack of women in the priesthood, and in positions of power in the Church, will skew the understanding and stance adopted on matters which are widely considered women’s issues. The fact that the priests are not married further exacerbates their right to pontificate on matters of sex, marriage and procreation. An additional aggregating factor is that the men in leadership positions in the Catholic Church throughout the world, and particularly in the power house, the Vatican and the papacy, have taken a vow of chastity. The fact that their lives are non relational in marital and sexual terms, means that their insight into the everyday experience of intimate couples is hypothetical and likely to be deficient. The reality of the experience of everyday persons is remote from the cloistered world of priests and nuns who have adopted a renouncing tradition.

The idealistic aspects of the Catholic theology on contraception are likely to be realised by only the extraordinary persons in our midst. To set theological requirements that are beyond the reach of the average person, means that adherents are prone to ‘sinning’ (with all the consequences inherent in breaking the requirements of

the Church, and hence of God's will as portrayed by the Church) or condemned not to use contraceptives and suffer the consequences of falling pregnant or contracting AIDS. It would be interesting to see how the Church would approach the theology of contraception if the Church leadership were dominated by married men, or by women, especially given the position of the Protestant Christian Churches with regard to the use of condoms.

In the face of such an unworkable dogma, the only choice would appear to be, if one cannot fulfill the teachings of the Church, and one does not wish to disregard the position of the Church, is to leave the Church. It is doubtful if the Catholic Church would countenance a significant defection from their Church because of an unpopular dogma on the use of condoms. However, the Church well knows that it is a significant part of people's lives. In spite of its stance on contraception, many millions of Catholics have remained committed in varying degrees to their Church. There seems to be strong *prima facie* evidence that the theological position of the Catholic Church on the use of contraceptives is widely ignored, whilst the faithful cling to the central Christian tenets and to the meaning of the Church to the personal, social and community fabric of their lives<sup>xxiii</sup>. Whether the Church should adopt theological positions that are at a variance with a significant proportion of their rank and file members is debatable, but it is a matter that can only be debated within the Church. The ability of rank and file membership to alter the stance of the Church, should they wish to do so, is speculative given the strong, but unsuccessful, stance of its adherents on the use of contraceptives at the time of the report dubbed Vatican II. Churches cannot be run democratically, but strong resistance to theology in their ranks should be taken seriously on issues such as the social doctrines of the Church, as opposed perhaps to its more theological doctrines.

The other alternative in the face of such structural relationships to this Church dogma, would be to disobey the teaching of the Church on the matter of contraception. This is not a foreign concept in church circles. The impact of the life of Christ was against the

requirements of obeying rigid regulations in His time, such as those prescribed in the laws of the Pharisees for example. Christ rejected these rules, such as not working on the Sabbath. His ministry was pre-eminently one of tending to the needs of the people he met in his everyday rounds in their situated lives.

Traditionally, Christian theology has also sided with the vulnerable. Christian approaches to ethics tend to be *other-regarding* in their emphasis on *agape* (self-giving love of God and neighbour) and on *justice*. (Hastings 2000: 213). These influences have their effect on good Christians, at least as much as church dogmatic teachings. Conflicts between the two means that human beings have to decide between obeying the church and serving their neighbours. The dichotomy is between divinity and humanity.

Given the alternatives, the option of ignoring the teaching of the priests appears to be one that is being adopted by many Catholics, who simply ignore the ban on contraceptives.

#### 1.4.5 CONSIDERATION OF THE CATHOLIC CHURCH DEFENCE THAT IT IS INVOLVED IN GOOD WORKS IN TERMS OF THE HIV/AIDS CRISIS

The Catholic Church feels that, if it is caring for persons with AIDS and ministering to their families, it is doing its Christian duty towards these persons. The fact is that, if the Catholic Church condoned the use of condoms, there would be fewer cases of AIDS and a great reduction in human suffering and death. Not all Catholics feel that post infection care justifies the Catholic claims of caring after the disease has been contracted.<sup>xxiv</sup> A group called 'Catholics for Free Choice' announced their plan to put up billboards stating: 'Banning Condoms Kills - Catholic People Care - Do Our Bishops?' in an attempt to change the policy of the church. The church predictably

responded that it does care as evidenced by it being the biggest non government provider of AIDS prevention and care programmes in South Africa.

Whilst the theological concerns of the Church have been acted upon, the pragmatic needs and humanitarian interests are being underplayed by not being acknowledged in the bishops' stance on condoms. Tending to the dying, and their families, may be seen by the church as its Christian duty, but does this take precedence over assisting people not to contract diseases which are causing them to die in the first place?

The truth is that the most basic responsibility of an agent (say the church) towards another agent (say a Catholic adherent) is to love them and treat them with justice and mercy. If this is violated, no amount of charitable work will make up for the deficiency in the relationship in the first place. It is clear that love (in the non romantic sense) for another is violated by any failure of respect for the dignity and rights of others, hatred, harm or neglect of them. It is the contention of this research that banning the use of condoms constitutes a lack of respect for the dignity of others and is, *prima facie*, an act of harm in its implications.

#### 1.4.6 ALLEGATIONS OF CONDOM FAILURE BY THE CATHOLIC CHURCH

The Church is correct in its claim that condoms do not guarantee complete protection from infection or falling pregnant. Apart from manufacturing defects and material failure, additional problems are encountered with condoms if they are not used correctly, making them less than reliable. It is unethical to promote the use of condoms as guaranteeing 'safe sex', when it only guarantees 'safer sex'. In the same way that persons with lung cancer are successfully suing cigarette product manufacturers for not warning them of the possible deadly consequences of smoking, condom manufacturers, and those responsible for promoting the use of condoms, should be

held legally accountable for the information they pass on to potential condom users, if they misrepresent the case.

The answer to problems in condom use is education. It should be made widely known that the condom is not foolproof in preventing pregnancy or in protecting one against AIDS. It is merely 'safer' than having unprotected sexual relations. It should also be made widely known how condoms can be used more safely, by using them correctly. Such information should make the use of condoms more circumspect and less indiscriminate, which would accord with the spirit of the Catholic position on the use of condoms. If the limitations of condom use were to be widely known, the risk of contracting AIDS (or falling pregnant) would be the direct responsibility of the user, who would have been forewarned of the danger.

However, the ethical position of the Church is not exonerated by the fallibility of condoms as a protective measure. One can readily understand that an innocent person could be put under extreme pressure to have sex with someone because 'it is safe with a condom'. It is common for 'being moral' to be equated with 'being careful', meaning using condoms in this instance. Education, as outlined above, would act as a bulwark, in that the knowledgeable innocent would have the protection of the facts, especially as the facts should be widely known and part of the socially shared communication in a community.

In a case of sexual coercion, from emotional pressure to physical rape, the use of a condom would be better than no condom at all, if this is possible. To put an innocent person, or an ordinary person, at risk, under the pressure of not being able to use a condom for protection, because the Church has taken a stance against the use of condoms, is unethical. A better stance would be to urge only having sex within marriage with one's lifetime partner, but allowing for education on the use of condoms and the right for Catholics to decide, within specific contexts, where the consequences of the choices made are part of the decision. This would be more in line with the move

of the Catholic Church in Vatican II to put the onus on moral decisions made by Catholics, as individuals, and then calling them to account to God, *via* their conscience, and in confession.

The debate on the fallibility of condoms is a red herring. The answer to the church would be to educate the innocent and the vulnerable, rather than making dubious claims to try to frighten persons to abide by the church dogma. This is precisely what the Archbishop of the Anglican Church did in his Charge to his synod this year.

## 1.5 SUMMATION

In chapter one, the Catholic stance on the use of condoms in the HIV/AIDS era was outlined. Various ethical considerations surrounding the Catholic stance were presented, highlighting the nuances of the debate. In chapter two, the Catholic stance on condoms will be considered in the light of the Catholic Church's views on a number of matters related to human sexuality.

## **CHAPTER TWO: THE CATHOLIC CHURCH POSITION ON VARIOUS MATTERS CONCERNING HUMAN SEXUALITY**

### **2.1 INTRODUCTION**

All major traditions of Christianity confine sexual intercourse to heterosexual monogamous marriage. Implicit in this research is the question as to how far this insistence is open to revision in the light of social/scientific knowledge of sex and sexuality, of the theological grasp of the inevitable dynamics of living historical traditions, of feminist criticisms of marriage, of secularization, and of the sexual experience of millions of Christian people which diverges from conveniently simple norms as dictated by church dogma?

The Roman Catholic Church has distinctive and definite views on matters of sexuality. In essence, these may be summed up as:

‘The disciplines of chastity within relationships, lifelong fidelity to one’s partner, and (for those with the gift) celibacy, are best justified by their contributions to the love of God and one’s neighbour which is Christian spirituality.’ (Hastings 2000: 662).

When an issue, such as the use of condoms as a theological issue, is brought under review by a church, it is necessary to investigate the religious bases for the church’s stance in order to understand where the church is coming from theologically. This chapter will review the antecedent philosophical and historical phenomenon behind the beliefs of the church relevant to the condom question. These can form the backdrop against which possible changes can be considered in the light of current events and conditions which have caused the church dogmas to be called into review.

## 2.2 REVELATION, THEOLOGY AND CHURCH ETHICS

A pillar, on which the Catholic Church bases its theological position on the use of condoms, is the word of God as revealed to the Church. This position is not negotiable in debate as:

- 1) it purports to be the word of God,
- 2) the revelation is not able to be subjected to scrutiny, and
- 3) another contrary revelation from God by someone outside the power structures of the Church, does not negate it, as this is the foundational basis for different religious persuasions, even differences within the Christian churches.

The Catholic position is clearly spelt out in the Declaration on Religious Freedom:

‘...the Church was established by Christ to be the ‘pillar and bulwark of truth’. With the help of the Holy Spirit she keeps a sleepless watch over the truths of morality and transmits them without falsification. She provides the authentic interpretation not only of the revealed positive law but also of ‘those principles of the moral order which have their origin in human nature itself’ and which relate to man’s full development and sanctification. Throughout the history the Church has constantly maintained that certain precepts of the natural law bind immutably and without qualification, and that the violation of them contradicts the spirit and teaching of the Gospel.’ (Mappes & Zembaty 1982: 206).

The second pillar on which the church basis its theological position is that of appeals to natural law.

## 2.3 THE NATURAL LAW BASIS OF CATHOLIC THEOLOGY

Catholic doctrine and ethics are based on the Church's understanding of the 'natural law'<sup>xxv</sup> and the 'Word of God' as revealed to the Catholic Church<sup>xxvi</sup>. Catholic ethics offers a guide to a life that befits human nature, responds to the divine calling, and prepares people for eternal life in God's family. It seeks to form conscience according to truth, shape virtues and make possible wise decisions in particular cases. All moral principles are thus matters not only for moral philosophy, but also for doctrine, faith and theology.

According to the dictates of natural law theology, persons know by the use of reason what is contrary to moral law and then infer what God has forbidden from that knowledge. This is supported by revelation in scripture where a person may infer what is morally wrong from biblical knowledge. Such knowledge is an act of faith, a belief, and there is probably no single argument that proves the truth of any divine command theory. (Hastings 2000: 171).

The 'natural law' is seen by Catholicism as human participation in divine law, reason or providence, that is 'natural' in the sense that the reason which promulgates it is proper to human nature. The root idea of natural law is that we, being rational, are also inherently moral beings, and that the exercise of moral judgement reflects what God has made us, and necessarily opens to us an awareness of divine law, whether or not we recognise it as such. (Hastings 2000: 465).

The natural moral law expresses and lays down the purposes, rights and duties which are based upon the bodily and spiritual nature of the human person. Moral acts are not to be judged on their motivation (well meaning), or their consequences, but by their intended object, end or purpose. The moral life consists in the deliberate ordering of

human acts to God, the supreme good and ultimate end of the human person (Chadwick 1998: 481). The Catholic doctrine of natural law assumes that all humans can discern the moral truth through the use of their God-given human reason.

In contemporary theology, the natural law philosophy has been questioned, *inter alia*, by theologians such as Barth, who rejected natural law together with natural theology and natural religion as falsely pretending to bridge from the creature's side the chasm between humanity and God. (Hastings 2000: 465). Although in its primary principles, natural law is absolutely immutable, some theologians hold that this is not so in its secondary principles. This allows for cultural variations in church teachings in the view of such theologians, permitting contextual conditions to allow for ways of life that would usually be an anathema to the church, such as polygamy if there is a shortage of men in a society or community<sup>xxvii</sup>, or contraceptive use could be deemed to be acceptable if there is a low infant mortality rate. Some Christian 'consequentialists' endorse contraception on the grounds that the consequences of permitting contraception are better than those of not permitting it. (Hastings 2000: 213). Pope Paul VI's *Humanae Vitae* would deny the contention of contextual conditions varying the application of the natural law in Catholic theology however.

## 2.4 THE CATHOLIC CHURCH AND THE THEOLOGY OF CONTRACEPTION

The Catholic Church is not alone in its abstinence and faithfulness approach to sexual relations, but it is alone amongst the Christian churches in specifically forbidding the use of contraceptives. In the early church, abortion and contraception were often seen as broadly equivalent, both involving interference with the natural reproductive process.

The rationale for the position of the Roman Catholic Church on contraception needs to be understood in order to understand the position of the Church on the use of condoms

to counteract HIV/AIDS. The stand of the Roman Catholic Church on contraception, including the use of condoms, has been established in the encyclical on birth control, *Humanae Vitae* (1968). *Humanae Vitae* (Hastings 2000: 134):

‘...identifies the dangers in the use of ‘artificial birth control’ including the encouragement of promiscuity, the reduction of women to sex objects and the potential for misuse by a totalitarian government.’

It reaffirmed the condemnation of artificial measures to prevent conception, against the majority advice of the commission which had been set up in 1963 to assess the issue (Bowker 1997: 151). The encyclical met a hostile reception in many quarters when it was published, with some theologians, clergy and laity openly dissenting.

In the natural preordained order, which equates with the natural law, the telos, or purpose, of each activity is the proper purpose of that activity, as established by God. The natural law theory holds that actions are morally appropriate insofar as they accord with our nature and end as human beings and morally inappropriate insofar as they fail to accord with our nature and end as human beings. The medieval philosopher, Aquinas, held that:

‘...the emission of semen ought to be so ordered that it will result in both the production of the proper offspring and in the upbringing of this offspring...It is evident from this that every emission of semen, in such a way that generation cannot follow, is contrary to the good of man. And this be done deliberately, it must be a sin.’ (Mappes and Zembaty 1982: 199).

The Catholic position on the use on contraceptives<sup>xxviii</sup> dates back to such a medieval philosophical position. The telos (purpose) of the use of a penis in the ‘natural way’ is procreation. Nothing can be introduced to interfere with the possibility of falling pregnant in genital sex, as that would be to interfere with the God given purpose of *coitus*. To use a condom, is to frustrate the possibility of falling pregnant whilst having

sex, and so the use of condoms (and other contraceptives) is forbidden by the Church. Abstinence and the rhythm method of contraception are 'natural' and do not interfere with the divine order. Similarly, sex is only permitted in marriage, because the proper upbringing of children can only occur in marriage. For the same reason, sex outside marriage is thus also forbidden, according to Aquinas. Non marital sex violates the natural law according to these arguments from the natural law.

The possibility of sex as a natural expression of love, apart from the procreative function of sex, was not envisaged by Aquinas, but is a central tenet of contemporary society. The medieval natural law concept does not appear to have been revisited by the Catholic Church in the light of social and human developments in the last 800 years. Their Church dogmas remain unchanged. In *Humanae Vitae* (1968) it is reiterated: each and every marriage act must remain open to the transmission of life.

The Roman Catholic opposition to unnatural methods of contraception was expressed in the *Casti Connubii* papal announcement in 1930 as follows:

'Christian doctrine establishes, and the light of human reason makes it most clear, that private individuals have no power over the members of their bodies than that which pertains to their natural ends; and they are not free to destroy or mutilate their members, or any other way render themselves unfit for their natural functions, except when no other provision can be made for the good of the whole body.' (Grassian 1981: 202).

The *Casti Connubii* held that depriving the natural power of creating life was a violation of the law of God and nature (Bowker 1997: 151).

The *Humanae Vitae* declared that it was the serious duty of married couples to cooperate with God in the transmission of human life, based on the right of the Church to pronounce on matters of natural law (Bowker 1997: 451). The *dominium* of reason and will over the passions, and the recognition of God's moral order (each and every marriage act must remain open to the transmission of life) are invoked. The

publication was greeted with dismay and open dissent by many Roman Catholics and its teaching on contraception has remained a matter of controversy (Bowker 1997: 451).

Relatively recently, in *Evangelium Vitae* (1995), Pope John Paul II, argued that the use of contraception fosters a 'contraceptive mentality' in which the lives of the weakest are devalued, making abortion and euthanasia more acceptable.

It is a moot point whether all medication and medical interventions do not interfere with God's will and thereby transgress the natural law. It is equally a moot point whether it is 'natural' for the human species to enjoy sexual relations, apart from its procreative aspect.

The obvious implication of the 'natural order' view of contraception is not only that God is willing a pregnancy *via* the non use of contraceptives in fertile stages when *coitus* takes place, but God would also be implicated in any diseases that are caught through not taking precautionary measures. Not only would God be seen to be implicated in the case of persons, who lack the disciplines of abstinence and faithfulness, and are infected with HIV and subsequently AIDS, but in their ultimately untimely deaths. By implication, God would also be seen as implicated in the suffering of the innocents associated with the AIDS death victims, such as bereft widows, widowers, orphans, siblings, and parents, as well as employees, employers and community persons who may be affected by the death of an AIDS victim. The bishop's statement is at pains to be supportive of AIDS sufferers, pointing out that 'AIDS must never be considered as a punishment from God', but the implication of the Church's policy will be seen as God's condonation of persons contracting AIDS and dying, by denying the use of protection which could have saved their lives. It is logical and reasonable to assert that, if it is God's will that a person falls pregnant, it is equally God's will that a person contracts AIDS and ultimately dies. This needs to be considered in relation to the commandment 'Thou shalt not kill'.

With the Catholic Church's natural law position on contraception having arisen in the middle ages, it coincided with the Christian view of the flesh being weak. Bush (1982: 301) reports the view that the body is evil and the spirit or soul of humans is good, therefore the souls should do everything to rise above the body by subjugating it and controlling its affections. The control of the sexual urge is a central tenet of the Catholic priesthood, and the Church's position on contraception reflects this need to control the bodily urges. The rhythm method even requires denial of normal sexual urges in marriage, at least if pregnancy is to be avoided, during fertile periods.

The Catholic ban on condoms is not universally accepted, even within the Catholic Church, as evidenced by the debate having been reopened in South Africa and constituting the basis for this research. Contraception as contrary to nature, now tends to be tempered by a generally more positive attitude to sex as an important element in the marital relationship independently of its reproductive role.

Christian teaching on contraception has been remarkably consistent in all periods except for the twentieth century when, in a single generation, the churches moved from almost universal disapproval of contraception to almost universal acceptance of its moral legitimacy. (Hastings 2000: 134).

## 2.5 THE PROTESTANT STANCE ON THE USE OF CONDOMS RELATIVE TO THE CATHOLIC STANCE

The Roman Catholic Church and the Protestant churches claim a common allegiance to the same God, to Christ and His teachings, and to the Bible as the divine 'word of God'. Given that churches can differ in interpretation and emphasis in theological and moral matters, and that the split between the Catholic Church and the Protestant churches were over differences in moral practices and doctrinal theory, and that there wouldn't be different denominations within a broad religious tradition if this was not so, it nevertheless seems strange that such a different stance would be taken on the use of contraception in general, and the use of condoms in particular. This is especially so, given the broad commonalities between churches in the Christian tradition in outlook on matters of sex and marriage. All the churches preach the utter sanctity of marriage, reverence for the body, the fundamental importance of the family as a human and social unit, and strongly oppose premarital and extramarital sex, especially in that these affairs would undermine human dignity and a sense of Christian responsibility.

The Protestant stance on, *inter alia*, contraception arose out of the Lambeth Conference in 1930. Medical science had advanced dramatically and mortality rates had consequently fallen. Married couples tried to adjust the size of their families to accommodate the falling death rates and the demands of an increasingly complex and costly education (Macquarrie 1967: 274). The changes in Protestant church perceptions arose out of considerations of social factors such as the unprecedented population pressures, especially in Asia, Africa and Latin America, and the moral obligation to limit parenthood. The conception of marriage was seen by these churches to rise above the purely natural aspects, being fundamentally spiritual in nature and predicated on freedom and responsibility (Macquarrie 1967: 275). The emphasis on sexual matters in marriage was perceived to be on issues such as personal responsibility and moral conscience, in a personal response to God, rather than a bondage to the purely biological function related to child bearing.

Referring specifically on condom usage in South Africa in the face of the AIDS crisis, Anglican Archbishop Njongonkulu Ndugane<sup>xxix</sup> said the church had much to teach people about behaviour that prevented AIDS deaths, including the correct use of condoms. The morality about condoms is that they save lives. The Archbishop urged church leaders to teach people abstinence before marriage, fidelity and faithfulness, as well as the correct use of condoms, particularly for those couples in which one partner was HIV positive. He said the challenge presented by AIDS was to avoid catastrophe. The church had to prioritise the requirements of children and young adults.

Thus the differences between the two mainstream churches in the Christian tradition are clear, with Catholicism sticking to centuries of an understanding of the natural law, as it applies in marriage, and the Protestant churches taking a far greater account of personal perspectives and social realities.

The question then is whether there is any chance that the Catholic Church could move closer to the Protestant position, by considering the contextual and societal factors surrounding the AIDS pandemic, by considering the individual's response in conscience towards the use of condoms, and considering a change in the theological underpinnings behind the Catholic stance on condom usage.

Runzo (2001: 30) outlines four possible religious responses to the problem of religious truth claims, namely:

Exclusivism                      Only one world religion is correct (one's own) and all others are mistaken

Pluralism                         Ultimately all world religions are correct, each offering a different path and partial perspective *vis-a-vis* the one Ultimate Reality

**Inclusivism**                      Only one world religion is fully correct, but other world religions participate in or partially reveal some of the truth of the one correct religion

**Henofideism**                      One has a faith commitment that one's own world religion is correct, while acknowledging that other world religions may be correct.

Inclusivism has become the official view within Roman Catholicism since Vatican II according to the dogmatic constitution *Nostra Aetate* from Vatican II. This would militate against the Catholic Church vitiating its dogmatic stance in interaction with other Christian faiths on the use of contraceptives.

## 2.6                      SOME RELATED CATHOLIC VIEWS ON SEXUAL MATTERS

The Catholic view on contraception does not exist in isolation from the church's views on other matters of human sexuality. These views will be briefly touched upon, as they complete the Catholic world view that relates to the topic under consideration.

### 2.6.1                      VIRGINITY AND CHASTITY

Virginitv represented a more perfect Christian calling for the Catholic Church than the married state. Hence we have the need for priests to be celibate, and presumably virginal, although the stress on the desirability of virginitv more commonly relates to women. It is interesting to note that the celibacy of the priest was only made compulsory in 1153 and so was not a seminal requirement based on the word of God. Among the early church fathers, chastity is usually equated with celibacy and virginitv, rather than marital fidelity. (Hastings 2000: 109).

Nuns are required by the Catholic Church to be virgins. Lay women are urged to remain virgins until their wedding night, as evidenced by the wearing of a white wedding dress which signifies purity. The double standard, and androcentric bias of the church is seen in the relative lack of stress on men remaining virgins until their wedding night, no doubt backed up by the lack of physical evidence of the loss of virginity in men as opposed to women. It is almost as if the church is aligned with the society's double standard of boys being boys and gaining sexual experience, whilst girls are required to keep themselves pure. In any event, Christian teaching is widely held to have proclaimed and enforced the social and sexual subjugation of women, and especially in feminist theology.

The stress on being a virgin is supposedly a God-given requirement to keep oneself pure and chaste. Catholicism from the second century had a great respect for the practice of virginity, but it was not of religious origin. Hastings (2000: 101) confirms:

‘Catholicism as a system proved able over the centuries to integrate into itself a great deal that had no origin in the Bible or the apostolic church.’

The early dedication to virginity provided an impetus which resulted in the phenomenon of asceticism for large numbers of people.

## 2.6.2 SEX AND MARRIAGE

Sexual matters relating to marriage have always been circumscribed by the church. The dogmatics were usually based on the (negative) view of women and the deprecation of matters of the body, as opposed to the soul. It was held that sexual activity departed from God's original plan for humanity and was brought about, or caused by, the Fall. Thus women, through Eve, are held to be responsible for bringing sin into the world.

The contemporary view of the church as far as lay persons are concerned, of no sex before marriage, but sex being sanctified in marriage, was not held by the early church theologians. Paul taught that celibacy was better than marriage. Tertullian regarded sex within marriage as fornication. (Hastings 2000: 109) The voluntary abstinence from sexual intercourse within marriage was encouraged by many churchmen. Jerome declared that the only good in marriage was that it brought forth virgins and any sensual pleasure in marriage was to be condemned. Such views have persisted over hundreds of years and the attitude that married people are second class citizens persists in some parts of the Catholic Church even today.

The enormous stress placed by today's church on sex being exclusively for marriage was only introduced relatively late in the history of the church. Marriage was only declared a sacrament in the twelfth century. (Hastings 2000: 660). The requirement that marriage should begin with a church ceremony was introduced in 1563 in Catholic countries and only in 1753 in England for example. (Hastings 2000: 660). The idea that sex before marriage is illicit is a relatively recent innovation, yet it is still upheld as Biblical, traditional and the official teaching of the church based on the will of God. To transgress this dogma is held to be a sin.

### 2.6.3 CONTRACEPTION AND THE CONCEPT OF SIN

The Catholic Church reinforces obedience to the 'will of God' via the concept of sin. What is sinful is defined by the church (i.e. by man). Sin may have been a fertile lever in applying church power to make its mediaeval adherents toe the theological line. Today, persons are more educated and are more likely to wish to decide what is, and what is not, a sin in their own eyes, including the use of contraception to avoid pregnancy or getting HIV/AIDS. The contemporary application of sin would accord well with the definition of sin provided in Hastings (2000: 665) where sin denotes a human disruption of the relationship between humans and God. As such, it constitutes a theological/religious conception, not the pathology of the human condition in moral

or other terms. Using a condom is a sin if the Christian feels it is wrong before God; if not, it is not a sin. It should not be a matter of church policy, but a part of the relationship between a Christian and God.

Using a condom would probably not be judged in isolation, but would in all likelihood not be called a sin if the sexual relationship was not considered a sin, such as in marriage or in a mature stable love relationship prior to marriage. It probably would be called sinful if used with a prostitute or in an adulterous relationship for example. The point is that the church should preach its view, but the person should be given the right to decide. This possibly would be a very useful distinction in using condoms in the AIDS crisis.

Nietzsche (1895: 141) alludes to the fact that 'Buddhism...no longer speaks of 'the struggle against sin' but, quite in accordance with actuality, 'the struggle against suffering'. This is a useful perception for the use of condoms to counteract the ravages caused by the spread of AIDS. It requires suspending judgements of right and wrong, good and evil, in favour of providing succour and guidance to humanity in their situated need.

#### 2.6.4 CONCLUDING REMARKS

This section, although not always directly pertinent to the position of the church on the use of condoms, does highlight some of the historical and current positions taken by the church on matters broadly related to sexual matters.

Of particular interest, however, is the way the church has changed positions on certain matters over time and how some of the dogma claimed to be based on the will of God is more of an innovation based on man in historical circumstances. If the church has adopted new positions, and changed old positions in the past, the question may

legitimately be asked why the church cannot change its stance on the use of condoms in the face of the catastrophic consequences being wrought on South Africa as a nation.

## 2.7 THE ETHICS OF THE CATHOLIC STANCE ON THE HIV/AIDS ISSUE

The Catholic Church would consider itself in its rights to take a stand on matters of social justice. This would entail its obligation to point out the word of God in its teachings. In 1971, the Church declared itself in *Justice in the World* as follows:

‘Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of the teaching of the Gospel, or, in other words, of the Church’s mission for the redemption of the human race and its liberation from every oppressive situation.’ (Childress & Macquarrie 1986: 430).

However, some leeway to react to local situations was envisaged in *Octogesima Adveniens* (1971) where Christian communities were permitted to objectively analyse the situation in their own country and to draw principles of reflection, norms of judgement, and directives for action from the social teachings of the Church (Childress & Macquarrie 1986: 431). The cornerstone of the social teaching is the dignity and social reality of the individual human person. What is required is social charity and social justice, where the latter directs the individual to seek the common good. In so doing, the Church recognizes the social nature of the human being.

Catholic theology maintains that it is not unique and different in taking an ethical position.

‘The Catholic tradition has long insisted that the moral law is accessible to all people of good will who follow reason’s guidance, undeflected by distracting emotion, prejudice or convention. It is thus shared by persons of all religions or none, can form the basis of dialogue and common life for people of various beliefs and customs, and is properly matter for sound philosophy. But reason’s

full implications and morality's practical applications, are well understood only when full account is taken of the human situation.' (Chadwick 1998: 472).

There is, however, a presumption that the Church's dogmatic position, in acting according to the will of God and the authority of the Church, is sacrosanct and beyond being questioned as to the ethics of its position. Indeed, as in the current instance, the stance taken by the Church is declared to be an ethical stance. Yet the ethical stance of the Church on contraceptive usage has been questioned and found ethically wanting, from persons within the Church and those outside of the faith. This puts the Church's position, as quoted above, in question. The ethical stance of the Church is not self evident and therefore it is open to question.

## 2.8 SOCIAL CIRCUMSTANCES AND CATHOLIC THEOLOGY

The current debate revolves around differences of opinion. On one hand, there is the stance of the church, formulated, refined and established within the last two thousand years. On the other hand, the contemporary developments, changes and issues are in conflict with the received positions of the church. The social change side of the equation will be considered in this section.

The power of the priests in former centuries rested on their superior education. Authority was exercised and decisions were made exclusively by the ordained clergy, so reinforcing the image of a privileged priestly caste in the church. With the advent of universal education, the laity are now more competent in terms of general knowledge, as well as matters theological and are aware of their rights according to the democratic values that underpin the modern state.

The challenge in recognizing that culture is always changing, is the demand that the theologian must seek to discern where God is at work in the light of the tradition, and articulate a theology sensitive to the local context. This theme is recognised in

postmodern theology, with its emphasis on plurality and difference, and its sensitivity to local theological issues and concerns. (Hastings 2000:134).

Secular concerns are likely to impinge to a far greater extent in the life and teachings of the church, or to push the church matters to the periphery. Hastings (2000: 119) elucidates the contemporary position as:

‘Although the ‘church’ includes a significant proportion of the world’s population, it is often not capable of exemplifying God’s true sociality, either because of its own failures or because it is not considered normative (or even a significant contributor) for the societies in which it is present. This raises questions of how its own constitution relates to other configurations of social life, such as particular governments, cultures or religions, and corresponding questions as to what response is appropriate, whether mutual exclusion, constructive dialogue, assimilation, or mutual reinterpretation: the choice is often determined by how a particular church understands itself...exclusivist strategies seem more simple and attractive in times a challenge...’

Secularisation is the process whereby religious thinking, practice, and institutions lose social significance (Wilson in Hastings 2000: 653). It is possible to differentiate between three types of secularization:

- 1) focussing on the relationships of church and state,
- 2) the social influence of religion, and
- 3) individual belief and practice.

Under the influence of secularisation, sexual mores have been changing over the twentieth century. The 1991 report by the House of Bishops of the General Synod of the Church of England, *Issues in Human Sexuality*, recognizes that prohibitions relating to sex outside marriage are widely ignored by Christians. (Hastings 2000: 109). In *Something to Celebrate: Valuing Families in Church and Society* (a report of

the Working Party of the Board of Social Responsibility of the Church of England, 1995) it is also acknowledged that the church's teaching on chastity as a prohibition on sexual intercourse outside marriage is widely ignored, and calls for a new pastoral approach, particularly to single (and male and female homosexual) people.

The result of the changes in contemporary society, and the effects of secularisation, have meant that contraception is viewed very differently by today's women in Western society. Contraception is seen to be a right, both within marriage and in sexual relations before marriage. This has been brought about by:

- The enhanced status of women,
- the increased respect for personal autonomy in making moral decisions within society, and
- the perception of reproductive freedom as a right. (Hastings 2000 3).

The church is challenged by these claims of the members of its congregation to have personal autonomy in deciding on issues which affect their personal life, rather than obeying the dictates of the church, for example on whether to use contraception or not.

## 2.9 PERSONAL AUTONOMY AND THE CHURCH

In the history of the church, the nature of God's relation to the world may be seen as either one of divine sovereignty, or one of freedom for the person as a human being capable of autonomous, exclusive self-determination realised through human willpower.

The former assertion would perceive man's pride as the root of all sin, resulting in the complete submission of man in following the will of God, as contained in the dictates

of the church. In this theological vision, the fear was that man would usurp the Creator's place, claiming divine power and freedom, in fact, claiming to be like God. The choice was seen as simple: servile self-abasement or unrestrained self-assertion

The latter belief (personal freedom) is of a God whose identity and freedom are profoundly relational, cooperating with and sustaining the autonomy and integrity of creatures; a God who empowers human integrity and autonomy, while directing them Godwards, thereby making them self-referring and legitimating. (Hastings 2000: 667). In this vision, man is required by God to use his will. Willing is perceived as the God-given internal energy through which one's life is directed. It is not directed by a pure, autonomous self, but influenced by fields of force within one's situation, communicated in highly charged ways through the institutions, structures, processes, and relationships in which we live. (Hastings 2000: 667). Human beings assert their autonomy and potency in determining and doing the good, thus breaking out of a relation of creaturely dependence. Hastings (2000: 667) perceives:

'...faith and sin as ventures of the will's inalienable capacity to make free choices (within the) sphere of human powers, freedom and responsibility. This concept of freedom reduces sin to acts capable of moral evaluation (that is, free) and reduces guilt to moral responsibility (thereby exposing) people to full accountability for their actions before God (via) our sense of what is good, right, true, desirable.'

For many in the Christian tradition, Christ's ministry was not one of obedience to a predetermined set of rules laid down by the Scribes and the Pharisees. Hastings points out that the synoptics emphasize stories in which Jesus violates details of the law or defends his disciples for so doing in a way intended to be symbolic of a far wider freedom, in the development of an ethic of freedom.

Foucault's analysis of sexuality in terms of disciplinary power highlighted basic beliefs which passed themselves off as natural or God-given, but which turned out to

be social constructions and expressions of control. In Foucaultian terms, life in Christ requires its own 'disciplinary power', one that is chosen rather than imposed, that is the exercise of responsible freedom rather than coercion, which may be typified as 'power-with' and not 'power-over'. (Hastings 2000: 662).

How should the Roman Catholic Church react to the call for personal autonomy in deciding whether to use condoms in our world threatened by the HIV/AIDS crisis?

## 2.10 THEOLOGISING WITH A HAMMER

It is difficult for a church to undertake a 180-degree turn about on a theologically charged position, such as that of the Catholic Church on contraception. Yet the HIV/AIDS pandemic should cause the church to reconsider its theological position in the light of the relevance of the context or the circumstances. Theology does not occur *in vacuo* and a church is not divorced from the society in which it functions.

From the position of the Roman Catholic Church, it had reaffirmed and updated its position in the Social Encyclical, the Second Vatican Council (Vatican II), which dealt with 'The Church in the Modern World'. It aimed at reemphasising the best in traditional Catholic teaching and practice, whilst updating it in response to the needs and insights of the modern world. Vatican II insisted on the importance of community, authority and tradition, whilst counterbalancing these by upholding the dignity of conscience and the proper liberties of the person.

Protestant situationists on the other hand, such as Tillich and Fletcher, exalted human freedom and rejected appeals to nature, reason, authority, norms or any other static, universalist, or objectivist standards, because truth is complex, dynamic and perspectival.

In *Veritas Splendour* (On certain fundamental questions in the church's moral teaching - 1993) it is upheld that a person's most fundamental option or commitment is always freely chosen or exercised by particular actions - if it were otherwise, it would contradict personal integrity and the link between chosen acts and ultimate destiny.

Prudence is required in applying norms to specific situations, but the applicability of norms will depend upon opportunity, urgency and competing responsibilities.

If the object of the concrete action is not in harmony with the true good of the person, the choice of that action makes our true will and ourselves morally evil, thus putting us in conflict with our ultimate end, the supreme good, God Himself.

These perspectives from Catholic positions seem out of synchronisation with the stance taken by the church on the use of condoms. Why are adherents to Catholicism not permitted free choice in deciding their actions within the purview of church dogma? Why are they not permitted prudence in deciding on condom usage according to the situation in which they find themselves? Why are they exhorted by the church to act against their own best interests in the light of the theological stand taken by the church? Why in the matter of contraception, and in particular on the use of condoms as protection against the possibility of contracting HIV/AIDS, has the Catholic Church decided to theologise with a hammer?<sup>xxx</sup>

## **CHAPTER THREE: THEOLOGICAL AND PHILOSOPHICAL PERSPECTIVES ON THE CATHOLIC CONDOM CRISIS**

### **3.1 INTRODUCTION**

The Catholic position on the use of condoms has serious consequences for the church, for civil society, for individual persons and for their families. It is no good highlighting the problems associated with the church's position, without considering some of the theological and philosophical aspects which impinge on the church, and those outside the church.

### **3.2 THE CORE BASIS OF THE CHRISTIAN CHURCH AND THE VIEW OF HOW GOD PERCEIVES MANKIND**

Christian churches have much in common in their approach to religion and spirituality. This is not surprising given the life of Christ, as recorded in the Holy Bible, as the origination of Christian beliefs. The fact that there are differences between Christian churches after a history of two thousand years is also understandable. The generic beliefs of the Christian churches are of concern in this consideration.

Christian churches have a long tradition of compassion for the weak in society and even the wicked in society. The sympathetic approach of the Christian church is based on differentiating between the sinner as a person and the act that constitutes the sin. The aim of the church is to accept sinners (indeed this appellation is held to apply even to the most saintly amongst humanity) and try to get them to see the error of their ways and to repent of their sins. This approach is directly attributable to the life and teachings of Christ. It is based on an understanding that all persons are fallible and need forgiveness and support.

This perspective of man is captured in the contemporary social gospel movement where the emphasis has been on '...concern with...victims of social evils' (Bush 1982:

302). The Catholic Church has alluded to its social outreach towards AIDS sufferers and their families.

The stance of the Catholic bishops, for all its positive spin, simply does not seem to accord with a religion based on compassion and forgiveness. The Catholic stance on condom usage is more than likely to create sinners, who cause others to fall pregnant or die of AIDS, given man's inherent weakness and human foibles. Forgiving a sinner, and aiding him or her, and his or her family, when he or she is dying of AIDS is rather cynical, if the church dogma is implicated in creating fertile grounds for the spread of AIDS in the first instance, by declaring condom usage a sin. Until the church faces up to the implausibility of its stance, in the light of human sexual manifestations, its doctrine on condom usage will not be seen as in accord with the compassionate and understanding approach of the New Testament.

### 3.3 CONTEXTUAL THEOLOGY - THE POSTMODERN CHURCH

The contemporary church tends to hold its views strongly as in the past, but a more liberalising stance is noted in the treatment of adherents and in positions that are tolerated within churches. The move has been away from the severe 'frying in hell' evangelism aimed at keeping adherents in 'the way' of the church out of fear for what will happen in the next world. The liberalising influences have been, *inter alia*, universal education, which resulted in the monopoly by an educated religious elite being challenged, and the move from codes of a 'do this, or do not do this' nature, to a greater autonomy in personal life, coupled with individual responsibility and consequent accountability. Instead of the priest keeping the flock on the straight and narrow path, the adherents were required to act according to their belief, understanding and conscience, and to be accountable in their faith. In religious terms, these developments reflect the emergence of postmodernism, where values are more likely

to be individually decided and contextually applied, rather than universal and idealistic.

Contextual theology has also been referred to as liberation theology and is not in favour with the Vatican in that it implicitly undermines received positions which have been held dear and nurtured by the church for centuries in many cases. Contextual theology

‘...refers to that theology’s methodological insistence on beginning with experience...theology conceived as ‘critical reflection on praxis’, rather than on ‘dogmatic or biblical principles’ (Hastings 2000: 133).

In contextualism, moral reasoning and justification de-emphasize appeals to universal ideals and principles in deciding which actions are right, and which wrong. Instead all the facets of a situation are considered in an attempt to seek the best-known solution to a specific problem in a particular set of circumstances.

This approach would contrast with the conservative Catholic approach, which relies on conformity to accepted church communal rules and conventional standards, no matter what the context is in which the moral action is contemplated, or the consequences of obeying a dogma. In the current instance, this would constitute not using a condom, where a spouse is infected with HIV or in the case of rape, for example. Contextualism gives the moral actor a degree of autonomy in decision-making, although accountability is required in terms of a rational justification of the reasons that led to the decision on which the action is taken. This would allow an innocent person to use a condom in circumstances which are fraught with mortal danger if *coitus* takes place, such as in date rape for example.

Some may even feel that all decisions in terms of premarital or extramarital sex should be decided according to the context. The decision would take into the account that falling pregnant is not an option, making oneself vulnerable to contracting a dread

disease is not an option, and that the use of a condom is the most responsible course of action, if sexual intercourse is to be decided upon. Such a decision would be considered more praiseworthy, than partaking in sexual intercourse without the use of the condom, perhaps even by many believers in the Catholic Church. The decision to use a condom is more rational, given the circumstances, than not using a condom. If the church hopes that by barring the use of condoms, premarital and extramarital sexual congress will not take place, this would be a fond hope in the majority of cases, given the HIV/AIDS incidence of one in four persons in the sexually active age range<sup>xxxii</sup>. The number of persons who have had sex without the use of a condom would be dramatically higher by implication, given that infection with HIV occurs only once in five hundred sexual couplings. A strong push to use condoms, if having sex is to be a *sine qua non*, is the responsible social policy in the circumstances.

#### 3.4 MAY A CHURCH INDOCTRINATE?

This at first sight appears to be a rather quaint question. If a person belongs to a particular religious persuasion, or joins a church, it is obvious that the church concerned will quite vigorously induct the adherent in the doctrinal beliefs of the church, in short, indoctrinate the follower of the faith. However, the church would seldom set examinations to ensure the indoctrination is understood and mastered. Even less would it pry into the person's life to ensure conformity with the doctrinal bases of the church. Religion in this way is more often caught rather than taught. Church attendance means that the doctrinal understanding of the adherents can be reinforced from time to time in sermons, youth groups and Bible classes. If an adherent flaunts the key doctrines of the church, the matter can be raised with the wayward believer. Churches do not follow the harsh ways of the medieval church in enforcing conformity.

What is more evident is the understanding that man, as created by God, is a creature of free will. It is free will that allows the voluntary belief in God and joining His church

in the first instance. It is also free will that results in man 'sinning' by straying from the will of God. Indoctrination is a form of teaching which discounts free will, whether in coming to an understanding or tussling with a belief in the face of temptation. Indoctrination implies teaching in such a way as to ingrain one, and only one belief system. Free will and conscience are not permitted in the process. This kind of teaching is contrary to the Christian view commonly held, of man as a rational being, with his God given faculty of understanding and the moral law within. The Catholic definitive statements on contraceptives seem medieval in their impact. It is unclear why the church has adopted such an unbending and public stand on condom use for HIV/AIDS and not to the same extent in public against other social crimes, such as drug abuse (which can cause the spread of HIV/AIDS), prostitution and the divorce rate.

The church seems to hold its particular belief on contraception in an extraordinary way, which places its stand in question. Why is the Catholic Church so paternalistic when it comes to condom usage, overriding the autonomous and conscientious decisions of persons facing the ravages of the AIDS crisis? Paternalism is always well intentioned and ostensibly in the perceived best interests of the person so treated, but is this supposed beneficence well placed and does it justify the stance the church has taken? Can the priests really believe that they know what is best for others on matters which are remote from their experience? Asserting theological beliefs is one matter; leaving the decisions to the conscience of the adherents is quite another. In a particular situation, is the best judge of how to act not the person facing the decision, given the teachings of the church as part of what will ultimately inform that decision? Doctrines can be wrong in intent - it is up to the believer to decide in conscience surely?

Grassian (1981: 203) points out that:

'...the notion of what is 'natural' as opposed to an 'unnatural' human act is quite unclear in meaning and in moral relevancy. Once it is considered legitimate to engage in sexual intercourse with the intention of avoiding

pregnancy (rhythm method), no remotely plausible justification can be given for restricting legitimate contraception to the 'safe periods' (which, of course, turn out not to be all that safe for some) when so much more effective and less sexually frustrating methods of contraceptives are available.'

Piper (1960: 146) challenges the naturalistic law tenet of the Catholic Church, by pointing out that man is constantly interrupting and changing the course of nature, that nature is not destined to be left unaltered and, in fact, man's dignity lies in his ability to transform nature and shape it toward definite purposes. He points out the illogicality of the Catholic stance on contraception in this regard, in that confining sex to the so-called 'safe days' of the rhythm method of contraception, is also a deliberate means of preventing conception and therefore a manipulation of nature. He holds that:

'...the moral question is not whether a Christian has a right to use contraceptives, but rather whether he is allowed to interfere at all with the process of fertilization in the act of sexual intercourse...it is the intention and not the means used which determines the moral quality of an action.'

The only logical conclusion that can be drawn from the ban on contraceptives is that it is in the best interests of the Catholic Church for their adherents to be vulnerable to falling pregnant and contracting AIDS. Presumably, this would uphold the church doctrine and give the church further opportunities to display Christian charity? It is also clear that the geriatric, sexually abstemious men of the priesthood, at the power centre which decides on Catholic theology, are out of touch with the sexual aspects of the ordinary men and women in their everyday life. This may explain the particularly doctrinaire stance of the Catholic Church.

### 3.5 THE CYNICAL VIEW

The church has always monopolised the critical emotional aspects of the human experience, birth and death, sex and marriage. These heightened aspects of human existence add to the mystique of the church, resulting in it being ingrained in the

psyche of its believers. Emotional leverage, however, does not ensure that the church is correct on all the matters of morality that it chooses to declare itself on in the name of God.

Pojman (2002: 207) highlights the vulnerability of theological positions. He asserts that if God does exist, there is no compelling evidence to prove that our interpretation of God's will is the correct one. He therefore cautions believers to be modest about theological claims. There appears to be greater certainty on the core of our morality, than on central doctrines of theology based on revelations. He states:

'Sometimes a religious authority claims to put forward a command that conflicts with our best rational judgements, giving rise to the kind of confrontation that can rip society apart...Religion can be a force for good or for evil, but dogmatic and intolerant religion deeply and rightly worries the secularist, who sees religion as a threat to society.'

The church would, no doubt, contest such claims, coming as they do from a secular perspective. However, the church needs to be aware of the wider picture beyond its cloistered confines. Theology can become caught up in an introspective, monastic view and be out of touch with the advancements (secular and theological) in the world. Church positions need to be revisited from time to time, outside the confines of received positions, to ensure that the church and its doctrines are correct and acceptable. If a change is required, the church needs to have the courage of its convictions and declare its new position. Because divining the intention and will of God is that uncertain a project, for a church to admit that it may have been wrong would be understandable in the circumstances. Adherents to the Catholic Church (and other churches) should be able to understand that, and accept that the church is doing what is right in God's eyes and for the good of humanity.

### 3.6 THE CATHOLIC POSITION ON CONTRACEPTIVES AND THE NATURALISTIC FALLACY

Any contestation of the Catholic bishops' position, and the resolving of differences between their position and secular, or other religious, or ethical criteria are fraught with problems. However, the AIDS pandemic is ravaging our nation and the church is not beyond contestation of its position. Indeed, the current research arises out of a bishop challenging the theological and ethical position of the Catholic Church on the consequences for God's children (humanity) of the Catholic ban on the use of condoms. The fact that the church closed ranks and stuck with its prior position on contraceptives in the face of the massive consequences that arise out of its dogmatic position, does not mean that the ethical position of the church is beyond questioning, or even beyond reproach.

Church leaders are human and therefore fallible. The church has adopted unsustainable positions and been found to be ethically wrong in the past. They may in future be found to have been wrong in this instance as well. On many issues, especially where Christ's life and work make the position clear on biblical grounds, there is likely to be almost universal agreement within the church and across churches, for example on the benevolent nature of God the Creator. In matters where theology is based on philosophical grounds, incorporating understandings of a social gospel nature, the grounds of the belief are not so certain and the origins may come from centuries ago and have been uncritically received in the faith of yore.

Specifically, the church can easily fall into the 'naturalistic fallacy' highlighted by Hume, where 'that which is' cannot logically describe a 'correct' (truthful) 'what ought to be' arising from the factual premise. The belief of what God is, is subject to a disputation between faiths; if there is agreement on the nature of God, the consequences that are presumed to flow out of this understanding are evaluative and therefore open to speculation, because there is no logical conclusion that can be

inferred from the premise 'God is...', such as 'Therefore we ought to...'. This is where Christians have to use their God given powers to make up their own minds before God.

In this instance, the Catholic Church can be challenged on their factual premise, and on the evaluative premise that they hold to follow therefrom. The factual premise is the natural law theory belief of 'what man<sup>xxxii</sup> is', on which the beliefs of the church are based. For example, others may hold that man may not be able to have the discipline to abstain from sexual relations before marriage, or to be faithful after marriage. The evidence for this view of man would be strong in contemporary life, with priests and nuns being the exceptions, or at least some of those who manage to be obedient to their vows of chastity. The view of 'what man is' is open to contention and can alter the premises that follow therefrom. Similarly, the founding belief that 'sex is for procreation' would also be open to being challenged and it is a central tenet in the contraceptive debate. Perhaps God intended sex to be fun for humans, especially given that man does not only mate when the female is in a state conducive to conception, when compared with the primates which mate at times of oestrus.

The evaluative conclusions that are drawn from the central beliefs are also open to being contested on Humean grounds. Even if 'man is...' or if 'sex is held to be for...', the evaluative conclusions drawn therefrom are not logically truthful, right or compelling. Man may be made in God's image, but this does not necessarily (logically) mean that premarital sex is totally forbidden.<sup>xxxiii</sup>

Purely on the basis of philosophical logic, it would appear the Catholic Church should reconsider its position on condom usage and be more circumspect in its dogmatic exhortations.

### 3.7 DEONTOLOGICAL AND TELEOLOGICAL CONSIDERATIONS

The Catholic stance on banning the use of condoms is a classical deontological ethical position. This position is predicated on abiding by one's ethical duty or moral obligation. It denotes doing the intrinsically 'right thing' set by an appeal to an inflexible moral standard. In this view, duties are obligatory, no matter what the consequences may be of obeying the moral law. An action is morally good, or morally bad; or non action is considered morally good or morally bad, as the case may be. So it would be morally wrong for a Catholic to use contraceptives, no matter what the circumstances. The 'right' action must be followed no matter what context it occurs in, or the outcome of the action. Examples of deontological ethics are Kant's theory of the categorical imperative, the Ten Commandments and natural law ethics. The problem with deontological ethics is the difficulty of proving which actions fall under the 'right' way or what duties and obligations actually exist.

Deontological ethics is usually contrasted with teleological ethics, where the emphasis is on the end, goal or purpose of the moral act. The locus of value lies in the consequence or outcome of acting in a certain way. For a teleologist, the context in which an action occurs is of significance. An action is moral if it produces the greatest good, or the least evil, either for a particular group, or for a particular individual. The definition of 'good' is critical, as it is not 'good' to kill one's rich neighbour and steal his money because more money would be 'good' for one. Usually, the basis of the 'good' is established according to certain principles, just as the basis of 'right' is decided according to deontological principles.

This research is primarily predicated on the welfare of the individual in the face of the onslaught of HIV/AIDS and the havoc it is causing for individuals, for families and for society in general. The emphasis is on the fact that HIV/AIDS is preventable to a fair degree by the use of condoms, in the cases where abstinence and faithfulness between

partners fail, and is predicated on the principle that not dying young is an overriding 'good'.

Applied ethics tends to be based on the case study approach. Deontological principles can be found in ethical codes (is it 'right' for a professional to act in a certain way?). Teleological principles are common in case study considerations, as they rely heavily on the particular context in which a decision is made, the consequences of the decision (should this patient live or die?) and certain guideline principles such as beneficence, for example. Some of these guideline principles, in terms of the use of condoms in ameliorating the HIV/AIDS crisis, are considered below.<sup>xxxiv</sup>

### 3.8 PERSPECTIVISM

Perspectivism is the view that the external world is to be interpreted through different, alternative systems of concepts and beliefs, and that there are no authoritative independent criteria for determining that one such system is more valid than another. There are no facts, only interpretations and competing views of what constitute knowledge and truth.

The search is not for 'truth', but for better interpretations and evaluations. The credibility of various positions needs to be contested to arrive at the better/best interpretation and, in so doing, to expose the unworthy, so that it is not taken seriously. For Honderich. (1995: 623):

'The perspectival approach rejects a search for ultimate reality in terms of a transcendent deity, or true world of being, in favour of taking its point of departure as the reality in which human life and the world of our activities and experience consist, and conceiving of our knowledge in terms of the kind of comprehension of them of which they admit and of which we are capable.'

The aim should be to devote our main efforts to the exploration of those things that are encountered within the realms of the human, and to devising strategies of inquiry that will be the most appropriate to their comprehension.

Perspectivism represents a radical relativism, where all truth is contextual and situational. In other words, there can only ever be imperfect interpretations and never absolute truths about the world. There is only truth for a certain sort of creature, or a certain society, there is no absolute Truth as such (Solomon 1988: 116). The only way that we can make sense of the flux of experience, is to tussle with the plurality of perspectives through which the world can be interpreted. There is no authoritative criterion according to which one system can be determined to be more valid than others.

### 3.9 CONCLUDING REMARKS

The Roman Catholic Church would in all likelihood reject all, or most, of the perspectives presented in this chapter, or simply ignore them as being irrelevant. However, they do represent other ways of viewing the issue of condom usage and the Catholic Church's response to it. There are other ways of perceiving the problem which would result in another solution that is less harmful to persons, families, communities and society in general.

In the next chapter, another way of looking at the condom issue from a philosophical perspective is considered to give further insight to the question which is the basis of this research. Nietzsche's work critically considered the role of the church and its impact on man, as well as the results of implementing and acting upon what are referred to today in postmodernism as 'meta-narratives'.

## **CHAPTER FOUR: A PHILOSOPHICAL PERSPECTIVE: THE CATHOLIC POSITION ON THE USE OF CONDOMS FROM THE VIEW OF THE NIETZSCHEAN PERSPECTIVE**

### **4.1 INTRODUCTION**

Friederich Nietzsche is the philosopher whose oeuvre is most applicable to the question of the effect of the church's demands on its adherents. In this chapter, essential aspects of Nietzsche's philosophy will be presented and related to the position of the Catholic Church in terms of its position on the ban on the use of condoms in the fight against the HIV/AIDS pandemic in South Africa. Although Nietzsche's insights were formulated over a century ago, they offer fresh insights into the Catholic bishops' stance on the use of condoms.

### **4.2 AN OVERVIEW OF NIETZSCHEAN METAPHYSICS**

Hollingdale (1977: 9-10) considers the generic concern of Nietzsche that resulted in the radical (for his time) position he adopted in his philosophical writings:

'(Nietzsche's)...distinctive contribution to European thought (lies) in his perception that Western man was facing a radical change in his relationship with 'truth': a change that would come about when he recognized that the metaphysical, religious, moral and rational truths which were formerly both backbone and substance of the Western tradition were in fact errors...that truth is a matter of perspective. A metaphysical, religious, moral or rational statement can be called true only for the perspective of the mind which views it: viewed absolutely, any statement of this sort is false.'

Nietzsche was concerned with the quality of life. His conviction was that the interpretive and evaluative underpinnings of Western civilisation are fundamentally flawed. What is needed is a new affirmation and enchantment of life to replace the

pessimism and nihilism that he perceived to be emerging in the Western world. Nietzsche tried to contemplate existence without recourse to religious apologetics (Brown 1998: 141-2), thereby liberating man, from the canons of culturally transmitted meaning, to achieve the end of creating their own purposes and values. Man should overcome the need for received meaning in order to take responsibility for legislating his own purposes and values.

Nietzsche drew inspiration from the Greek period prior to the birth of Christ (and hence prior to the establishment of Christianity) and noted that they had no faith in transcendent values. Good for the ancient Greeks was situated in the person. For Nietzsche, the meaning of life is found in life itself and not in external transcendent truths. As such, he would have rejected values imposed by the church.

### 4.3 A NIETZSCHEAN PERCEPTION OF RELIGION AND THE CHURCH

#### 4.3.1 INTRODUCTION

Esterhuyse (1975: 5) makes the point that Nietzsche was not anti-Christian, but anti-systemics. Nietzsche rejected ‘...attempt(s) to impose rational patterns on the past and the present...’ in theories of history, philosophy and religion (Hastings 2000: 471).

For Hastings (2000: 470), Nietzsche is part of the general nineteenth-century trend that sought to affirm the human being and earthly aspirations rather than God or salvation. He isolated the church as a primary source of the undermining of man, because the church imposed negative values<sup>xxxv</sup> by pre-defining what is ‘good’ and ‘evil’ for man, albeit ostensibly in God’s eyes. Both ‘good’ and ‘evil’ are fetters, because they control man in deciding how to behave or how not to behave.

In *Twilight of the Idols* (1889: 65) Nietzsche expresses his view on the nature of man:

‘...no one *gives* a human being his qualities: not God, not society, not his parents or ancestors, not *he himself*...He is not the result of a special design, a will, a purpose; he is *not* the subject of a special attempt to attain to an ‘ideal of man’ or an ‘ideal of happiness’ or an ‘ideal of morality’ - it is absurd to want to *hand over* his nature to some purpose or other... The concept ‘God’ has hitherto been the greatest *objection* to existence...’

Nietzsche explains his contention further in *The AntiChrist* (1895: 149):

‘ What does the ‘moral world-order’ mean? That there exists once and for all a will of God as to what man is to do and what he is not to do; that the value of a nation, of an individual is to be measured by how much or how little obedience is accorded the will of God; that the ruling power of the will of God, expressed as punishment and reward according to the degree of obedience, is demonstrated in the destiny of a nation, of an individual...the *priest* abuses the name of God: he calls a state of society in which the priest determines the value of things ‘the kingdom of God’.

In the process, the priests invert the natural world sense of what should be and how one should behave. Examples of the inversion of values are ‘turning the other cheek’ and ‘loving your enemies and those who persecute you’. Nietzsche states:

‘(priests) interpret all good fortune as a reward, all misfortune as punishment for disobedience of God, for ‘sin’: that most mendacious mode of interpretation of a supposed ‘moral world-order’ through which natural concept ‘cause’ and ‘effect’ is once and for all stood on its head.’ (1895: 148).

For Nietzsche, the church gains its power and ascendancy over its adherents via the fundamental belief that the value of primary importance is eternal personal salvation. Such a belief is heavily underwritten and circumscribed by the dogmas of the church as enforced by the priests. What justifies man in his reality on earth, will justify him eternally. And so Nietzsche rails against the ‘...tyranny of such paradoxical and sophistical concepts as guilt, sin or sinfulness, perdition, damnation. (1887: 265).

Nietzsche countered the Aquinian natural law philosophy behind the church's stance on morals being equated with doing God's will (1889: 55):

'When we speak of values we do so under the inspiration and from the perspective of life: life itself evaluates through us *when* we establish values...it follows that even that *anti-nature of a morality* which conceives God as the contrary concept to and condemnation of life is only a value judgement on the part of life...'

In natural law theology, the church's divination of God's will for mankind becomes very theoretical and esoteric. The idealist conceptions that result can render the 'real world' mythical. In Esterhuysen's terminology, '*die ware wêreld uiteindelik tot n' fabel geword het*'.

#### 4.3.2 THE NATURE OF BELIEF AND THE ROLE OF THE PRIESTS

Church adherents are held in line by their beliefs, as espoused by their church, and the priests, who guide their perceptions and hear their confessions when they have erred from the path supposedly ordained by God, but in fact decided by the priests. For Nietzsche (1895: 150):

'From a psychological point of view, 'sins' are indispensable in any society organized by priests: they are the actual levers of power, the priest *lives* on sins, he needs 'the commission of sins'...'God forgives him who repents'...'who *subjects himself to the priest*.'

Nietzsche (1886: 99) makes the analogy of priests being akin to parents, who see their child as similar to themselves and therefore feel that they have the proprietorial right to subject their child to their own concepts and values. Similarly priests see in every human being an opportunity for a new possession. Because their judgement is claimed to be mediated by God, for the priests, their judgement of what is good is also deemed to be 'the truth' and unquestionable. The political supremacy of the church over the

members of its congregation translates into spiritual supremacy. This supremacy is vigorously enforced, no matter what and no matter at what cost. Nietzsche (1895: 143) refers to:

‘A certain sense of cruelty towards oneself and others is Christian; hatred of those who think differently; the will to persecute.’

Consequently, Nietzsche perceives Christian faith as a sacrifice of all freedom, all pride, all self-confidence of the spirit, resulting in enslavement (1886: 57). What sustains the adherent in this situation is the reward of being a believer, of belonging and being a useful member of the church, and in upholding the teachings of the church, and hence of God. Nietzsche (1895: 178) highlights the critical aspect of belief for Christians as:

‘there exists among Christians a kind of criterion of truth called ‘proof of potency’. ‘Belief makes blessed: *therefore* it is true’...one *shall* become blessed *because* one believes...’

The belief is not testable in Nietzsche’s (1895: 144-145) view; it becomes a theological fiction supported by faith and implemented by the priests:

‘(Christianity) knows that it is in itself a matter of absolute indifference whether a thing be true, but a matter of the highest importance *to what extent* it is believed to be true...If, however, it is *belief* as such which is necessary above all else, then one has to bring reason, knowledge, inquiry into disrepute: the road to truth becomes the *forbidden* road. Sufferers have to be sustained by a hope which cannot be refuted by actuality - which is not *done away with* by any fulfilment: a hope in the Beyond.’

If religion holds sway as morally sovereign and the arbiter of final ends, and if Nietzsche was correct in his perceptions, then the conception of Christian ethics is critical to the current research.

#### 4.4 NIETZSCHE'S VIEW OF CHRISTIAN ETHICS

Christian ethics is for Nietzsche (1887: 297), tied up in theology and priestly interpretations set in church dogma.

'The Christian ethics with its key notion, ever more strictly applied, of truthfulness; the casuistic finesse of the Christian conscience, translated and sublimated into the scholarly conscience, into intellectual integrity to be maintained at all costs; the interpretation of nature as proof of God's beneficent care; the interpretation of history to the glory of divine providence, as perpetual testimony of the moral order and moral ends; the interpretation of individual experience as preordained, purposely arranged for the salvation of the soul...'

This needs to be considered in the light of Nietzsche's view that '...there are no moral phenomena at all, only a moral interpretation of phenomena (Hollingdale 1977: 104); yet the church claims to know 'the truth' and to have a monopoly on moral phenomena. Esterhuysen (1975: 26) expresses the outcome of this process in Nietzschean terms as: '*Wat uiteindelik oor die Christelike God getromfeer het, was die Christelike moraliteit self*'.

The problem with Christian ethics in the priestly mould is that '...man today feels the sympathetic, disinterested, generally useful, social actions to be the *moral* actions...' (Hollingdale 1997: 93). In a morality of custom, originality of every kind has acquired a bad conscience (Hollingdale 1997: 79), and this is the problem of the Catholic Church position on using condoms to counter the potential decimation of the South African population in the AIDS pandemic.

The Catholic theologically-based deprecation of the human body has complicated the position, as evidenced in exhortations to chastity, reinforced by a celibate clergy:

'It was only Christianity, with *ressentiment against* life in its foundations, which made of sexuality something impure: it threw *filth* on the beginning, on the prerequisite of our life...' (Nietzsche 1886: 121).

In the Catholic Church hierarchy of values, chastity is the preferred state of human existence. Marriage was only condoned as the 'escape clause for those who could not contain their sexual urges, or for the bearing of children. Chastity and celibacy on religious grounds, as a dogma, was an anathema to Nietzsche (1908: 77):

'The preaching of chastity is a public incitement to anti-nature. Every expression of contempt for the sexual life, every befouling of it through the concept 'impure', is *the* crime against life - it is the intrinsic sin against the holy spirit of life.'

For Nietzsche, chastity as required by the Catholic Church is a utilitarian consideration and not a purely moral stance (1895: 145):

'The requirement of *chastity* increases the vehemence and inward intensity of the religious instinct - it renders the cult warmer, more enthusiastic, more soulful.'

The outcome of the attribution of moral dogmas to God by the Catholic Church has, in effect in Nietzsche's view, diminished God:

'The advent of the Christian god, the 'highest potency' god yet conceived by man, has been accompanied by the widest dissemination of the sense of indebtedness, guilt.' (Nietzsche 1887: 224).

For Nietzsche this represented a theological outcome of church dogma which he attacked vehemently.

#### 4.5 NIETZSCHE AND TRADITIONAL BELIEFS

Nietzsche has been described as anti-foundationalist, as he adopted a radically anti-idealistic stance. For Nietzsche, truth is not absolute, nor is it ultimate, because empirical reality is in a ceaseless flux. The supposed rational basis of morality is therefore an illusion, with truth, like morality, being a relative affair. Nietzsche aimed to undermine the foundational pretensions of truth. The idea of a rational subject was rejected in favour of a much more complex and psychologically based view of man and of morality, within a state of nature.

In adopting such an epistemological position, Nietzsche attacked idealist philosophical positions in general, and the idealist edifice of religion in particular. Nietzsche rejected a metaphysical postulation of a 'true world of 'being' transcending the world of life and experience. He perceived the soul as an ontological fiction, reflecting our artificial conceptual shorthand for products and processes (Honderich 1995: 620). He attacked traditional religious beliefs ostensibly in a true or more real world than the empirical world of everyday life. For Nietzsche, the dualism between religious idealism and empirical reality springs from life denying individuals (priests) who seek ideological means to dominate the strong and the healthy. For him, the realms of rationality and truthfulness are not above the battle of 'life' (*Das Leben*). All reasoning is rationalistic; all 'truth' is a perspective issuing from the centre of some ascendent will and, as such, true and untrue have no meaning.

Nietzsche exposed the idealistic hold of the church over the believers, by their claiming to represent a higher authority still (justice, God, church). Any resulting essentialism or teleology, as versions of idealism, have to deny one or more aspects of life in order to be coherent. Idealism is life denying. Life is always irreducible; it is a totality of differences, not an identity. (Lechte 1994: 217). Brown expressed the Nietzschean perspective as:

‘...within religion...humanity has institutionalised its values, projected and mistaken them as aspects of being-in-itself...criticizes religious and moral systems which alienate individuals from actuality by perpetuating the illusion of fixed truths.’ (1998: 141).

Nietzsche’s main goal was to undermine modern values by implying that any system of norms is only the self-image of the ruling group, a case of morality being the right of the powerful. For Nietzsche, all morality is partisan. Human beings invent concepts that are not objective, because they always serve some human interest or purpose. Ethical doctrines are always founded on some ‘essentialist myth’ about human nature. The constructs founded thereon by authoritarian institutions, such as churches, are then imposed on man. If these are based on false premises, they are ultimately harmful. Any truth which threatens life is no truth at all (Gane & Chan 1997: 171). Total explanations lead to totalitarian societies. The result is that man has been made weak and passive by a Christian morality that makes free will, responsibility, guilt and sin all prerequisites of goodness (Robinson 1999: 25). Nietzsche believed that religious thought feeds upon and fosters weakness, life-weariness and resentment, and in so doing, it poisons the well springs of human vitality by devaluing all naturalistic values. Solomon (1988: 114) expressed the problem of idealistic religious moralities as:

‘They deny our instincts and the dramatic differences between us, reject human nature as it is, and substitute an imaginary pure self and a harmonious community of equals, a ‘kingdom of ends’, and the promise of an eternal, blissful life...’

The result is a colonising culture of both domination and self delusion. Christianity, in the process, undermines a person’s capacity for autonomous moral agency by compelling conformity to the priestly standards within the religious community. In following church dogmas, adherents are denying personal responsibility for their actions. To the extent that they rely on church theology, they demonstrate a lack of moral integrity in Nietzsche’s view.

#### 4.6 THE ASCETIC IDEAL AND RELIGIOUS MORALITIES

Nietzsche held that naturalism did not undermine all values, but only those endorsed by the major ideal of value...the ascetic ideal, which holds that the highest human life is one of self denial (denial of the natural self) thereby treating natural or earthly existence as devoid of intrinsic value (Routledge 2000: 630). This life devaluing ideal is encountered in philosophy and religion, where priests interpret acts as wrong or sinful because the acts are perceived to be selfish or animal in nature. These philosophers and priests claim that anything truly valuable must have its source outside the world of nature. In effect, our ability to love people and to affirm life depends on a meaning that transcends physical existence. Such a denial of life results in our inability to affirm life in its (and our) occurrence. What Nietzsche believed to be required was the de-deification of nature (Honderich 1995: 620).

The ascetic ideal is seen as undermining values, in that it deprives nature of value by placing the source of value outside nature and, by promoting the value of truth above all else. It leads to the denial that there is anything besides nature (Routledge 2000: 631). The religious nature follows the path of self denial, manifest by solitude, fasting and sexual abstinence. The Catholic Church incorporates the ascetic ideal in the priestly caste, in the vows of poverty, humility and chastity. For Nietzsche (1887: 252):

‘The ascetic priest derived from his ideal not only his faith but also his determination, his power, his interest. His *raison d’etre* stands or falls with the ascetic ideal. Should it not surprise us, then, that those of us who oppose that ideal come up against a powerful enemy, an enemy willing to fight to the bitter end against all who would discount it?’

Nietzsche believed that all human values are a reflection of a power struggle, with one group wishing to impose its own values on to others. (Robinson 1999: 26). Behind every system of morality lurks a philosopher seeking to justify his own ethical

prejudices (Sim 1998: 325). It is not surprising therefore for a church, that requires its priests to be sexually abstinent, to stress sexual abstinence for its followers and believe in the repression of the sexual instinct. Nietzsche was against such Christian polemics. He claimed that Christianity demands, not the control of, but the extirpation of the passions (Urmson 1960: 207). For Nietzsche, Christianity failed to realize that the sex impulse, for example, is capable of great refinement and so made something unclean out of sexuality. In so doing, it wrongly deprecated the values of the body, and of this world, in favour of the values of a fictitious soul and a fictitious other world (Reese 1996: 523).

Morality, as a set of rules or customs imposed by society, is antithetical to what is natural and is opposed to life. The church morality consists of a depreciation of this whole world in favour of another, fictitious world. For Nietzsche, man needs to go beyond good and evil, implying that there is no universal morality and stressing that men are individuals and must be judged as such. He decried the conceit of the church claiming to know what is good and evil for man. Morality is unreasonable if it is addressed to all in a generalised way, as persons differ. Morality, as a mode of valuation, ought to be understood and assessed 'in the perspective of life'.

Nietzsche conceptualised the effects of a church imposed morality on the believers in the church *via* the construction of a slave or herd morality.

#### 4.7 SLAVE MORALITY OR HERD MORALITY

Religious adherents, who follow a system of morality that is supposedly based on universal principles handed down from God *via* an elite priesthood, are virtually trapped in a slave or herd morality *via* their faith, which imposes sovereign and final ends. For Nietzsche (1886: 102):

‘...nothing has been practised and cultivated among men better or longer than obedience (as in human herds in family groups, communities, tribes, nations, states, churches) ...They (i.e. the commanders<sup>xxxvi</sup>) know of no way of defending themselves against their bad conscience other than to pose as executors of more ancient or higher commands (commands of ancestors, of the constitution, of justice, of the law or even of God).’

For Nietzsche, the herd animal morality is well suited to the requirements and vulnerabilities of the mediocre. An inversion of values occurs in Christianity with the morality of paltry people as the measure of all things. ‘Christian morality has made the bland, mediocre person the moral exemplar’ (Solomon 1996: 234), resulting in a fundamentally homogenising equality of the herd. Perry (1997: 468-469) expressed his perception as:

‘Christianity, with all its prohibitions, restrictions, and demands to conform, also stifles the human impulse for life. Christian morality must be obliterated, for it is fit only for the weak, the slave...(by) Blocking the free and spontaneous exercise of human instincts, it made humility and self-abnegation virtues...’

The slave morality is instituted by persons, such as philosophers and the clergy, who lead the herd because of their resentment of the strong and the powerful. The herd epitomises weakness, which is held out to be virtuous, whilst the values associated with the strong are undermined and held in contempt. The priests are permitted to be powerful through the machinations of faith and belief in Nietzsche’s view:

‘Faith is always coveted most and needed most urgently where will is lacking; for will, as the affect of command, is the decisive sign of sovereignty and strength. In other words, the less one knows how to command, the more urgently one covets someone who commands, who commands severely...’ (Nietzsche 1882: 289).

There is a cost associated with this value-inverted regime, with repression and bad conscience being brought about by the institution of religion, which occurs where lives are controlled by life denying values. Nietzsche decries any situation in which the

strong and happy begin doubting their right to happiness, as 'The morality of unselfing is the morality of decline *par excellence*'. Such undermining of the person is similarly seen as an undermining of the avowed value system of New Testament Christianity itself:

'So long as the utility which dominates moral value-judgements is solely that which is useful to the herd, so long as the object is solely the preservation of the community and the immoral is sought precisely and exclusively in that which seems to imperil the existence of the community: so long as that is the case there can be no 'morality of love of one's neighbour'.' (Nietzsche 1886: 104).

Slave morality is perceived to be contrary to, rather than conducive to, the enhancement of life, reflecting the all too human needs and weaknesses and fears of less favoured groups and types (Honderich 1995: 620).

Nietzsche confirmed that slave morality is one of resentment by quoting 1 Corinthians I ' God has chosen the weak things of the world to ruin what is strong, and the base things of the world...and what is nothing, to bring to naught what is something'. Christianity is inculcating the attitudes and values opposed to man's present existence (Tarnas 1991: 317). It is the will to power of the weak and frustrated. No religions are true in Nietzsche's eyes. Instead, one needs to judge them entirely by their social effects. One needs to explain the complexities of men's general attitudes and to point the way out of the inhibitions of life, that these attitudes produce in us.

#### 4.8 NIETZSCHEAN NATURAL WORLD VIEW

Nietzsche did not want to disprove the existence of God, as many subsequent commentators have falsely accused him of trying to do. He merely noted that even persons who considered themselves as pious believers did not behave as if they believed in God at all (Solomon 1988: 45). He believed that ethical concepts were

absolutely necessary for human life, but he believed that morality is not discovered. It is created.

Nietzsche's view of God and His values claimed by the church was presented by Perry (1997: 469):

'God is man's own creation. There are no higher worlds, no transcendental or metaphysical truths, no morality derived from God or nature, and no natural rights, scientific socialism, or inevitable progress.'

Nietzsche's explanation of morality was naturalistic, in that it did not refer to reason or to metaphysical insights, but rather it was based on psychological, sociological and anthropological phenomena. Nietzsche considered that human nature and existence should be construed naturalistically by translating man back into nature in his/her original and fundamental character. Social arrangements and interactions are important in the development of human forms of awareness and activities (Honderich 1995: 620). For him, there are no moral phenomena at all, only a moral interpretation of phenomena (Gane & Chan 1997: 112). So Nietzsche was not against moral values, but was concerned where these values originated from and how they were derived.

#### 4.9 RE-EVALUATION OF VALUES

Nietzsche has been described as a 'pioneer in the demolition of the ancient habits of mind and moral prejudices' (Nietzsche 1885: 16). He stated: I mistrust all systematisers and avoid them. The will to a system is a lack of integrity (Nietzsche 1889: 35). This included attacking Christianity (but not Christ) in its institutional form. For Nietzsche (1895: 175), *Deus, qualem Paulus creavit, dei negatio* (God, as Paul created him, is a denial of God), by which he meant that Paul (and others in the Christian tradition) had constructed the church out of the antithesis of the Gospel, had 'turned action into doctrine, mistook symbols for facts and produced the most repulsive set of teachings known to mankind.' (Nietzsche 1895: 23).

Nietzsche believed that man should make a new start or he<sup>xxxvii</sup> would be doomed to live with, and bear the consequences of, fundamentally mistaken ideas. In *Ecce Homo* 1908: 34) he declared:

‘To *overthrow idols* (ideals)...Reality has been deprived of its value, its meaning, its veracity to the same degree as an ideal world has been *fabricated*...the ‘real world’ and the ‘apparent world’...The *lie* of the ideal has hitherto been the curse on reality, through it mankind itself has become mendacious and false down to its deepest instincts - to the point of worshipping the *inverse* values to those which alone could guarantee it prosperity, future, the exalted *right* to a future.’

His intention was for man to turn his moral values around and to start living more creatively. This could not happen *via* an ‘authority’ establishing a new set of moral injunctions - indeed that was the very problem that it was his intention to overcome in the first instance. Rather, he wished to inspire human beings to take on the task of becoming more than they are, thereby inducing them to internalize their will to power against themselves.

#### 4.10 WILL TO POWER

Nietzsche postulated ‘will to power’ as the basic drive behind all human endeavour. All one can do is to decide what kind of person one wants to be and to strive to be so. Will to power must find its own reason for what it does. Together with the total responsibility for every action, goes the requirement of creating one’s own value for that action. What is needed is an interplay of forces without any inherent structure or final end. Will to power is also translated as ‘overcoming’. For Nietzsche, overcoming does not entail the demolition of all standards of judging conduct. Indeed he acknowledges that the values of the herd morality should not be expunged. The new authority is man’s own conception of what is moral, true and right. Nietzsche appeals

for men to become value creators. Critchley & Schroeder (1999: 154) describe the position as follows:

‘Will is the force of creation, liberation and self-affirmation. Knowledge and truth are kinds of willing...the value of knowledge as well as of truths is found in their force of will and their energy of creation, not in their corresponding to reality or their accuracy of judgement. Will is the basis for moralities, and it is beyond good and evil.’

This conception avoids external authorities as arbiters of what is acceptable, or unacceptable, moral behaviour and the consequent tyranny of naming a person good or evil by the powerful, such as the priests and philosophers.

#### 4.11 *ÜBERMENSCH*

As opposed to the herd, or slave, morality, Nietzsche postulated the concept of the *Übermensch*. The *Übermensch* was conceptualised by Nietzsche as a noble individual responsible for his own law giving:

The noble type of man feels *himself* to be the determiner of values, he does not need to be approved of, he judges ‘what harms me is harmful in itself’, he knows himself to be that which in general first accords to honour things, he *creates values*. (Hollingdale 1997: 107).

Certainly, the *Übermensch* would not be captive to the moral dictates of ‘authorities’, such as those imposed by the church, that ran contrary to his natural moral instincts.

‘Nietzsche conceived of the superman as a new kind of man, who breaks with accepted morality and sets his own standards.... He destroys old values and asserts his own being; dispensing with the Christian ‘thou shalt not,’ he instinctively says, ‘I will’...he makes his own values, those that flow from his very being.’ (Hastings 2000: 470).

The *Übermensch* represents a radical subjectivity, wherein man is the measure of all things. Nietzsche (1886: 103) asks: 'For what is freedom? That one has the will of self-responsibility.' This noble conception of man as his own law giver results in him being responsible for his own self-preservation, self-enhancement and self-redemption. Thus his values are not given, but have to be affirmed (Nietzsche 1889: 19):

'...the genuine nobility of the person who recognises the true conditions of existence from the start; who recognises that there are, as Nietzsche often puts it, no 'moral facts', no 'natural rights' to which we can lay claim, no valid concept of blame.'

Individual excellence and creativity are prized above obedience and conformity. The *Übermensch* will go his own way and he is not bound by convention. Each one is responsible for creating his own character, beliefs and values without anyone deciding for him or dictating what he must think and how he must, or must not, act. He is a person who recognizes the arbitrary and relative nature of all values, yet enthusiastically affirms his own value creations. What matters about his belief is not so much whether it is 'true', but whether or not it is 'life-affirming', that is, capable of giving to those who entertain it, feelings of strength, power and freedom.

Honderich (1995: 620) portrays such a person as:

'The *Übermensch* needs to overcome the 'all too human', thereby attaining the fulfilment of the enhancement of life. The result would be the emergence of a higher humanity, capable of endowing existence with a human redemption and justification.'

The concept of the *Übermensch* is created in reaction to the slave mentality, as perceived by Nietzsche. Ordinary men are afraid to exercise the will to power in order to achieve a point of view which transcends ordinary beliefs and attitudes (beyond good and evil) and go beyond ordinary socially determined attitudes. The *Übermensch* transcends the guilt-laden inhibitions of ordinary men, in a joyous, guiltless

affirmation of life. Yet he is in mastery of himself and his instinctive drives and is not egocentric or a bully in the process. Rather, he desires, through his will to power, to live at a higher, more powerful, state of being. In the process, the *Übermensch* creates his own noble morality, which arises from his self-affirmation.

Of particular concern to Nietzsche was the overemphasis on rationality and the underrepresentation of the life forces in morality. He addressed this issue by making the distinction in ancient Grecian terms, by alluding to two opposing deities, Apollo and Dionysus. Apollo is a symbol of order, form and restraint. Dionysus, on the other hand, is a symbol of passion, creativity and vital forces. Nietzsche believed that the former dominated the later in his society. The life forces were being smothered by life-denying Christian pieties in moral matters. For Nietzsche, neither the Apollonian, nor the Dionysian, aspects should be discounted. The life forces were of equal importance to the rational in deciding on values and moral actions.

Nietzsche's world is shaped by a heroic act of will to affirm life. The highest truth is in man through the self-creating power of the will. The 'overcoming' of man is in fact the overcoming of one's self - the mastery of one's desires and the creative use of one's powers (Gane & Chan 1997: 80). The worst manifestation for Nietzsche would be what he termed the 'last man', representing nihilistic man, which Nietzsche saw as the type of man who was emerging. The 'last man' is contemptible, because he is so tolerant of all cultures and values that he cannot grasp any beliefs as real or important. Even slave morality has more value than the amoral phenomenon of the 'last man'. The *Übermensch* would be the very antithesis of the 'last man'.

#### 4.12 COMMENTARY ON THE CATHOLIC CONDOM SAGA IN THE LIGHT OF THE NIETZSCHEAN PERSPECTIVE

For Nietzsche, the Catholic Church stance on condoms would elucidate his views perfectly. The following Nietzschean insights can be detected in the Catholic condom case:

- The Catholic Church stance is based on an idealistic philosophy, the natural law
- It ignores the empirical realities of the plight of persons facing the HIV/AIDS crisis
- It is based on transcendent values and an understanding of God's will
- Pressure is placed on adherents to conform by not 'sinning' in order to prepare for life in the next world, thereby reinforcing systemic and supernatural idealistic values.
- Truth in this matter is arrogated to the will of the priests who are allegedly representing the will of God
- It amounts to the priesthood dominating the strong and the healthy
- It promotes the perpetuation of the self image of the ruling group (the priests) who impose their values of physical denial and sexual abstinence
- It is enforced within a context of guilt and sin, if the church ideal of abstinence is not upheld
- It represents a life denying perspective, both in terms of frustrating normal

sexual instincts and in the sense of the possibility of death from AIDS should the ideal of abstinence not be realised

- By prescribing how man will act, the church is denying man his free will and moral responsibility
- If a person does not live up to the (impossible) ideal, (s)he has sinned, with all the guilt that such a status is likely to cause a believer
- The call for abstinence denies the reality of man's instincts
- The stance of the Catholic Church conforms to the ascetic ideal, in which
- self denial is praised,
- the priestly ideal of sexual abstinence is upheld, and
- the values of the body are deprecated and a healthy and unrestrained sex life is denied (even within marriage, given the fear of an unwanted pregnancy)
- The other world is of paramount consideration (God's will)
- The church claims to know what is good
- There is an imposition of values by those in power
- The moral injunction is generalised; it does not take into account the context or the differences between persons

- It conforms to Nietzsche's understanding of the slave, or herd, morality
- It represents an inversion of values, with the meek and the compliant being considered worthy of praise
- It conforms to the concept of the 'will to power' of the weak and frustrated by undermining the spontaneous expression of great men, by enforcing conformity to priestly decided and imposed values

It says something about Nietzsche as a philosopher, and about the Catholic Church, that some one hundred years after his death, issues which would not have even been raised, namely contraception and HIV/AIDS, can be so clearly commented upon in the light of the Nietzschean oeuvre.

Given that Nietzsche was so critical of religion and the ethical approach of the church, it is necessary to review how Nietzsche would approach morality and how he would have responded to the stance of the Catholic Church on condoms in terms of his philosophical insights.

#### 4.13 A NIETZSCHEAN WAY FORWARD?

Nietzsche offers a possible solution for the Catholic Church and its adherents in handling moral issues, such as the use of condoms in the face of the HIV/AIDS pandemic. In effect, the Nietzschean view would require the church to:

- Divorce moral issues from theological issues
- Consider the person and the context, when positions are taken on moral issues, instead of relying on absolute and transcendental values

- Permit believers to establish their own moral values, in the light of the teachings of the church and the Bible, and their individual consciences, within the situation in which they find themselves
- Believe that persons will strive to be moral and will use their autonomy responsibly on moral matters
- Accept the deficiencies in trying to divine the will of God in human moral matters and be more humble when being tempted to decide for others, especially in a general idealised and principled way
- Acknowledge the wisdom and value of the perspectival approach in arriving at a moral decision, by considering various perspectives on the issue, taking into account the particular person in his humanity and the context in which the person finds himself.

It is likely that the church would want to cling to its authority and power, and would wish to reject the Nietzschean insights and their implications on the use of condoms. However, Nietzsche does provide a voice and a way forward for believers who are disenchanted with the stance of the Catholic Church on condoms, and for those within the church who believe in their conscience that the church is wrong in its stand on condoms in the face of the HIV/AIDS pandemic. Instead of the Catholic Church defending itself by attacking Nietzschean perceptions, its adherents, who feel strongly that condoms should be condoned by the church in the face of the HIV/AIDS onslaught, could take encouragement in the sentiment '*...ervaar Nietzsche die nood van die nihilisme ook as 'n deug: die uitsluitingspunt van die nuwe toekoms*'. (Esterhuyse 1975: 41).

## CONCLUDING PERSPECTIVE

The last two chapters have considered the Catholic condom issue from philosophical perspectives. The Catholic stance will now be viewed from selected psychological and sociological perspectives.

## **CHAPTER FIVE:       SELECTED PSYCHOLOGICAL AND SOCIOLOGICAL PERSPECTIVES**

### **5.1                   A PSYCHOLOGICAL CONSIDERATION OF THE CATHOLIC STAND ON CONDOMS: KOHLBERG'S THEORY ON THE STAGES OF MORAL DEVELOPMENT**

#### **5.1.1               INTRODUCTION<sup>xxxviii</sup>**

Another way of viewing the Catholic position on the ban of condom usage in the light of the AIDS pandemic is to consider the implications of the church's stance on condoms, and the stance of adherents to the Catholic position on condoms, in the light of Kohlberg's research on moral development, as the church dogma raises issues which are moral/ethical in nature.

Kohlberg's findings are not merely hypothetical constructs, but are based on extensive empirical research amongst a variety of cultures. Kohlberg ( 1971: 33) holds:

'It will be our contention that ethical principles are distinguishable from arbitrary conventional rules and beliefs and that the stimulation of their development is a matter quite different from the inculcation of arbitrary cultural beliefs.'

The Catholic position on condoms consists of conventional beliefs rather than a moral position on the part of the church in terms of Kohlberg's findings on moral development. Kohlberg's research rejects the notion of moral development as 'a product of internalization of the norms and values of parents and of the culture through processes of identification, reward or punishment' (Kohlberg 1971: 42). It is not a process of transmission of fixed moral truth but rather a stimulation of the child's restructuring of his experience (Kohlberg 1971: 43).

For Kohlberg, the 'natural' processes of development entail the progressive organisation of moral structures for resolving concrete moral problems (1971: 48).

Moral development equates with cognitive development, which approximates with age, and which reflects something more universal in development, something that would occur in any culture. He states that the:

'...same basic ways of moral valuing are found in every culture and develop in the same order...We have found no important differences in development of moral thinking between Catholics, Protestants, Jews, Buddhists, Moslems and atheists.' (Kohlberg 1971: 39).

Neither cultural values nor religion are unique causes of the development of basic moral values because basic moral values are universal. Kohlberg (1971: 51) isolates the three culturally universal essences of morality as rules, sympathy or concern for the welfare consequences to others, and justice.

### 5.1.2 KOHLBERG'S THEORY

Kohlberg proposed a theory of moral development which has been widely acknowledged, in the psychological and educational fields in particular. Kohlberg, working from an empirical base, found that there are definite stages in moral development, which emerge sequentially and which generally approximate with the maturity of persons, this maturity roughly being a function of a combination of age and intelligence.

Kohlberg isolated the following stages in moral development (Gibson 1980: 14):

Level One Premoral

Stage One

Punishment and obedience orientation

Obeys rules in order to avoid punishment

Stage Two

Naive instrumental hedonism

Conforms to obtain rewards, to have favours returned

Level Two Morality of conventional role conformity

Stage Three

'Good-boy' (girl) morality of maintaining good relations, approval of others

Conforms to avoid disapproval or dislike by others

Stage Four

Authority maintaining morality

Conforms to avoid censure by legitimate authorities, with the resultant guilt

Level Three Morality of self-accepted moral principles

Stage Five

Morality of contract, of individual rights, and of democratically accepted law

Conforms to maintain the respect of the impartial spectator judging in terms of community welfare

Stage Six

Morality of individual principles of conscience; justice

Conforms to avoid self-condemnation

The church, and society, should aim for individual persons to function morally at the highest level possible. The church should also, itself, function at the highest level of moral reasoning. Adherents in the medieval church tended to function at the lower levels of the moral development scale (for example, fear of sin, fear of hell and eternal damnation, fear of the Inquisition). The Old Testament often portrays a God of wrath who requires unquestioning compliance to His will, and the church in history functioned amongst the uneducated, and often superstitious, in much the same manner. God demanding Abraham to kill his son, Isaac, in order to show his obedience to the command of God is one such example.

Kohlberg's tabulated schemata could be used to analyse the Catholic stance on condoms<sup>xxxix</sup>.

Level one of moral development is at a preconventional level, where judgements are based on one's own needs and perceptions, and the power of the rule makers.

Stage one would represent the adherent who simplistically obeys the requirements of the church out of fear of sinning and going to Hell, coupled with a deference to power.

Stage two is a morality of reciprocity. It would represent the placating of God in order to benefit in return, *via* special favours or for eternal life.

Level two is the conventional level of morality, where moral judgements are based on conformity to social expectations which are considered to be intrinsically valuable, being loyal by upholding and maintaining the social order, and identifying with the persons who create the social expectations.

Stage three would be a conformity to follow the teachings of the church simply in order gain the approval of others and to be well regarded, or to avoid opprobrium, such as when one has to confess one's sin of using condoms.

Stage four would be the result of a well-socialised person, who acts so as to maintain the social order, who follows and respects authority and follows the dictates of 'doing one's duty', who obeys fixed rules and who follows the letter of the law and order, without any sense of questioning whether the requirements are in fact reasonable and moral. This level would be the 'good Catholic' voluntarily following the church's teachings, because of the commitment made to belong to the church. The rationality of the church's stand is seldom questioned, but is obeyed because of the claim of church authority.

Level three is the post conventional level of moral functioning, where judgements are based on principles that go beyond specific laws and the authority of those who make the laws. Moral values and principles have validity apart from the authority of the groups of persons holding these principles and apart from the persons identification with these groups.

Stage five represents rules based on a social consensus; as such, these rules, and the values they enshrine, are relative and may be changed if there is good reason. At this level, individual rights, as agreed upon by the whole of society, are valued. Free agreement and contract are the binding elements of obligation (e.g. a marriage contract). The Catholic stance on condoms does not feature at this level. There is no way that the church will condone free thinking on the matter, or even rational contestation of the position taken. The church position on condoms is not a result of wide discussion and agreement, but rather a decision by a

powerful enclave, at the Vatican originally, but confirmed by the bishops in the South African decision taken recently.

Dissenting Catholics on the church's stand on contraceptives, would fall into this category of moral development, based on informed, rational and critical, free personal choice.

Stage six is typified as the universal ethical principle orientation. It reflects the belief that abstract principles and respect for human dignity must sometimes come before rules based on a social consensus. As such, this level typifies the truly moral agent, who makes ethical decisions based upon self-chosen ethical principles. Owen (1981: 127) describes this stage as:

'Action is defined by a decision of conscience in accord with self-chosen ethical principles that appeal to logical comprehensiveness, universality and consistency. These are universal principles of justice, of the reciprocity and equality of human rights, and of respect for the dignity of human beings as individual persons.'

It is clear that the Catholic Church is not engendering this level of moral response from its adherents. Moral ownership at this level cannot thrive in an organisation that thinks for the individual person and prescribes what persons may, or may not, do. Conscience and autonomous decision-making are not included in the bishops' statement, except possibly where one partner has HIV/AIDS and the couple needs to make a decision. Even here, the church is less than forthright on whether the couple may use their complete discretion on the use of condoms.

Similarly, the decision of the church may be challenged on whether it is 'just' and whether it accords individual human rights their due place and recognition. Instead the Church imposes a group-based norm on everyone, irrespective of their circumstances, and with no regard as to whether a slip, under the weight of a powerful sex urge, will result in the principle of respecting the dignity of human beings as individual persons.

Kohlberg's schemata of stages of moral development need not pit religious values and secular values against each other. A church must lead its adherents along the religious and spiritual path. The point is that, in this instance, the church has taken over the moral thinking of its adherents. In so doing, it tends to reduce its following to a lower level of moral autonomy and moral accountability. This approach would be more appropriate for the uneducated and the very young. It is not desirable when dealing with persons who ought to be making their own moral decisions.

### 5.1.3 AN ANALYSIS OF THE CATHOLIC CONDOM POSITION IN TERMS OF KOHLBERG'S MORAL DEVELOPMENT SCHEMATA

The injunction 'Do not use condoms' is not of the same order of directiveness as exhortations to 'Love God', 'Respect others' and 'Be righteous'. These injunctions are all positive in nature, as opposed to the 'do not' in the contraceptive stance, and they deal with matters spiritual rather than issues in human interactions. The church has always claimed the areas of central human experience as its own, namely birth, death and marriage (including procreation). There is a narrow line between theological guidance and deciding the morals of others.

The life of Christ, if analysed in terms of Kohlberg's schemata, would be indicative of a functioning at level three (stages five and six) of the schemata. So too would many of the persons the world has rated highly in terms of human endeavour and

accomplishment. Persons functioning at level three, stages five and six, would include some of the most moral and spiritual persons in history and in all the nations of the earth. It would probably not be pushing the analogy too far to suggest that Nietzsche's *Übermensch* would represent persons functioning at these moral levels, deciding for themselves and living highly moral lives. Perhaps sexual relationships that do not cause harm should not be within the purview of theology and morality, but of concern to the persons involved themselves.

Where sexuality results in sin, by abusing or demeaning one of the participants in a sexual relationship, then the church and civil society, including the law where applicable, should become involved. Certainly, Nietzsche's *Übermensch* would be expected to stand up for the weak, as Christ did, and not cause harm to others. The *Übermensch* was not a concept of a hedonist or an egoist, but of a person as an autonomous moral agent, not tied down by petty moral rules imposed by societal institutions. It is possible to equate the 'good Christian' with the *Übermensch*, but not with the church-imposed codes, to control Christians in terms of what the church thinks, or does not think, is good for others.

#### 5.1.4 IMPLICATIONS OF KOHLBERG'S THEORY IN APPLIED ETHICS: CONSIDERATION OF THE CATHOLIC POSITION ON CONDOMS

It is clear, if the Kohlberg theory has veracity, that persons, whether individually or in institutional groupings, ought to function at the highest level of moral development when deciding on, or acting upon, considerations that are ethical in basis (how ought I, or we, decide/act in this matter?).

Aiken (in Kohlberg 1971: 56) stresses the need for moral functioning to occur at a post conventional level (level three in Kohlberg):

‘...fully moral discourse does not rest on authority but consists of reasoning based on a moral attitude or point of view which claims to be autonomously moral, that is, independent of appeals to either authority or self-interest.’

From an individual perspective, the Catholic stance on condoms would represent an appeal to the authority of the church teachings and an appeal to self interest in terms of ensuring that the adherent promotes his or her chance of ‘getting to heaven’. The level of moral thinking is be good to God and he will be good to you, which is typical of a stage two level in Kohlbergian terms. The person acts on the basis of bargaining for life hereafter, rather than on strictly moral criteria. Kohlberg (1971: 43) elucidates:

‘Below the principled stage of morality, it is simply assumed that judgements of right and wrong correspond to a right and wrong external to the judger, that ‘almost everyone knows right from wrong,’ and that ‘right and wrong’ are the rules of society or of God.’

Effectively, the Catholic Church is holding its adherents at level two, with the alternative of disregarding the teachings of the church, which would be ‘unethical’ in the eyes of the church. By not permitting the members of its congregation to apply independent and reasoned judgement, the church is implicitly pushing its followers down and keeping those with a more developed level of moral functioning at a lower moral level. It would be a moot point to ask what this would do to the individual and corporate psyche, of persons who usually function at a stage five and six level where Kohlberg claims that benevolence and justice become genuine moral principles? At these stages, there is no claim that is made on the basis of prudence and authority.

For persons who are policy makers in the church hierarchy, or those who see to the adherence to church policy, the ethical aspects of their stance cannot be subsumed under appeals to church authority or what they may see as enlightened self-interest.

Labelling individual decisions as more or less moral is simply judging them from the arbitrary standards of some individual (the priest), or group (the church), or making a judgement of praise or blame which has no scientific value or meaning, albeit that it

has meaning in terms of the dogma of the church. From a moral point of view, the moral worth of all persons is ultimately the same, with no branding as 'good' or 'bad', and no value judgement of 'sinner'. The deficiency in such appellations, based on universal standards of right or wrong, have been described as:

'(The universality of principles) is always purchased at the price of ignoring unique elements of human welfare and human justice in the concrete situation...a 'situation ethic' in the sense that it reduces all moral obligation to the interests and claims of concrete individual persons in concrete situations...True principles guide us to obligating elements in the situation, to the concrete human claims there.' (Kohlberg 1971: 60-61).

This appeal to situational justice and moral autonomy is contraindicated in church terms, but is in accord with the highest levels of moral development, moral decision-making and moral actions.

How should the church be morally auditing its policies? The principle of empathy or welfare should apply when considering the effects of one's actions upon the others who are involved and in according them the right to moral autonomy. There is no moral situation that does not involve considerations of other people's happiness or welfare. At the highest stage of moral development, the principle of justice (or the principle of maximizing human welfare) prescribes an obligation to act justly (or to further human welfare). According to Kohlberg (1971: 62-63):

'...the only 'true' moral principle is justice (stage 6)...human welfare is always the core of morality, but that at the principled level, welfare considerations subsumed under the heading 'justice' take priority over other 'principles' for considering welfare whenever there is conflict between the two, and that there is no strong 'principle' for deciding between the various welfare alternatives other than justice.'

Concern for the welfare of other beings, 'empathy', or 'role-taking', are the precondition for experiencing a moral conflict. This is what the Catholic Church seems

not to have considered (sufficiently) in reaching their policy on condom use. However, welfare concerns are not both the necessary and sufficient criteria for making moral decisions. The mechanism for resolving moral conflicts includes welfare considerations, but goes beyond them. Justice is a moral resolution of competing claims. For Kohlberg (1971: 65):

‘...at the highest stage of development only justice takes on the character of a principle, that is, becomes something that is obligatory, categorical, and takes precedence over law and other considerations, including welfare.’

The Kohlbergian analysis would urge the church to take its adherents, and other citizens, into account in deciding on policies, but the church policies would not be exclusively decided on welfare claims, but on a consideration of what the ‘just’ decision would be in these particular circumstances. To ignore the appeals to consider welfare and justice, means that the church is not operating at an optimal moral level and would leave it open to accusations of acting less morally, or even immorally.

## 5.2 A SOCIOLOGICAL CONSIDERATION OF THE CATHOLIC STAND ON CONTRACEPTION: FEMINIST CONCERNS

The condom crisis in the Catholic Church has raised debate on the role and significance of women in the church

Christian clerics<sup>x1</sup> slammed the Catholic Church for unintentionally aiding the suppression of women and criticised the Catholic attitude towards women. Society is highly patriarchal and a lot of abuse of women has its roots in scripture, which is often misquoted, such as references to the obedience and submission of women to their husbands. (Bishop Malinga, a Methodist Bishop). Malinga referred to a conspiracy amongst priests to suppress the advancement of women in the church because men enjoyed the power.

Anglican Bishop, Rubin Phillip, said the Bible was written from a male perspective and often reflected male prejudice. Women often accept oppression because they interpret it as coming from God. Challenging the patriarchal nature of church and society is seen as crucial.

Cormick referred to the hypocrisy in issues like divorce, homosexuality, celibacy and the election of officials in the church, including the issue of female priests. Cardinal Napier responded that: 'If there is going to be a policy change for the first time in 2000 years, it has to be for a serious theological reason, not something political or secular. He stated that he had not heard a convincing theological argument for the ordination of women, emphasizing the need for theological principle, because access to the priesthood was not a right. Claims that the Catholic Church was 'patriarchal' and 'sexist' were easily made by people who failed to examine the church's role in helping society's marginalised people, such as abused women. His comments, like assisting the marginalised and abused, clearly reinforce the patriarchal stance that the Cardinal is trying to disclaim!

Similar mindsets have been evident on the issue of ordaining women as priests. The Pope had stressed that those seeking change 'are opposing the will of Christ'. Ms Dina Cormick, a former nun, commented:<sup>xli</sup>

'He (the Pope) has stated the Catholic Church has taken this decision against women priests not as an assertion of its power but in the knowledge of its duty of obedience to God. We believe that denying the priesthood to women has nothing to do with 'the will of God', but rather manifests a social and religious prejudice prevalent in patriarchal organisations.'

The assertion was made that the church doesn't want change. Bishop Russell<sup>xlii</sup> in commenting on change of dogma in the church said:

‘...bishops did not question the authority of the Bible, but in the same way Anglicans had changed their position on the question of slavery, usury or attitudes towards women, as part of a changing society (and) the church needed to adapt its positions accordingly.’

With the ascendancy of feminist concerns and the resultant critical appraisal of the views held on women, the position of the Catholic Church on contraception, and on idealised views of the role and place of women in love, sex and marriage, calls into question the sexist official views of the church. Pronatalist policies, such as the ban on the use of condoms, are associated with the control of women and the sexual access of men to women (Chadwick 1998: 337). The Catholic concerns on contraception are seen as patriarchal concerns, in that they are the dominant concerns of men, which establish and maintain gender roles, the social construction of women’s sexuality, the idealised family structure and limiting the freedom of women to decide when they will, or will not, fall pregnant. Perhaps the Catholic stance, given the male Pope, priesthood, and male power structures, is merely the prepotency of the male ego projected onto God, resulting in the subjugation of women.

If this view has any veracity, through the dogma on contraception, the church is putting its considerable weight behind the view of women as being virginal and chaste unto marriage, being pure, loyal and faithful in marriage, and bearing her husband’s children at his behest (i.e. when he has unprotected sex with her). The church’s position is historical and gives no consideration of the contemporary truisms that women<sup>xliii</sup> are sexual creatures with sexual needs, and that women’s rights are intended to ensure that women can control their bodies and their lives, including issues of their fecundity. The interpretation of women’s sexuality being passive and service based could be seen to have some credibility given the virginal and asexual nature of the female nuns in the Catholic Church ministry and their betrothal to their church.

Paradoxically, the journalist, Mary Loudon, in her book *Unveiled. Nuns Talking*, in which she conducts in-depth interviews with ten nuns from different orders, holds that one of the reasons why women become nuns is, in fact, to gain control of their lives

outside the confines of the father in the family of origin and outside the control of a husband that would result in a marriage of cohabitation. Commentator Mary Kenny in the book describes this as having ‘...an alternative to the ‘institutionalised patriarchy’ which remains a feature of power structures in the secularised world.’ For ordinary female believers, however, the church may be seen as representing ‘institutionalised patriarchy’.

The issue here is that the absence of women priests exacerbates the decisions taken by the church, where the female perspective would bring balance and insight to the debate and the positions ultimately taken by the church, on matters such as sexuality, contraception and family issues.

### 5.3 CONCLUDING COMMENTS

Having considered the Catholic stance on condoms in the light of selected theological, philosophical, psychological and sociological perspectives, the issue will be reviewed below from the perspective of Applied Ethics theory.

## CHAPTER SIX: APPLIED ETHICS PERSPECTIVES

### 6.1 INTRODUCTION

As HIV/AIDS is a medical condition, which has life threatening consequences, the moral decision as to whether to use of condoms will be reviewed from the perspective of medical ethics, with the *Principles of Biomedical Ethics* by Beauchamp and Childress as the main source on which the discussion is based.

### 6.2 THE PRINCIPLE OF BALANCING AND OVERRIDING

The deontological basis of the Catholic position on condoms holds that condoms may not be used, virtually no matter what.<sup>xliv</sup> In applied ethics, where a decision must be made amongst equally untenable positions, one of the ways of considering which action to take, is referred to as the principle of balancing and overriding. Where there are conflicting obligations (say using condoms or facing possible death from unprotected sex) a full consideration should be given to all the contextual factors and the conflicting issues surrounding a situation. These factors must be weighed up and balanced against each other.

As a result of the consideration of all the aspects surrounding the course of action to be adopted, *prima facie* obligations may be superceded by actual obligations. The *prima facie* obligation is only set aside in terms of one, or more, overriding obligations. It is still a moral decision, as it certainly is not a matter of being *laissez faire*. The pluralistic nature of alternative decisions, which are made in the face of similar circumstances, but with contextual differences, does not imply moral nihilism. The decision made should be the best moral decision, not simply based on egotistical wishes or arbitrary considerations. The overriding decision is based on the strongest obligation that manifests itself in a certain instance. It does not necessarily create a

principle for future decision-making. On each occasion, the balancing and overriding process is undertaken seriously and sincerely.

In the condom consideration, the principles of abstinence and faithfulness are not simply put aside, making condom use the only strategy against HIV/AIDS. This is the basis of the state's ABC policy. However, where condom use is the only alternative to not using a condom, the use of a condom would be the overriding obligation. The fear that abstinence and faithfulness will simply be discarded would be countered by religious and civil education initiatives and by advertising campaigns in the media. The ideal is upheld, but the final decision is pragmatic. Using a condom is better than irresponsible sex without protection. The decision to use a condom, when engaging in sex, may be a morally relevant decision by someone who is infected with HIV. To have unprotected sex with an innocent party would be an immoral action. It may be considered less moral by the Catholic Church, because it breaks the natural law, but it is more moral in an instance where abstinence or faithfulness are not viable options. The injunction that the moral 'ought' implies 'can' is of consequence in balancing in this case and in the overriding principle on which the decision is taken.

The principle of balancing and overriding is not entirely foreign to theological ethics. Historically, the churches used to be very controlling, using the fear of eternal damnation to control its adherents and keep them in the path of righteousness. During the twentieth century, (in particular in the Western world, with universal education, a better standard of living, universal media communication and globalisation trends), the narrow confines of a village, with the control of an educated clergy holding sway, became a thing of the past. People thought for themselves and were subjected to alternative ways of thinking and being, which created new possibilities of meaning in life. The churches lost some of their power and hold over persons in their congregations.

In keeping with these trends, the emphasis in theology turned to church adherents deciding for themselves, according to their individual consciences, what to think and how to act. The churches continued preaching the ideal in terms of their particular theological beliefs. Churches were liberalised, either within the older churches or by the formation of more modern churches, which did not have to carry historically determined theological baggage. Sin became less of a lever, whilst appeals to individual consciences became the approach to varying degrees. Hastings refers to:

The postmodern discourse of sexuality regards itself as 'post-Christian', as 'having escaped the ethical codes of the Christian era', for 'there is no longer a hegemonic master discourse telling us how to behave.' (2000: 662).

Postmodernism, with its rejection of 'metanarratives', shows preference for contextual moral meanings in relationships between persons. Consequently, postmodernism has underwritten an individualised approach to morality. This approach is conducive to church adherents, with indices of faith being a part of what dictates how one should treat another in various degrees of relationships, be it in marriage or merely in a chance meeting.

These processes and changes in emphasis hold out a different way for churches to interact with their adherents. Preach the moral message and then leave the moral choices to the educated and responsible consciences. Preaching would guide the consciences *via* the usual exhortations, *inter alia*, principled considerations, precepts, analysing less favourable possibilities and lauding positive decisions based on understanding, responsibility and the will to carry them out. Ultimately, God is still the final arbiter of the life one has lived and accountability for one's life is to Him.

### 6.3 RESPECT FOR AUTONOMY

The principle, involved in leaving decisions that affect their lives to each individual, is respect for autonomy. This principle is based on respecting the decision-making

capacities of autonomous persons. Leaving moral decisions up to responsible persons, as outlined above, would accord with the principle of respecting their autonomy. This does not mean that their decisions are made in a vacuum. Society, of which churches are a part, circumscribes perspectives which autonomous persons will take into account in their responsible decision-making that precedes their chosen actions.

Usually, autonomous persons are considered as adult responsible persons. However, the principle can apply to minors as well. The South African law on abortions permits minors<sup>xlv</sup> to have an abortion without parental consent under certain conditions. The choice by a minor to use a condom would apply to young people who have reached the age of consent. Prior to the age of sixteen, *coitus* constitutes statutory rape. However, sex below the age of sixteen is reasonably common in the South African society. The use of a condom would be preferable in these cases as well, where the implications of contracting HIV/AIDS and the possibility of giving birth to a child, who is infected with HIV, are very severe. Children, indulging in what are fairly widely considered as adult behaviours, requires them to take decisions that are in line with responsible adult choices. The ideal of restricting sexual activities to older youths and adults would have a wide degree of acceptance in society, but the realities in our society are different. The pregnancy rate for minors is as follows:

12% of women become mothers between the ages of 12 and 16

0.7% of mothers gave birth to their first child at the age of 12

1% of mothers gave birth to their first child at the age of 13<sup>xlvi</sup>

If modern youth is, de facto, living an autonomous life, and that autonomous life is fraught with dangers in terms of premarital sex, then responsible options need to be accepted by society to enable them to protect their vulnerability, their irresponsibility and their immaturity. Given the birth rates of minors, the sexual participation rate is likely to be much higher in fact, as not all sexually active children fall pregnant. All the young women who fell pregnant prior to the age of consent, if they had used

condoms, would have had a far better quality of life without the responsibility of a baby. It is not known how many of this cohort contracted HIV and will die of AIDS. It is also not clear how many of their babies are HIV positive. What is certain that these figures are very serious in their consequences for the mothers, the babies, the families and for our society. An idealised 'no condom usage' obligation is out of touch with the realities of our society. The use of condoms should rather be made mandatory in the face of these figures.

#### 6.4 NONMALEFICENCE

The above discussion refers to efforts to avoid the causation of harm, which is exemplified in the principle of nonmaleficence. There is no doubt that the Catholic stance on the use of condoms would not cause harm, if their stance had a good chance of being achieved in practice. However, the empirical evidence that can be inferred from indices such as the extramarital birth rate and the statistics on the spread of HIV/AIDS, as recorded in birth records and the increase in the incidence of death, clearly indicates that the fear of contracting HIV/AIDS and dying is not sufficient to curb the extramarital sexual incidence. The highly idealised stance by the Catholic Church is likely to be unworkable and feeble in practice in curbing HIV infection. Given this scenario, the principle of nonmaleficence would require that any actions that are proposed should be workable in practice and not cause harm. The use of condoms is the only course of action that accords with this principle in reality.

The Catholic stance, that condonation of the use of condoms would be likely to increase the incidence of sexuality, and therefore of pregnancy and infection of sexually transmitted diseases, is of concern. The debate then comes down to deciding on which side to err, to avoid harm. The deciding factor is likely to be how the position is put. The Protestant churches permit condom usage, whilst preaching responsible sexual practices such as abstinence and faithfulness. There is no evidence to prove that their stance, *per se*, has increased the rate of sexually active persons

(especially amongst the youth). The message is not 'indulge yourself, but use protection'. There is no suggestion that Protestants have a higher incidence of HIV infections, out of wedlock pregnancies or indeed sexual activity rates for various age cohorts. Unless such a contention is proven by research, the suspicion will be that the Catholic position is based on wishful theological thinking. As such, it would be unacceptable thinking in the face of the HIV/AIDS pandemic according to the principle of nonmaleficence.

## 6.5 BENEVOLENCE

The principle of benevolence incorporates wishing others well. In so doing, one ought to take the intents of others into account. This principle has two dimensions (Runzo. 2001: 23):

One should take others into account in one's actions, because one respects them in themselves as persons (benevolence)

There must be a willingness to take into account how one's actions affect others by taking into account the good of everyone equally (justice, impartiality)

The Catholic Church would argue that, in banning the use of condoms, it is following the precepts of benevolence. If their rationale had any chance of success by being realised in practice, their case would be strong. However, if it is not feasible in practice, then the church would be found wanting in both the instances cited above. Respecting persons involves respecting their right to decide on purely personal matters for themselves and respecting these judgements when they are honestly made. In the second instance, the effects of the church stance would be deleterious for individuals, as well as for the society, and, as such, the church would again be found wanting. In effect, the principle of benevolence requires a balancing of moral principles and basic human needs.

## 6.6

## BENEFICENCE

In beneficence, the emphasis is on providing benefits for the individual person. At least, there will be a balancing of risks and costs against the benefits. Beneficence is not a *laissez faire* approach, nor does it condone self indulgence. Beneficence may require a harsh action to be taken. For example, the decision to amputate a limb may accord with the principle of beneficence, even although the action taken is harsh. A decision of active euthanasia may also fall under beneficence, even though it involves taking a life.

In the AIDS crisis, beneficence must be decided by weighing the risks and costs with the benefits of an action. The risk of using condoms outweighs the risk of not using condoms. The risk of using condoms outweighs the risk of condom failure, especially if fresh condoms are readily available for groups at risk (students for example) and education ensures that the knowledge on how to use condoms properly is widely disseminated.

In terms of costs, the cost of using condoms outweighs the cost of falling pregnant or contracting sexually transmitted diseases. The cost of using condoms is not purely a consideration of monetary value; it includes the cost associated with the increased peer pressure to partake in sexual activities, arising out of the fact that condoms are readily available, and the costs arising from emotional problems that may occur because of premature sexual experience. The cost of rape is higher without the use of a condom. Again, it is education that should offset these dangers. The widespread campaign for women's rights includes the women's right to say 'no'.

In ethics, as in religion, there is always some tension between an ideal (ethical or ideological) and the ordinary person in all his or her humanity. If people were perfect, there would be no need to guide them spiritually or morally. Both ethics and religion rely on persuasion and conscience for persons to do the 'right' or the 'good' thing.

In the process, a human dimension must be kept. It is not ethical if persons are excluded from their humanity in the process of making them ethical. Ethics and religion are situated within human concerns and realised through human persons. Ethics involves making humanity greater than its basic selfish interests. In all ethical matters, the human dignity inherent in all persons should be protected and, if possible, enhanced. The days of public floggings, imprisonment and being cast out of a family or a community for certain religiously or morally unacceptable reasons are rare in the West.

Ethics should uphold values such as the dignity of personhood, respect for persons, compassion, love for one's neighbour, fairness and justice in dealing with others, benevolence, honesty, sincerity...the list of human values is extensive. These values are enshrined in documents such as Constitutions and Bills of Human Rights, in ethical considerations and in most religions of the world to varying degrees.

The foundation of Christian ethics lies in scripture and in its record of the teachings and example of Jesus. The demand of His ministry was love, compassion, and above all mercy (Bush 1982: 300). It is interesting that the values which underpin Western civilisation have their roots very often within the Christian tradition. It is common, as an aid to thinking out a moral position, to ask 'What would Christ have done in these circumstances?' In doing this, a Christian is bypassing theological dogmas and judging a position from the point of view of Christ, as gleaned from the Bible. Christ did not take a doctrinaire approach on all matters spiritual and ethical. Many modern ethical

dilemmas would have been foreign in Christ's time. Thus Christians have to try to work out their stance for themselves, by extrapolating from their understanding of the Biblical Jesus. It is not an exact science, but it is a way of sincerely trying to decide what to do for the better. The notion is not to judge Christ by the Bible, but the Bible by Christ. It is Christ's life and mission that count, not carefully selected Biblical quotes.

Christ taught responsibility for man, *via* responsibility to God and to man. The current consideration is what happens if there is a disjunction between responsibility to God and responsibility to man. This is, or should be, the ethical dilemma that faces the Catholic Church on the use of condoms. In appeasing their theological position, they are compromising their 'Christ given' (and hence 'God given') humanitarian concerns. Such an ethical dilemma needs to be carefully considered by the church authorities. Pregnancy is one matter; dying of AIDS when it is avoidable is quite another. Christ demonstrated an amazing capacity to relate to ordinary mortals caught up in very human situations. He was not one for judging or moral preaching - that has tended to be a manifestation of the church, albeit supposedly in his name.

Contemporary churches have tended to reject the tradition of moral absolutes in favour of a more human approach. Church authorities may exhort, but they tend not to be as heavy-handed and Old Testament in their approach. It was Christ who challenged the rule of not working on the Sabbath, which used to be a church rule in the past. This says something of Christ and something of theology moving with the times. The Sabbath was made for man, not man for the Sabbath is indicative of New Testament religious morality serving the purpose of the human good

It seems that on the position of condom usage, the Catholic Church is out of touch with the Christ of the Bible, the modernising movements in the church and the humanitarian values of the modern Christian society. It is difficult to reconcile a church dogma that will, in practical terms, result in hardship and possibly death from

AIDS. It appears that the Catholic Church is overemphasizing theological law and under emphasising the importance of human relationships.

## 6.8 ETHICS OF CARE: RELATIONSHIP BASED ETHICS

The ethics of care is usually associated with the philosophical positions developed by women who write on ethical themes from a woman's perspective. It is interesting to juxtapose the Catholic, male dominated position on condom use, with the feministic insights into human issues as espoused in the ethics of care.

The ethics of care typically revolves around considerations of personal relationships and promotes values such as sympathy, compassion, fidelity, discernment and love (Beauchamp and Childress 1994: 85). Caring here refers to care for, emotional commitment to, and willingness to act on behalf of persons with whom one has a significant relationship, where the relationship involves care, responsibility, trust, fidelity and sensitivity.

It is obvious that the ethics of care could be used to promote responsibility in non marital sexual relations. Using a condom, to protect the one that you love from any negative consequences of your actions, would be an ethical and caring way to behave.

However, the ethics of care could be used as a standard to judge the Catholic Church's stance on condoms, to analyse if it represents a strong sense of being responsible to the persons that their policy will affect. Although the declaration by the bishops is couched in caring terms (respect young girls; take responsibility for your actions; uphold human dignity), the abstinence and faithfulness requirements are a product of logical thinking processes, rather than compassion for vulnerable persons. The policy appears to be remote from the human situation and the fallible nature of human beings. The church acknowledges the fallen nature of man, the capacity for committing sin,

the toughness of walking with Christ, yet it stipulates a course of action that is likely to be beyond the ability of many to realise in practice. One slip in regard to unprotected sex can be a death penalty. How does the church reconcile the vulnerability of human beings with the steep requirements of its adherents with regard to abstinence and faithfulness, as well as the severe penalty that could accompany an all too human slip in meeting the church's answer to the AIDS crisis (abstinence and faithfulness)?

The ethics of care considers contextuality in relationships. It takes account of the position of women in our society. For example, men are likely to demand, or simply take, sex and may refuse to use condoms. Through its stance on condoms, the Catholic Church has had to forego educating men on how to treat women, as persons with rights who are deserving of respect, when engaging in non marital sexual relations. It is a pity that the church cannot educate men by urging them to use condoms and thereby empower those women who are in a desperate plight as sexual chattels to the male ego.

Baier (Beauchamp and Childress 1994: 87) deplors the emphasis on universal rules and principles. She feels that conditions of social cooperation are typically unchosen and intimate, involving unequals in a relational network. Women have very little say in many instances within families, within relationships, and little chance to assert their rights over the hegemony of men. The educative process to change this outlook will take a long time.

Religions are at times responsible for this disempowerment of women. The way women have been treated under the Taliban regime in Afganistan, in the name of religion, is tragic. The position of women in the Catholic Church is not so severe as to forbid women being educated, or forbidding the right to work, but the Catholic Church is similarly patriarchal in its power structures and upper opinion making structures. No women may aspire to a position of real power and authority in the church. Similarly, the dogma on condom use may be seen as disempowering of women and lacking in a real consideration according to an ethic of care.

6.9

CONCLUDING COMMENTS

It is evident that the stance of the Roman Catholic Church of forbidding condom usage is lacking in many respects when viewed from the point of view of applied ethical theory and practice. The church may consider this irrelevant, with pregnancies and deaths from AIDS as collateral damage, but the church is not divorced from the society in which it exists and Christians are affected by the pleas made on an applied ethical basis.

In the next chapter, the Catholic Church will be considered in relation to the ethics behind its stance. The question is not purely 'Have they made the right decision on condoms?' (content), but 'Has the process of that decision-making been entirely ethical in nature?'

The ethics of the Roman Catholic decision-making will be considered *via* the well documented sexual abuse crisis that has recently (2002) plagued the church and the ethics of their approach to the revelations made.

## **CHAPTER SEVEN: THE WILL OF GOD OR THE MACHINATIONS OF MEN IN PRIESTLY GARB?**

### **7.1 INTRODUCTION**

There have been accusations that the Catholic Church stance is one of intransigent autocratic rule and obdurate conservative dictates by a small leadership cabal in the Vatican, in particular by the Pope.

The case will be put, as expressed by Keller, and it will be tested on the basis of empirical public positions taken over the sexual abuse scandal which came to a head early in 2002.

This research does not directly concern the sexual abuse instances, which are clearly illegal, unlike the position on condoms which are ethical in nature. However, the stance of the Catholic Church has been clearly documented in the sexual abuse scandal and parallels can be drawn from the church's positions on the sexual abuse cases to highlight its mindset on any matter which threatens the church and which involves a disregard for the humanity of the persons involved, extrapolated to its position on condoms for example.

### **7.2 KELLER'S CLAIMS<sup>xlvii</sup>**

Keller claims that the child-abuse scandal in the Roman Catholic Church is a result of the Pope's autocratic rule. He maintains<sup>xlviii</sup>:

'The uncomfortable and largely unspoken truth is that the turmoil in the Roman Catholic Church is not just a sad footnote to the life of a beloved figure. This is a crisis of the Pope's making.'

The Pope is accused of lacking zeal to combat child abuse by priests; nor has he apologised for it. The Pope is accused of not acknowledging anything amiss in the

hierarchy's decades of dissembling. His dismissive response was to 'the way church leaders are perceived to have acted.' His concern has not been for the victims, but for the effect the scandal is having in eroding trust in the church.

Keller holds that the scandal is the persistent failure of the church hierarchy to comprehend, to care and to protect. The Pope has 'shaped a hierarchy that is intolerant of dissent, unaccountable to its members, secretive in the extreme and wilfully clueless about how people live.' The Vatican exists, first and foremost to preserve its own power.

Keller provides some insight into his position. The Pope has put a stamp of papal infallibility on the issue of ordaining women. He has trained bishops 'that the path of advancement is obsequious obedience to himself.' He is requiring theologians teaching in Catholic universities to pledge allegiance to doctrinal orthodoxy.

Over the sexual abuse scandal, the Pope's concern has been to counter the 'opportunists for change' in their wishing to exploit the crisis to bring about more liberal reforms and sue for a greater say by the laity in the policy formulations of the church. The culpability of the bishops 'is not even on the Vatican's agenda.' The struggle is being seen as a contest between the forces of tolerance and the forces of absolutism.

The small-c catholic values of '...broad in sympathies, tastes or understanding: liberal' appear to be lacking in the Catholic Church of today. Vatican II relaxed the papal hold and elevated the importance of individual conscience. At one stage, Pope Paul VI indicated some interest in a more lenient view on contraception, but subsequently he surprisingly reaffirmed the old ban. It was the sexual revolution which brought the liberalisation trend to halt. Keller comments<sup>xlix</sup>:

'Probably no institution run by a fraternity of ageing celibates was going to reconcile easily with a movement that embraced the equality of women, abortion on demand and gay rights.'

When the current Pope, John Paul II, ascended to the papacy, he adhered to the most austere, doctrinaire view of sexual ethics. He was unyielding to the pleas of Catholics to ‘consider, at least, the lifesaving power of condoms in the age of AIDS.’ Instead, the Pope ‘grouped contraception with genocide in a litany of ‘intrinsically evil’ acts that condemn sinners to hell for eternity.’

The result of this intransigence and highhandedness has been predictable, given the realities humanity faces in everyday real life. In the US (and probably throughout the world), most Catholics ignore the Pope on the use of contraception, as they do on divorce, abortion, sex out of wedlock, homosexuality and many other things Rome condemns. Adherents are withdrawing tacitly from Rome, while keeping the faith in their own parishes, or in their own hearts.

Keller speculates on the possible outcome of Vatican intransigence in the face of the real needs of the congregation<sup>1</sup>:

‘Whether the church will reform, or fracture, or continue this continental drift, I have no way of knowing, but I wonder how long faith withstands such a corrosive rain of hypocrisy.’

As with the sexual abuse crisis, the same question could be put for the church position on the use of condoms in the face of the onslaught occasioned by the AIDS crisis.

## 7.3 COMMENTARY ON THE KELLER STANCE IN THE LIGHT OF THE CATHOLIC RESPONSE TO THE SEXUAL ABUSE CRISIS AND THE CONDOM CRISIS IN SOUTH AFRICA

### 7.3.1 INTRODUCTION

In 2002, the scandal broke throughout the world of sexual abuse cases in the Catholic Church. The exposé was brought about by a priest who had been abused by a priest as a youth. After leaving the ministry, he took legal action. Other cases, some of which had occurred years previously came to light, as well as related issues, such as sexual occurrences in the supposedly celibate Catholic ministry. A common thread in the many stories told in the press was the inaction by the church authorities, or of cover up manoeuvres to protect the church, and the virtual lack of empathy for the victims. Naturally, the church's stance on sexual matters came to the fore in the debates, given a celibate priesthood, a male prerogative to become a priest, an anti-gay stance, and the church's position on contraception.

The reaction of the church to the issues arising out of the scandal has provided a very informative insight into the mindset of key players, in particular the Pope and the Vatican, as well as bishops throughout the world, in handling the crisis.

### 7.3.2 CHURCH NON-ACTION ON SEXUAL ABUSE CASES AND ATTEMPTS TO COVER UP AND PROTECT THE CHURCH

A number of cases have been cited in the press of how bishops have handled sexual abuse by priests in their dioceses. A selection of instances is presented below.

- 1 The head of Australia's Roman Catholic Church, Archbishop George Pell, admitted offering a family R300 000 in exchange for a promise not to sue over claims that their two girls were sexually abused for six years, beginning in 1987

when the younger girl was five. He denied assertions that his compensation offers amounted to efforts to buy the silence of people who said they were sexually abused by priests<sup>li</sup>.

Asked whether the church should have shown more compassion to the victims, he replied: 'I think you could say that, yes. But it is a wretched business and it is impossible to please everyone'. The Archbishop's actions clearly indicate that his actions were designed to please the rapist priest and the church.

Comment: Reports of attempts by the church to cover up instances of child sexual abuse are common, often involving payments. The allegation that there was no attempt to buy silence does not ring true. The lack of compassion towards the victims is also common, exacerbated in this instance by the cynical contention that 'it is impossible to please everyone'.

2 Lawsuits were filed accusing Archdiocese of Boston of failing to stop its priests from molesting altar boys even though the church knew it was happening. The case referred to the now defrocked priest, John Geoghan, with 130 people claiming he abused them. The Cardinal apologised for moving Geoghan to another church, even though he knew of the allegations of abuse.<sup>liii</sup>

Comment: The extent of human tragedy caused, when knowledgeable and highly educated priests protect their own in the face of known offenders who go on to offend time and again, all to protect the church and the priest, is reprehensible and unforgivable. Again there is no feeling for the victims and no real remorse expressed.

3 The Milwaukee Archdiocese paid out R4,5 million to settle a sexual misconduct case against Archdeacon Weakland. Several priests acknowledged that parishioner's faith in God had been shaken by the September 11 terrorist

attacks, sex abuse accusations against priests nationwide and the Weakland revelation.<sup>liii</sup>

Comment: This case makes it clear that attempts to cover up instances of sexual abuse simply do not work and wreak a terrible reaction in the congregation. Whether the congregation would have preferred an upfront and frank exposé is a moot point. The fear of the Catholic Church may be that so many instances relatively speaking may come to light that it may call into question the church's policies on all matters of a sexual nature (homosexuality, celibacy, Vatican control, male priesthood, contraception).

4 Two French Catholic clerics, one a bishop, were sentenced for failing to intervene to prevent the sexual abuse of minors by fellow members of the clergy. Attorney, Jean Chevais, said<sup>liv</sup>:

'I hope this conviction will incite the church to come to terms with this issue so as not to cover such crimes and offences in the future. The protection of children is paramount and is more important than any attempt to protect the image of the church.'

The Catholic Church spokesman said he was surprised and saddened by the verdict 'especially considering that none of the children had suffered directly because of Monsignor Pican's silence.

Comment: It has taken a lawyer to express the view that one would hope to have heard from the church authorities, namely that the protection of children is the ethical and central issue rather than the protection of the image of the church. It is hard to equate the stance of the church authorities in the light of the New Testament message and the legal implications for the church in covering up the crime and protecting the criminal.

The complete lack of empathy or understanding of what is involved in cases of sexual abuse is implicitly contained in the spokesman's total lack of regret or remorse and his cynical contention that 'none of the children had suffered directly.' This shows a complete lack of interest in the victims of these terrible crimes and a complete lack of understanding of how abhorrent sexual abuse is, especially for minor children, and the psychological damage resulting from the trauma, the scars of which they will carry with them for the rest of their lives. Instead, the fatuous regret by the spokesman that justice had been done in this instance, rather than an effective cover up by the church presumably, is a telling comment on the inhumane stance of the church, which has been reported on in other instances.

- 5 In another instance<sup>lv</sup>, a priest was jailed for failure to assist a person in danger and failure to denounce a crime over a sexual abuse case. The priest had looked the other way for 12 years while one of his friends raped two young boys in the care of the parish, as well as a boy more than 18 years of age, who was vulnerable because of psychological problems. The acts were perpetrated in the bedroom adjoining the priest's room.

Comment: The total lack of feeling, justice and humanity evident in this instance is a blight on the image of the church. It is readily acknowledged that there may well be sociopathic personalities amongst the priests. The contention is however that the church is culpable for not, at least, creating a protocol of dealing with instances of sexual abuse so that priests do not feel that they can get away with such acts with impunity. It would be even better if the church had an active policy of seeking out such criminal behaviour and handing the criminal priests over to the state courts for justice to be both done and to be seen to be done. The church deserves the bad press it gets and it sells out its faithful by trying

to ignore such occurrences, or trying to hide them away secretly. If some priests are not trustworthy, how credible is the church and its theological protestations on abstinence and faithfulness?

It may be alleged that these instances are few and far between and, as such, not worth the fuss that is being made in the press. This argument would have veracity if the church was doing everything in its power to curb these crimes and handle openly and honestly those cases that do emerge. If not, one case is an abomination with the church being complicit in its silence and subterfuge.

To make matters worse, it is difficult to gauge the extent of the problem, as the church does not have reliable statistics, or deliberately hides the data to protect its image. In the next section, the incidence of cases in the United States, as well as can be gauged, will highlight that these instances are not contained to a small aberrant group of priests; instead the instances appear to be common and widespread.

### 7.3.3 THE OCCURRENCE OF SEXUAL MOLESTATION BY PRIESTS ON LAY MEMBERS IN THE CATHOLIC CHURCH

The Washington Post research<sup>lvi</sup> revealed that 218 priests were moved from their posts this year (2002), but 34 offenders remain in their posts

The report confirms that 850 priests have been accused of sexual misconduct with minors since the 1960's, and more than 350 priests were removed from the church ministry in prior years (based on figures from 96 of the 178 mainstream Catholic dioceses in the United States). Dioceses were often unable or unwilling to give more detailed information. Supplementary information was gleaned from document research to arrive at these figures.

Some 4000 persons claimed membership of a support group which has existed for 11 years, 'Survivors Network of Those Abused'. This organisation has speculated that the lack of available information may reflect a deliberate strategy to shield the church from liability in sexual abuse cases.

The bishop in charge of Bishops' Conference said that many of his fellow bishops are reluctant to provide data, fearing it will lead to more bad publicity. The cover up is deplorable. It is believed that the number of instances of sexual abuse may be around 1500 cases.

In any event, the exact number of sexual abuse cases by priests throughout the world is unknown. What is known, is that the problem is very widespread. Bishops in Poland, Ireland, Africa, Canada, the United States and Australia have been forced to quit the church. This is probably a small sample of the countries involved and many cases may not be reported or known, and of those which are reported or known, probably only a small percentage of priests leave the church. The Catholic Church is unlikely to publish the exact figures of the epidemiology of sexually abusive priests and so claims on the incidence of the problem will be speculative.

#### 7.3.4 THE SOUTH AFRICAN CATHOLIC CHURCH AND THE SEXUAL ABUSE CRISIS

The South African experience of the sexual abuse crisis in the Roman Catholic Church approximated the reports in other parts of the world. Bishop Napier appeared very dissembling in the press when he was asked how the Catholic Church in South Africa dealt with instances of sexual abuse in the ranks of the priesthood. Cardinal Napier clarified that the church was not reporting cases of sexual abuse:

'We will have our preliminary investigations first and then it's up to the complainant to report the matter to the police. As was the case with confession,

whatever was said to a priest had to be kept confidential...a priest cannot act if it is told to him in confession.<sup>lvii</sup>

The subterfuge of trying to hide behind the secrecy of the confessional was evasive, as not every instance of sexual abuse is reported, or becomes known, via the confessional. Even if the church felt bound by secrecy, this would not preclude it from dealing with the priest. To imply that the church could know of an instance of child abuse, yet do nothing to the offender, let alone a potential repeat offender, is disingenuous at least, and downright criminal in intent in fact. The church thereby becomes criminally complicit in any future acts of sexual abuse by that priest.

Referring to the issue of the Catholic Church not reporting cases of sexual abuse to the police, Napier responded:

‘The Catholic Church believes the law which obliges people to report child abuse cases does not apply to it<sup>lviii</sup>. Accordingly, it will continue to deal with sexual abuse in its ranks as an internal matter, leaving it to the victim or the family to report the abuser...as the church is not dealing with a family situation with a child.’

Again Cardinal Napier and the Catholic Church appeared absurd in the press. For an educated and superior office bearer of the church to even think that an institution, such as a church, is above the law, especially for withholding information on such a criminally serious crime, is perplexing.

It is also unacceptable for a church to handle such matters in-house and in secret, presumably withholding the information from the congregation and clergy, except for a very select few, thereby ensuring that the church can continue with its lack of accountability. In the absence of openness and transparency, the victim’s family may be forgiven for thinking that their instance of sexual abuse to a family member is an extremely isolated event and so they would not lay a charge to discredit their church

and bring shame on their family member. The forces on victims and their families to forgive would be subtle, but the harm done to the victim, and by implication to the integrity and sanctity of the church, would be enormous, as was proven when the scandal hit the press because victims in the United States spoke out.

Furthermore, the church has a fiduciary relationship with each member of its congregation, and is legally and morally required to protect all victims, especially the young. Jesus' stance of 'suffer the children to come to me, and forbid them not, for such is the kingdom of heaven' hardly accords with a church protecting priests who are child rapists on the grounds that protection of children is a family matter.

Such responses are cynical and have done the Catholic Church an immense disservice. It is an interesting question to pose as to why an educated and sensible Cardinal would knowingly answer in such a way as to make himself and his church appear so foolish in public. The answer could lie in the fact that an honest, humble and straight response would require the church to ultimately make doctrinal and dogmatic changes, based on debates that would definitely not endear the Cardinal to the Pope and the Vatican.<sup>lix</sup> It is obvious that either Cardinal Napier considered his response to be the lesser of the two evils, or he had calculated his chances of 'getting away' with his response. The latter contention will be explicated below.

Napier claimed that the Catholic church and its lawyers were unaware of how the provisions of the Act impacted on the church. After coming under pressure in the press for some time he indicated that the law would be obeyed in future. The lawyers did not appear in the press to be credible as the Cardinal's response was only made after the case was known and so they had time to research their answer. Press articles subsequently clarified exactly how clear the law is. Also the Director of Childline indicated to the press that she had clarified the church's responsibility to report such cases, before Cardinal Napier (and presumably his church lawyers) had taken their stance in thinking that the law did not apply to the church. Presumably the church was

again trying to explain the issue away in what they hoped was a rational response, but their position was indefensible and so they appeared silly in public.

The law is clear on the matter of church responsibility. The Prevention of Family Violence Act of 1993 makes it a crime for anyone who treats, instructs, advises or cares for a child to withhold information, even suspicion, about sexual abuse. It had been clarified to Cardinal Napier that the church has children in its care and it is obliged to report abuse. It was further clarified that the church was required to report cases that came to their attention even years later, even when the victims had subsequently reached the age of majority.<sup>lx</sup> Childline Director, Joan van Niekerk, said that Napier had a moral responsibility to report his own priests. It was inexcusable for the church to plead ignorance of the law governing reporting, as the church had been informed of their legal obligations in this regard and she reminded that the fundamental unit of the church is the family. Van Niekerk held that:

‘ religious institutions in general have tended to be more concerned about protecting their image than worrying about the victim. And because they are so powerful, they can manipulate children and their families into keeping quiet.’<sup>lxi</sup>

Cardinal Napier again appeared foolish when he indicated that the church conducts its own inquiries and believed the Child Protection Unit was under resourced and could not cope with further investigations. The Head of CPU, Superintendent Jan Swart commented:<sup>lxii</sup>

‘There must be another reason why they feel the need not to report these cases of sexual abuse of children to the police. The problem of sexual abuse of children (is) widespread in this county’s religious structures.’

The police clarified<sup>lxiii</sup> that religious leaders who fail to report allegations of child abuse within their ranks face criminal charges, including defeating the ends of justice and they could also face civil litigation.

Cardinal Napier tried to rationalise the position, again with very negative overtones. He claimed that there had been allegations against priests which had turned out to be unfounded: 'We've got to be careful about what we say'.<sup>lxiv</sup> This is a senseless response as it would apply equally to every case of litigation, be it criminal or civil. To suggest that the priests should have the privilege of having criminal cases screened in private, not by objective legal persons of standing who are accountable in public, but by officials chosen by the church, is ludicrous. The hidden agenda appeared to be for the church to protect its criminal priests from exposure and the weight of the law in the ultimate attempt to protect the church. Yet, similar protection appears not to have been offered to the victims of these heinous sexual crimes.

Cardinal Napier further claimed:<sup>lxv</sup> 'If you don't give people a chance, we'd be denying our Christianity. We've got to make some human allowances.' Christian forgiveness is an essential element of its theology. It does not mean however that potential criminals should be let off the rigours of the legal processes *via* the due inquiry of the criminal justice system. The question should be 'What about the rights of the victims and showing compassion to them?' The rubric is understood to be 'forgiveness for a repentant criminal, but not forgiveness for the crime'. Cardinal Napier's position is untenable and unsustainable. Presumably then, the church should be appealing for forgiveness for all crimes, including murder on the same basis of making 'some human allowances' and giving criminals 'a chance'?

Sexual abuse of children is an unconscionable act, yet Napier is suggesting having a conscience in dealing with these rapists and sodomisers. It would appear that the Cardinal is misquoting the Bible injunction of forgiveness, in order to further the nefarious ends of the church. This amounts to a calumny. Yet it was the same Cardinal who led the Bishops' Conference to not show compassion and 'human allowance' for persons when it took its stance on the use of condoms in the face of the HIV/AIDS

crisis. AIDS victims, by not using condoms according to Catholic Church dogma, have 'no second chance'.

It is interesting to note the Anglican position in the Christian tradition on the issue of sexual abuse by its priests,<sup>lxvi</sup> which dictates that the judicial process is completed first and then only is a judicial tribunal conducted by the church.

A sad commentary on the Catholic position on sexual abuse was contained in the letters to the editor:<sup>lxvii</sup>

'The report (that the church was not bound by law to report instances of sexual misconduct) leaves one with the impression that the church does not care for the victims of sexual abuse. In most cases, the perpetrators of sexual abuse are people in authority. The child victim often feels helpless to act against a person who is held in high esteem in society. This is exacerbated by the power that the abuser has over his congregation. The church as an institution must actively take the side of the victim in order to level things out and empower victims to protect their rights. If the church fails to act it is a dereliction of duty...the Bible...directs the church to obey the rulers of the world.'

For an institution that forbids the use of condoms to persons in their human position, and who adopt the high moral and spiritual ground, this letter is a serious indictment on the church according to the dictates of its 'all too human'<sup>lxviii</sup> clergy.

### 7.3.5 THE POPE'S AND THE CHURCH'S RESPONSES TO THE SEXUAL ABUSE CRISIS

One would expect the Pope, as the leader of a major Christian church whose theology is based on love and compassion, to think first of the victims of sexual abuse and to offer a full and free apology for the pain and suffering caused to the victims, their families, and the church congregation and to promise to handle any miscreant priest firmly, to let state justice take its course and to promise to do his best to ensure that such criminal acts by priests do not occur again in the future. This would be the

approach one would expect from a man of God who is steeped in Christ's teaching and ministry.

This was not the case judging from reports in the press. Initially, the Pope maintained a public silence on the matter. When statements, as reported in the press, were forthcoming, they were primarily of concern for the church and the priests. The Pope acknowledged that the rape of children was a 'crime'. But his comment was guarded and in-house, where he devoted one paragraph in a twenty two page *letter to priests* (i.e. not a public statement).<sup>lxi</sup> The assumption is that the victims were simply 'collateral damage' and the challenge was to secure the image of the church and urge the priests to exhibit restraint.

When the Polish Archbishop was forced to resign, it was reported that:

'The Pope broke his silence on sex abuse cases...saying the 'grave scandal' was casting a 'dark shadow of suspicion' over all priests...as priests we are personally and profoundly afflicted by the sins of some of our brothers who have betrayed the grace of ordination'. The damage that some priests caused to the young and the vulnerable fills us with deep sadness and shame. However, he called on the young people not to be discouraged by the sins and mistakes of a few members of the church.'<sup>lxx</sup>

The message is clear. Priests do not embarrass the church and bring the priesthood into disrepute; we are sad and ashamed (but not sorry and apologetic); and the appeal for the young not to be discouraged gives no indication as to what the church intends to do to avoid similar abominations occurring in the future. In short, priests obey your vows and youth have faith, no matter what.

In a similar vein, the Pope responded to other instances of sexual abuse by priests:

'In certain parts of Oceania, sexual abuse by some clergy has caused great suffering and spiritual harm to the victims. It has been very damaging for the church and has become an obstacle to the proclamation of the Gospel.'<sup>lxxi</sup>

The effect of the abuse on the young is acknowledged, but the concern is clearly the effect that the revelations are having on the church. The Pope admitted that the scandal of sexual abuse of children was undermining the moral authority of the church.<sup>lxxii</sup>

Church leaders in the United States expressed their regret for failing to prevent the sex abuse scandal in a letter to American priests.<sup>lxxiii</sup>

‘We know the heavy burden of sorrow and shame that you are bearing because some have betrayed the grace of ordination by abusing those entrusted to their care. We regret that episcopal oversight has not been able to preserve the church from this scandal.’

The tone and content of this report are one of regret in their inability to completely cover up the scandal, rather than in managing the situation in terms of ministering to the victims and dealing with the sexual abusers.

It is expected that the Pope would want to protect the Catholic Church and minimise the fall out caused by the sexual abuse revelations. That is his job. But as a powerful leader of a church that constitutes a massive international religious enterprise, one would expect that the focus would be equally on the victims, giving them succour and understanding and acknowledging the unacceptable nature of what they have been put through. Public announcements of understanding and sympathy would have been preferable and seen to be supportive of the victims and their families.

It would be expected that the Pope would have immediately acted against the aberrant priests and dealt with them firmly, whether by excluding them from the ministry, or the church, and reporting the cases to the law. This would have sent a clear message to the victims and the guilty priests, both as to how the acts of the priests were an abomination to the Pope, the Vatican and the church, and how such acts would be firmly and speedily dealt with in the future should they occur. Victims could have

drawn comfort from this response: the Pope understands our terrible predicament, he is taking the matter very seriously and upholding our interests, he has sympathy for us in our plight as victims, and the priests are clearly the transgressors and they will be punished for doing wrong to us. No such responses were forthcoming.

Because of the widespread media coverage of the sexual abuse scandal, and the numerous allegations from many countries in the world, the Catholic Church and the Pope had to decide how to deal with sexually aberrant priests who abused congregants in their spiritual fiduciary care. Again, the Pope and the church have not emerged with credibility, their concern being more in terms of damage control and trying to retain priests in the service of the church, than in really excising the blight in the church.

The Catholic Church determined a policy to deal with paedophile priests as per meeting with the Pope<sup>lxxiv</sup>.

‘The cardinals said they would recommend a process to defrock any priest who had become ‘notorious and was guilty of the serial predatory sexual abuse of minors’. Other cases would be left up to the local bishops’.

Comments were immediately received denouncing the limp-wristed and self-serving stance taken by the Pope on the issue of these sexually perverted priests. Kelly<sup>lxxv</sup> (who had been formerly abused by a priest) dismissed the church’s two-track stance of no zero tolerance, except for serial cases, saying sex abuse is a crime whether it’s carried out on a serial basis or a singular one. In commenting on the Vatican position he stated:

‘At the end of the day, the Pope is saying that priests can stay priests until they’re proved to have abused a string of innocent children. The safety of children is still taking a back seat to the good standing of a priest.’<sup>lxxvi</sup> (John Kelly Irish Survivors of Child Abuse).

The fears expressed were soon realised. The damage in the United States was held to be because inadequate action had been taken before. However, a case was reported in the United States after the sexual abuse crisis had run its course.<sup>lxxvii</sup>

‘Five lay members of the Diocese of Richmond sexual abuse panel resigned in protest against the reinstatement of a priest who was accused of abusing teenage boys in the 1970’s, after the Bishop cleared him of the allegations and returned him to his parish. It was alleged that the Bishop did not follow procedures, did not pass on the investigative team’s report and they held that the accusers were believable, whilst the priest was not.’

Doubts had been expressed that protocols do not work in instances of sexual abuse. What is required is the rule of law should prevail and priests should encounter the retribution and punishment of the state, naturally after a fair trial, and in public, so that everyone would know that the church was not soft on its priests who act criminally and sexually assault children in particular.

The sexual abuse scandal that shook the Catholic Church was not restrict to abuse of congregants in the laity however and the press reported on the sexual indiscretions and crimes committed by the priests on members of the holy orders as well. Again, the church is seen as not dealing with the real issues and ignoring the problem, or trying to cover it up. The church was again put before the interests of the individual victim. Again, these revelations are indicative of how the Catholic Church has approached the condom question, putting church dogma ahead of the real interests of humanitarian considerations.

### 7.3.6 ATTEMPTS TO DIVERT THE RESPONSIBILITY FOR THE SCANDAL

Various attempts were made to deflect the enormity and responsibility of the sexual abuse scandal in the Catholic Church. These attempts were patently obvious for what they were and were often puerile in their rational base. One of the more bizarre distinctions that was made was as follows:

‘A group of Catholics in the United States drew a distinction on the age of those who suffered sexual abuse, saying ‘attention was drawn to the fact that almost all cases involved adolescents and therefore were not cases of true paedophilia<sup>lxxviii</sup>’.

This presumes that there are degrees of sexual abuse and degrees of culpability. Cases involving minors are more heinous, but all cases of rape, whether on a male or a female, are totally unacceptable, especially by priests who should be setting the standards of morality and spirituality in the image of Christ. Such spurious arguments do the Catholic Church no good at all. In fact the scandal was exacerbated by these disingenuous attempts to gild the situation and the reputation of the church was further tarnished in the process.

In trying to pass the crisis off as an aberration, there emerged comments implying that the crisis could be attributed to gay priests. The press reported that gay priests were being made the scapegoats of the sexual abuse crisis<sup>lxxix</sup>. The rationale for these allegations was that the majority of church abuse victims are boys and estimated 20% of priests in Catholic Church are gay. A Cardinal in the United States held that gays were not suited for the priesthood, even if they had never committed a homosexual act. The Pope’s secretary held that not only should homosexuals not be ordained, but the church should consider removing homosexuals who had been ordained. The gay priests feared a sexual inquisition.

A press report<sup>lxxx</sup> indicated that the Vatican was considering banning homosexual priests. The retort was that one cannot equate homosexuality with sexual abuse. It was counter alleged that this charge was merely a way of deflecting attention from the alleged responsibility of the bishops who had allowed the scandal to unfold The Southern Cross publication (in reacting to the possible ban on gay priests) held that:

‘...paedophiles in the clergy are a far greater disgrace than weak men who may yield to temptation and engage in consensual sexual acts, be they with men or with women.’<sup>lxxxi</sup>

Conservative forces in the Catholic Church on the other hand expressed the hope<sup>lxxxii</sup> that the sexual abuse crisis would mark the beginning of the restoration of the priesthood to the holiness defined by strict adherence to the church’s moral teaching against homosexual acts.

### 7.3.7 SEXUAL ABUSE WITHIN THE CATHOLIC CHURCH PRIESTHOOD

The Catholic Church has made the admission<sup>lxxxiii</sup> that it was aware that priests have been raping and sexually abusing nuns, based on five separate reports which were presented to the Vatican over the past ten years. These priests have been exploiting their financial and spiritual authority to gain sexual favours from nuns from the third world, who are culturally conditioned to be subservient to men. The cultural background makes it almost impossible for young women especially to disobey an older man, particularly one whom they consider spiritually superior. The report concludes that church authorities have done little, or nothing, to tackle the problem.

Forced to acknowledge that a growing problem of sexual abuse and rape of nuns by priests exists, the Vatican has tried to play down the gravity of the situation.

The head of the Vatican Congregation for Religious Life, Cardinal Somalo, set up a committee to look into the problem, but the committee seems to have done little beyond 'awareness raising' among bishops.

A conspiracy of silence was noted as a contributory cause of the problem. Many of the bishops felt that it was disloyal of the sisters to have spoken out, insisting that they should have done so instead to their bishop. However, the sisters claim that they have reported such matters to their bishops time and time again. Sometimes they were not well received. In some instances, they were blamed for what happened. Even when they have been listened to sympathetically, nothing much seems to be done. The offending priests are usually protected, whilst the women victims are normally chased out of their orders, but they are shamed and scared to return to their families, or are rejected by their families. They often end up as outcasts or even prostitutes.

Priests had questioned the church's view of the role of women,<sup>lxxxiv</sup> who were viewed as 'evil creatures who led you astray' and relegated to washing or cooking for the clergy. Cosmos Desmond described the church as the best men's club in the world.

It was reported by a nun and physician, Sister Maura O'Donohue,<sup>lxxxv</sup> and acknowledged by the Vatican, that cases existed where some priests and missionaries were forcing nuns to have sex with them. Nuns were being forced to have sex, take the pill, and have abortions. The report covers sexual abuse of nuns in 23 countries. These allegations were made known to the church authorities on several occasions throughout the 1990's. One case was of 20 nuns in one religious community being pregnant at the same time. In another instance, a diocese mother superior reported 29 of her nuns pregnant. The bishop had relieved her of her duties. It was held that the conspiracy of silence makes things worse.<sup>lxxxvi</sup> In the most cynical case<sup>lxxxvii</sup> the nun died as a result of having a forced abortion and the priest who made her pregnant officiated at her funeral.

In a letter to the editor,<sup>lxxxviii</sup> the writer commented that ‘the Vatican has been aware of it for years but has done nothing. They protected the priests but threw the nuns to the wolves.’ This double standard in dealing between men and women in the ministry is yet another indictment on the Catholic Church.

The sexual scandal in the Catholic Church did result in a number of comments and queries concerning gender issues in the church. The permitting of women to the priesthood was one such impetus. Not only would this send out a strong message of the church changing its views on women, but women priests would be far less likely to be involved in sexual abuse and they would bring a balance to the church policies on gender related issues.

Similarly, the whole issue of celibacy for priests was questioned, the feeling being that a ‘normal’ avenue for the expression of sexuality could reduce the incidence of sexual misdemeanours. Professor Denis<sup>lxxxix</sup> had indicated that ‘the celibacy rule had been introduced into the Western church at a certain time for certain reasons and this requirement could easily be abandoned.’ Priestly celibacy had not been a norm in the Catholic Church until reasonably recently. In the 800's there was an increasing insistence on a celibate priesthood, by the 1200's there was a concerted official action for a celibate priesthood, with great uniformity having been achieved by the 1500's. Professor Dennis had commented<sup>xc</sup> on the rule of celibacy causing immense suffering for priests, resulting in priests breaking their vows of chastity. There had been a call for a married priesthood alongside a celibate priesthood. It has been held that Catholic priests have breached their vows of chastity all over the world<sup>xc<sup>i</sup></sup>.

#### 7.4 CONCLUDING REMARKS

This section has been included in this research to highlight the documented clues to the mindset of the Roman Catholic Church hierarchy, which will be informative as to how the church perceives their world, human beings, as well as sexual and gender matters.

Accusations were levelled by Keller and there is strong *prima facie* evidence, based on what has been said by persons in authority in the church, members of the laity in the church, persons from outside the church, as well as the way that the church has acted and responded in the sexual abuse crisis, to uphold his contentions. It is a moot point whether the Catholic Church has been upholding the 'will of God' in their decisions and theological stances, or whether the positions adopted reflect acts of power on the part of the Pope and cardinals and bishops to protect their fiefdom.

Similarly, such doubts have been raised in the discussion on the Catholic position on the use of condoms in the face of the AIDS onslaught, where the apparent lack of concern for the human person, and the almost automatic upholding of church policy no matter what happens, even the realistic prospect of widespread death and suffering by those with HIV or AIDS and the stress this causes on their families, seems to reflect the findings concerning the church, as highlighted in the sexual abuse scandal. Nietzsche's commentaries on the church and the priesthood appear to have veracity as evidenced in the sexual scandal, even a hundred years after his death.

In summary form, the aspects which have been highlighted are as follows:

- 1 The concern is not for the human being: it is rather a concern for the implications of church actions and church policy
- 2 The church is out of touch with everyday human reality and the situation of the common man
- 3 No empathy and compassion are shown for the victims and their families
- 4 The faith is right no matter what

- 5 There is no evidence of ethical considerations by the church in arriving at their decisions on how to act
- 6 The church evidences no fiduciary relationship with their congregants in the matters discussed, excepting an impetus to protect the priests, but not the nuns
- 7 In their dealings with their adherents, the church is exploitative of their good will and faith
- 8 Serious problems are played down, even trivialised
- 9 The real issues are hidden and swept away, so they become enduring problems, rather than attempts being made to get to the root causes, handle the situation, and resolve the issues as best as is possible
- 10 The approach of the church seniors is autocratic and they do not listen or act unless it suits them to do so or when they have to respond to effect damage control
- 11 The church appears to be very intolerant of perceived or real dissent; matters are dealt with in secret and at the top, if at all
- 12 Adherents find the Catholic Church stance perplexing and ignore the dictates by quietly getting on with their own lives and acting as they see fit
- 13 The church is heavy handed in preserving its own power; theological might is right
- 14 No real liberalising reforms on sexual and gender issues have been noted

- 15 Women are held in subservient positions and treated badly relative to the all male priests
- 16 Meaning and truth are deemed by the church to be self-evident and they have control in such matters as the representatives of God
- 17 A conspiracy of silence makes it very difficult to engage the church on the rationale for their decisions

Having gained a good insight into how the church functions and reacts to challenges to its dogmatic positions, it is necessary to consider whether there is a way of resolving the condom decisions the Catholic Church has taken.

## **CHAPTER EIGHT: WHAT OPTIONS ARE OPEN TO THE CATHOLIC CHURCH TO RESOLVE THE ETHICAL ASPECTS OF THE CONDOM CRISIS?**

### **8.1 INTRODUCTION**

The Catholic Church is in a very difficult position given the seriousness of the HIV/AIDS pandemic and their well established, and widely known, Catholic position on contraceptives. It is logical, given the current and projected deaths from AIDS in the next decade, for compassionate people wanting to protect the sexually active, especially the young (and often innocent parties). Bishop Kevin Downing was obviously motivated by such concerns.

However, for the Catholic Church to change its position on contraception would have serious ramifications. Once the church adopts a position based on the belief in God, it is difficult to arrive at a position where the church has to acknowledge either that it has been wrong in their stance on God's will, or where God may be seen, in the new position adopted by the church, to have been wrong. The former is obviously the correct interpretation, as God, by definition, is not wrong. There could also be much more profound challenges for the church if it is seen to be moving from the natural law basis for its theological position. The dominance of men in the church ministry could be challenged for example. The patriarchal dominance of the church is based on a view of men and women within the natural law. God is the Father, the Pope (a male) is the head of the church and God's representative on earth, and the priests are men who head their parishes.

Archbishop Hurley has expressed the fear of many when he commented<sup>xcii</sup>:

'...one of the failings of the condom campaign is that it seems to imply that there are no restrictions on sexual activity in or out of marriage, as long as

condoms dominate the scene. The condom kingdom sounds like an encouragement to uncontrolled and unbridled sex, which is a complete contradiction to what believers in God maintain.'

If the church were to change its position on condoms, the question then is, could the church then promote the use of, or even distribute, condoms and not lose theological credibility? Is there a mid point in the debate, or is it a matter of opposing condom usage, because the other alternatives are not to be contemplated? If so, what of the thousands of people who would be adversely affected by dying of AIDS, whose life could have been saved if they had used a condom?

The liberal Catholic theologians reject the view that procreation should always be taken as the 'primary end' of sexual intercourse and claim that the affectionate and companionate function of sex, at least within the confines of marriage, is fully legitimate and need not be subject to the restrictions on contraception; the conservative theologians have held fast to this doctrine (i.e. no contraception) and 'its quite unclear logic'. (Grassian 1981: 203).

The Catholic Church had taken a move in a more liberal direction. *Pacem in Terris* considered the position of human rights within the Catholic tradition, culminating in an emphasis on freedom and human rights in Vatican II, which affirmed the principle of religious liberty as a human right for all (Childress & Macquarrie 1986: 432-3). The principles that Catholics are bound to accept are generalised, leaving individual conscience to decide on the concrete applications and judgements. The possibility of dissent from authoritative church teachings could logically be applied to the social teachings of the church as well.

If local option is permitted in deciding for a unique situation, and if individual conscience is permitted in church law, it is difficult to understand why the church did not make the use of condoms as a more liberal policy and leave it up to the individual conscience to decide in specific situations within its abstinence and faithfulness ideal.

What would the church do if it felt that, Aquinas, or Vatican II for that matter, was a wrong way of viewing the matter of contraception? Or, is the church simply always right? If so, is it really possible for mankind to always be right? These are the hard questions the liberal elements within the Catholic Church need to face and contemplate.

## 8.2 THE DOCTRINE OF ACTS AND OMISSIONS

Whether the Catholic Church should have taken an active position on the use of condoms as a preventive measure to counter the HIV/AIDS pandemic, or whether it morally should have taken no stance on condoms as a possible answer to the pandemic, could be viewed by reference to the doctrine of acts and omissions. This doctrine is a common approach in deciding on a course of action in a moral dilemma. A distinction is made, for example, between committing active euthanasia by injecting a lethal substance into the bloodstream of a suffering terminally ill patient, or withholding all life supporting medication which has the effect of prolonging the life of that patient, thereby allowing the patient to die *via* what is termed passive euthanasia. The end result is similar, but the moral culpability is viewed differently by many moral theorists.

Similarly, it may have been preferable for the Catholic Church not to enter the debate, leaving the use of condoms to the conscience (discretion) of the user. At the same time, the church could have reiterated and stressed its theological beliefs in abstinence and faithfulness. Although this position would not have been that far from its intent in the bishops' position, the softer, some would say more humane, stance would have established its theological position, whilst not compromising the fight against the AIDS pandemic to the same degree.

Not having to take a public stand, whilst reaffirming the long-standing Catholic views on love, sex and marriage, divorced from considerations of AIDS, would have had less

negative impact on the general public. The counselling of church adherents on such matters in private would be a matter of faith between the adherent and a priest. At least in private, and in regular contact with a priest, the support structures would be in place on an ongoing basis to bolster the resolve of the adherent to follow the teaching of the church on contraception. A position adopted in public and widely conveyed *via* the media means that the pastoral support is not possible and thus leaves the church 'culpable' of any deleterious effects arising out of their policy.

The doctrine of omission would be a very successful position for the Catholic Church to have adopted. For the Catholic faithful, the prohibition on the use of condoms in marriage, coupled with the ideals of abstinence until marriage, and faithfulness in marriage, would have meant that no stand needed to be taken on condoms usage vis-a-vis AIDS. If the prior Catholic position on condoms was well entrenched and followed by Catholics, it would not be necessary to have a position for Catholics, as none would be vulnerable to getting AIDS. If so, why would the church feel the need to take a position on the use of condoms in the fight against AIDS? Two possibilities appear to exist:

The church felt the need to take a stand because Catholics were not disciplined in following the teaching of the church on the use of condoms as contraceptives. If so, this would be a clear indication to the church that their policy was beyond the human realm as an ideal and that it was therefore necessary for the church to reconsider its stance on condom usage to fit the reality of its adherents.

On the other hand, if the Catholic Church was taking a stand on the use of condoms in the fight against AIDS *per se*, then it has no right to do so. Non-Catholics can be exhorted to the ideals of abstinence and faithfulness, indeed these are virtually universal appeals by all churches and sectors in civil society. However, to pontificate against the use of condoms on the basis of natural law,

is disingenuous, given that few churches have adopted positions against the use of contraceptives, especially within marriage.

By its stance, it can only be interpreted that the Catholic Church was propagating its dogma in public. If not, to whom was the church aiming its message?

It is beyond the consideration of this piece of research to consider the balance between powers temporal and the powers spiritual in the political life of our country. Whether the Catholic Church has the right to undermine state policy on the use of condoms, could make an interesting court case, under the human rights clauses of the Constitution and for countering state policy. Fortunately, such power tussles between religious orders and the state tend to have been relegated to history. However, the Catholic position, as adopted by the bishops, has been cast in the light of the Catholic Church taking on the state in terms of its ABC policy on HIV/AIDS.<sup>xciii</sup>

### 8.3 AUTONOMY AND CHURCH DOGMA

For any institution, the values and ideals it holds dear and propagates will be supported to a greater or lesser extent by the members of that institution, be it an educational institution, a political institution, a business enterprise or a religious community. Each member of its community is likely to identify with the overall value ethos of the institution. However, on each individual value or ideal issue, each member will identify to a different degree on the various values and ideals. Some will try to keep all the values and ideals to the limit. Others will claim allegiance to the institution, but the commitment may be nominal in terms of specific values or ideals.

Similarly, each institution will have seminal or core values or ideals. To transgress these cardinal values would mean that the institution would be likely to disown the member who does not uphold these values or ideals. Other less central values or ideals would not result in a severe sanction, if they are transgressed or not upheld.

For a Christian church, not attending church on a particular Sunday would not result in excommunication. Claiming that there is no God, or that the gospel of Jesus is historical myth, would require serious intervention from a church and the adherent could be asked to leave the church if he persisted in such a belief. A case was reported some years ago<sup>xciv</sup> of a main stream Christian priest of long standing in England, who worked in a seminary to train novices for the priesthood, but who did not believe in Christ. The church raised the matter with him on a number of occasions and he was eventually given a year to consider his position. At the end of the year, his disbelief had not altered and he was asked to resign from the ministry. This episode highlights the reluctance of a church to expel someone who disagrees even with the central tenets of the church and on significant doctrinal matters.

It would be interesting to know how central a tenet the Catholic Church considers its stand on the ban on condoms. Is this a mortal sin that will wreak dire consequences in the next world, or is a theological nicety perpetuated from a long standing philosophical position of the church (i.e. a conception of natural law), or a matter of a biblical exegesis based on the will of God? Such considerations are not to trivialise the Catholic stand on condoms. The point is as follows.

If married persons, where one partner in the relationship has HIV/AIDS, have the right to decide how to act in terms of using condoms according to their God given consciences and in the light of the church doctrine, in order to save the innocent partner from contracting HIV/AIDS, why can other church adherents also not decide according to their consciences, within the context of the teachings of their church? There is no difference between a married person using a condom to save his/her life, and an unmarried person doing so for the same reason. Similarly with extramarital affairs, although there are other ethical overtones that come into the moral equation that should bear on the conscience.<sup>xcv</sup>

It is unclear why the Catholic Church does not set the ideal values and then permit its adherents to decide according to their consciences as outlined above (i.e. we promote abstinence and faithfulness, but you must decide for yourself according to your particular situation and your personal moral and religious convictions on the use of condoms).

The problem is that the stand of the church does not seem to make sense. This can give rise to speculation that there are other unpronounced concerns that are not being declared by the church in the debate, but which, if they were known, would make the manner the church has taken its stand more understandable. It is not the intention in this work to cast doubt on the sincerity of the Catholic Church in this matter, or to cast aspersions on their reasons for taking their stand on condoms. However, for example, in France and Italy, both 'Catholic countries', after the second world war, information on contraception was suppressed in order to promote population growth. The under population in Western Europe at the time of the second Vatican Council may have had a bearing on the decision to uphold the church's teaching on contraception (Macquarrie 1967: 274). This is not to say that these political policies were church inspired, or even supported by the church for these reasons, but secular and political policies do interact with church policies for a large, international, and power institution such as the Catholic Church. Any state policy would have to be considered in the light of church doctrine; any church position would impact on the secular and civil world. The problem being alluded to here is that the statement by the bishops on condoms is based on idealism, church dogma, and, as commented in the press<sup>xcvi</sup>, it is not a lucid document that makes the understanding of the central issues easy to divine:

'After centuries of diplomatic relations with the kingdoms of heaven and earth, the Vatican and its legates have learnt the skill of using words to camouflage thoughts. Parts of this week's contentious statement on HIV/AIDS and condoms issued by the Southern African Bishops' Conference demonstrate that art in action.'

The quote is specifically concerning the 'grudging concession to AIDS compassion in a fog of jargon'.<sup>xcvii</sup> In the church statement, little clarity is given, with logic or research findings, even on the supposed fallibility of condoms as an effective contraceptive or counter infection strategy. It is difficult to engage the document in a reasoned fashion, where the appeal is to an esoteric vision of a nation abstaining from sex until marriage and then being faithful after marriage. For many, this vision of an ideal society is so remote as to be unrealisable, especially given the AIDS incidence that occurs predominantly amongst the young. This is in spite of the campaigns in the media to inform the youth of the scourge of AIDS, and the fact that unprotected sex leads to death.

If the real possibility of a death penalty from contracting AIDS cannot alter the behaviour of hundreds of thousands of people, what chance has an appeal to an idealised medieval conception of sex and marriage got of succeeding? If the result of the Catholic Church policy is 'unrealisable', it requires the church to really put its mind to the consequences of the failure of their dogma to work, and accept responsibility for their dogma by directly addressing such issues in their statement. Their failure to do so, given a compassionate church, based on the compassionate life and teachings of Christ, and their self articulated dedication to assist AIDS victims, makes for suspicions that the matter was ill thought through in all its ramifications, presumably for power lobby reasons in the church?

#### 8.4 INTRANSIGENCE OF THE ROMAN CATHOLIC THEOLOGICAL POSITION ON THE USE OF CONTRACEPTIVES

The Catholic Church vests power in the Pope when he speaks in his sacred and official capacity. Vatican I in 1870 reaffirmed the authority of the Roman Catholic Church (Smart 1989: 384) and asserted the doctrine of the infallibility of the Pope in matters of doctrine and ethics when he speaks *ex cathedra* (from the throne). This makes it very difficult to access the debate, even for lay persons within the church, and to bring

about a change of heart in church theology. The problem is that the Pope and the Vatican are not dealing directly with the ravages of the HIV/AIDS crisis and its effects on ordinary human beings. To encounter this scourge at first hand, tends to make persons think in terms of humanitarian and pragmatic values and to query their theology (or its implementation), as was done by Bishop Kevin Dowling.

Vatican II (1962-5) was widely seen as a more open attitude towards ethical matters and a renewed concern for the vulnerable in our contemporary society. However, on the use of contraceptives, the church did not ameliorate its position. To use a condom is to break a positive command of the church. The church backed the Genesis injunction (Genesis 1: 28) 'to be fruitful and multiply'. It is apparent that any real change in attitude can only come from within the church, especially given such recent reaffirmations of the central tenets of the church on the use of contraceptives. The chances realistically look remote however.

It has been noted that the Catholic position on the use of contraceptives is based primarily on a philosophical position of natural law theory. In particular, the basis of the Catholic position on sex and procreation, including contraception, was stated by Thomas Aquinas some eight hundred years ago. The Catholic Church has restated its medieval position in its condemnation of utilising condoms in the face of the HIV/AIDS scourge. The argument on the fallibility of condoms is spurious. This would be demonstrated to be so should a condom be developed which is guaranteed to be one hundred percent effective; the stance of the church would not alter. The question then is how one can engage a church dogma that is so ingrained in the psyche of the church?

In the Declaration on Certain Questions Concerning Sexual Ethics (1976), the church reaffirmed its traditional teaching on sexual ethics based on religious arguments (appeals to revealed truth) and philosophical arguments, as developed within the framework of a natural law theory of ethics. The Declaration holds that there is an

objective and unchanging moral order, with moral principles having their origin in human nature itself. The principles can be known in two complimentary ways 1) through reason alone, *via* rational reflection on human nature and 2) through divine revelation (Mappes & Zembaty 1982: 204).

The church is unlikely to change its stance on contraception for a number of reasons:

- 1 A longstanding 'truth', which is an article of faith, is unlikely to be changed, even if its applicability is uncomfortable in its practical implications (in this instance unwanted pregnancies and contracting HIV/AIDS). The Catholic stance is seen as being exempt from considerations of context:

'There is no denying, of course, that in the history of civilisation many of the concrete conditions and relationships of human life have changed and will change again in the future but every moral evolution and every manner of life must respect the limits set by the immutable principles which are grounded in the constitutive elements and essential relations proper to the human person. These elements and relations are not subject to historical contingency.' (Mappes & Zembaty 1982: 205).

- 2 The understanding of natural law theology and ethics is unlikely to go out of favour with a church that has indoctrinated its leadership and congregation in the 'truth' of this view of the world as they see it, albeit that it is merely one of many possible views of theology and ethics.
- 3 For Catholics, the divine law is objective, eternal and universal, with God ordering, directing and governing all of creation. The vision is absolute and consequently changeless. Given this perspective, if the natural law basis were to be altered, other structures of belief will be called into disrepute as they are based on Aquinas's central teachings in the faith. If the church is seen to be admitting *via* a change of view, that it may have been wrong, every theological and doctrinal belief may be considered with suspicion.

A church is likely to persevere with what may be believed to be a wrong belief for centuries, no matter what, rather than cause the faith of its adherents to be vulnerable to change and therefore to disbelief. The Catholic Church's belief that the sun went around earth, because God made the earth and man to be the centre of the creation, caused it to take a strong stand against Galileo, who adopted Copernicus' heliocentric view that the earth in fact rotated around the sun. This stand was held for centuries as a theological truth long after the educated world, and presumably the educated leadership of the Catholic Church, believed the scientists to be right. The church only quietly changed its view centuries later, when the damage was no longer possible because the issue was no longer a vital theological issue.

Will the Catholic stance on contraception only be changed centuries later to protect the theological honour and false faith of its adherents, whilst millions of persons suffer under the Aquinian natural law requirements because of having unwanted children or dying of AIDS? In the meantime, will the Catholic Church continue holding firmly to unworkable ideals, which are widely disregarded by its adherents, such a position allowing them to defend their stance, in theory at least?

- 4 The natural law theory is not watertight, it is an archaic way of viewing creation in the eyes of many, it is contested widely within and without the church, but it cannot be discounted and dismissed when a church holds to a belief in this theory, and acts according to its precepts rendered in practice as understood by the church.
- 5 It is difficult for outside agencies to discredit the stance taken by the Catholic Church. The state is unlikely to take the church on in this matter; other churches are unlikely to directly contest the Catholic Church, and the voices of real

opposition arise mainly from amongst the laity, who were easily overridden in Vatican II.

It is therefore readily apparent that there is precious little that can be done on this matter to alter the stance of the Catholic Church on this issue. The only course, which appears to be viable, is to constantly point out the consequences of the policy in practice, especially as the AIDS pandemic takes on serious proportions, in the next ten years in particular.

For those in the Catholic Church who feel passionately about the matter, the only hope appears to be the emergence of a more enlightened church leadership, in touch with personal and human realities and frailties. It would require the considerable intelligence and knowledge of the Vatican to effect such a doctrinal change, whilst ensuring theological damage control.

It is unlikely that mass defections will occur from the church; it is more likely that adherents will simply ignore the position of the church on contraception use and cling to the theological bases that made them Catholic in the first place.

## 8.5 GODLESS MORALITY AS A POSSIBLE WAY FORWARD?

In *Godless Morality: Keeping Religion out of Ethics*<sup>xcviii</sup>, the author, Holloway, debunks the belief that without God there can be no absolute standards and hence no moral conduct. Holloway is the Bishop of Edinburgh and Primus of the Scottish Episcopal church and so his views are from within an established Christian tradition and church.

Holloway holds that history has taught us that many claims made on behalf of God have been subsequently rejected for moral reasons. An injunction with a divine label is

no guarantee of divine origin. Religious systems have historically operated by claiming divine authority for their commandments and prohibitions, with eternal punishment for those who disobey them, thereby operating on the basis of fear. Moral systems, which are an integral part of church dogma, have been based upon structures of power and control. These domination systems have been intrinsically oppressive, where the idea of sin itself was part of a mechanism of force designed to secure compliance to authority.

In the Old Testament story, Abraham's obedience to the command of God was tested, when he was instructed to slaughter his son, Isaac. For Holloway, the event celebrates:

‘the type of consciousness that wants to be commanded to perform extreme acts of obedience by an absolute authority whose attractiveness lies in the very refusal to explain itself.’ (Holloway 1999: 7).

In effect, the church leadership uses God to back its own prejudices. The controlling mechanism resides in the concept of sin, which is typically defined as disobedience to God. Sin is tied up in the patriarchal background of Old Testament Christianity, where God the father requires a strict code of upbringing for his children.

This may be compared with the New Testament God of Love.

‘The attitude of Jesus to these matters provides us with a useful way of defining the difference between sin and morality. Jesus used the vocabulary of sin, but he refused its identification with the breaking of external codes and rules, its materialisation or ritualisation. Sin came from the selfish heart, the inescapable human tendency to organise reality to suit ourselves even when it harms others. His attitude to sin was more congruent with present day understandings of morality than the religious systems based on external obedience.’ (Holloway 1999: 14)

Christians have in history transposed ritual into a litany of moral sins, with fateful consequences for many people. There is a problem in certain acts being labelled as

sinful. Such acts should be wrong because they are wrong, not because of any transcendental evidence that is offered to support the claim. Religions tend to confuse ritual pieties with moral claims, by using the word 'sin' indiscriminately in both contexts. Instead, they need to differentiate between particular ritualistic pieties and universally applicable moral principles. For example, some churches have a ban on eating pork for religious reasons. To break this religious requirement is to break a promise, but it is not a sin. Holloway decries the tendency in religion '...to load cultic imperatives with ethical weight.' (1999: 13).

The problem with the attribution of moral values to God, is that there is no divine referee to adjudicate competing claims. God does not provide the certainty that is needed. Holloway (1999: 19) refers to:

'...the inescapability, as well as the value of pluralism, and the impossibility of there being any infallible way of concluding the debate in favour of a single system. This is why the use of God in moral debate is so problematic as to be almost worthless.'

If this is so, then one cannot rely on the claims of an absolute system to 'know' the 'right' answer to every moral dilemma that faces persons in their everyday, contemporary lives. At best, basic moral guidelines may assist persons to decide what to do in a particular set of circumstances.

To perpetuate absolute beliefs therefore becomes problematic and requires the acknowledgement of the hypocrisy and guilt that it (religion) can create in so doing. 'Our era is characterised by discordant voices and competing claims, all asserting their right to teach the rest of us how to live and what values to hold.' (Holloway 1999: 17). If a system cannot guide one infallibly, then the onus must be on the individual person to decide how to act in any particular situation, given a sincere consideration of the competing moral claims on any issue.

Saying that an act is wrong, ostensibly because it is forbidden by God, is not sufficient on its own. It requires moral principles and guidelines which we can use to justify that an act is wrong on moral grounds.

For example, a judgement may be made on the basis of harm, which is held to be a moral criterion. If this is applied to consensual sex between responsible adults, this act is not immoral because of the sexual act itself, though it may be on other grounds. For example, an additional moral reason would need to be given, such as 'adultery is wrong because it involves a betrayal of trust and it is a violation of a promise freely given to one's spouse'. But for premarital sex under the same conditions, 'sex is wrong' may not involve harm to another, or to oneself. What a church may consider harmful, may not be perceived as such by the two persons involved. It comes down to personal choice and contextual factors, as well as to a consideration on the grounds of morality.

A further example would be the Catholic Church's stand against masturbation, because it is 'unnatural', in that it does not lead to the possibility of procreation, and it is therefore held to be forbidden by God. The church would need to say why masturbation is harmful. Failure to do so would make moral debate and negotiation impossible, because absolute reasons are not negotiable if empirical reasons are not given. It is difficult to see what empirical reasons the church could give on this matter, given the demise of the myths that used to surround such practices, which have been debunked.

A similar variation on the sexual theme is commented on by Holloway in terms of gay practices, which are forbidden as 'unnatural'. Holloway comments on moral conflict that occurs when a church takes a stance that runs counter to a believer's own deepest values and comments on 'the arrogance of the official systems that lack the imaginative capacity to embrace humanity in all its profuse variety.' (1999: 158).

If God is not a satisfactory arbiter of moral actions, primarily because His will is not absolutely and incontrovertibly known, how is church morality possible? Surely, if differences are held between different churches, and between individual persons, and there is no way of resolving these differences to find the one 'true' moral position and the 'right' way of acting, then any moral position is equally feasible and defensible? The answer is that moral pluralism is not the same as absolute moral relativism. Different moral systems do not equate with a state of having no moral principles that help us to define what it means to be human. We need to assert our own values, as being higher than the one's associated with the divine will, because historical claims of divine authorisation have been subsequently repudiated in the past for good reasons.

Accountability to God, does not mean blindly following the exhortations of the church and then blaming the church, or the priests, if one's moral choices are subsequently found to be wrong. Perhaps, for God, an unplanned pregnancy, or infecting someone with HIV/AIDS, is morally less acceptable than using a condom, if the person involved participates in *coitus*. Moral actions are the responsibility of each person. It requires, at least, our own moral and rational assent to what is commanded by the church. In contemplating many moral actions, a believer may rationally assent to the teachings of the church, but this also implies the possibility of making up his or her own mind in contradiction to church teachings on an issue.

For Holloway, morality calls for a certain responsibility from us, the ability to improvise and respond to actual circumstances and particular situations. The value of religion is that it helps people to behave well, not because it is true. It should be a moral impetus, rather than specifying moral content and taking on the role of the moral arbiter.

The approach suggested by Holloway would require a change on behalf of the church and on behalf of its adherents. It is acknowledged that it is difficult to reform moral systems, as moral change is contentious, because of the authority which the moral

system holds over persons and the danger of it being undermined. However, this risk would be preferable to perpetuating an immoral system, merely to uphold its authority. Theological changes in the church are less likely to come from the bishops or the Pope. Holloway highlights the theological struggle between priests, who sanctify and defend the status quo, and prophets, who challenge what they believe God is saying. A more fundamental question is whether there are such prophets anymore, or is the church moribund after some two thousand years, caught in its own direction and momentum, even if its moral destination is in error? Churches are on safer grounds when it comes to theological matters, as theology is based on transcendental values by its very nature, rather than on moral and ethical matters based on church dogmas.

## 8.6 CONCLUSION

It is evident for this research that it is not easy for the Roman Catholic Church to change its stance in forbidding the use of condoms. It is equally obvious that the church is in an ethically ambivalent position in its stance on condoms, as the repercussions of its dogma are divisive within the church and promote mortality and hardship in society at large. The resolution is, however, up to the church itself.

If the Catholic Church could see its way clear to dropping its dogmatic position on contraceptives in general, the debate on condoms would fall away. It may not wish to promote the use of condoms, as the Archbishop of the Anglican Church did so elegantly at the church synod this year (2002), but it could permit the use of condoms and continue to promote its theology of abstinence before marriage and faithfulness in marriage. Any use of condoms would then be the choice of individual persons, without the Catholic Church being accused of being unethical and promoting the spread of HIV/AIDS by leaving persons vulnerable to infection.

Such an innovation would accord with Sedgewick's categories of what it is right to do (Kohlberg 1971: 59):

- 1) prudence (welfare consequences to the self / self-realisation),
- 2) benevolence (welfare consequences to others) and
- 3) justice (distributive equity and commutative reciprocity).

The Catholic Church can only be constantly assailed to revisit and change its unfortunate dogmatic stance on contraceptives. Ultimately, it is up to the church and the Catholic believers to bring about enlightened change.

## CHAPTER SEVEN: CONCLUDING PERSPECTIVE

It is difficult to reconcile the Catholic bishops' ban on the use of condoms in the fight against the HIV/AIDS pandemic, given the frailty of human nature, the power of the drive to sexuality in our society, and the consequences of having unprotected sex, with the life of Christ and the message of the New Testament. Christianity has been the bulwark of love, compassion, mercy and justice between persons and peoples. It appears that the Catholic God in this instance is an Old Testament God and the stand taken by the church is archaic and out of touch with the contemporary situation. Ideals, such as the wonder of sex in a faithful marriage, simply do not answer the reality that is likely to arise from the practical consequences of the ban on the use of condoms.

The message of the New Testament is one of love for one's neighbour and compassion for humanity. Christ's ministry was not one of rules to be obeyed. It was rather an understanding of persons in their human condition (for example the tax collector and the prostitute). Christ pointed the way, but he did not set impossible demands in the name of religion, nor did he instigate codes of punishment for sinners. Conscience and being uncomfortable at one's distance from God's ideals were the driving force behind His ministry. John's gospel spells out the Christian perspective:

'Beloved, let us love one another, for love is of God, and he who loves is born of God and knows God. He who does not love does not know God; for God is love.' (1 John 4:7,8).

It is against passages such as this that Christian theology must be judged. Does the Catholic ban on condoms represent the will of God? Is the bishops' position in the spirit of the life and teachings of Christ? It is easy to (mis)quote scripture to back a preconceived position. But it is against scripture that theological positions must be judged. Could the Catholic Church be right in holding out its ideals of premarital abstinence and marital faithfulness, but wrong in its belief that the banning of the use of condoms, and the inevitable results thereof, are God's will?

The Catholic Church needs to enter the debate on its position in a full and finely articulated way. It is no good hiding behind Vatican II, itself a highly contested document in terms of its stand on contraceptive use, even within the church itself. Nor can it be claimed that their stand is meant only for Catholics and it is no concern of anyone else. The state (for that read every single citizen of the country) will have to pick up the cost implications of an increased HIV/AIDS infection rate. With five million of the South African population already suffering from HIV<sup>xcix</sup>, and those sufferers being mainly in the active workforce age range, the Catholic Church needs to be as accountable to the civil society it is part of, and which supports it in terms of the economy and physical infrastructure, as it is to the faith of its religious calling. This is not to suggest that the church theology is subservient to the needs or the wishes of the state. It also means that the church is not an ideological/theological island accountable to God and itself alone.

The choice of the Roman Catholic Church is stark and it has no compromise position. It must either come down on the side of *divinity* in upholding its theological basis for banning condoms, or it must take a stand for *humanity* and assist in the diminution of the incidence and spread of AIDS infection *via* not forbidding the prophylactic use of condoms. The choice is not simple or easy; the outcome between these two positions could be fundamental and life saving for millions of persons. Which choice would God wish the Catholic Church to make?

## NOTES

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- i. The singular form, God, will be used to encompass God, Gods, Prime Mover or any other formulation of supernatural Being, revered by people and having an impact on their spiritual beliefs and a formative influence on the way they act in everyday life.
- ii. Differences between churches have been vigorously put in the past, such as on the ethics of the apartheid policy in South Africa, but direct debates by senior theologians in different churches tended to be avoided, with positions being taken unilaterally in the media.
- iii. The use of the male pronoun to refer to God is followed purely as a matter of convention. The polemic surrounding gender references to describe God is acknowledged.
- iv. For example in the Davidian sect in Waco Texas, where all the adherents committed murder/suicide.
- v. In The Mercury, 12 July 2001.
- vi. In The Mercury, 12 July 2001.
- vii. Unpublished article 'A Message of Hope' from the Catholic Bishops to the People of God in South Africa, Botswana and Swaziland. The article is freely quoted from to establish the position of the Church on condom usage.
- viii. It is not spelt out what means are envisaged. Presumably abstinence and using a condom could be considered. Mutual masturbation would presumably not be an alternative?
- ix. In the Sunday Times 8 July 2001.
- x. In the Daily News of 29 August 2001.
- xi. In the Daily News of 29 August 2001.
- xii. In the Daily News of 29 August 2001.
- xiii. In the Daily News of 21 March 2001.
- xiv. In the Daily News of 14 December 2001.
- xv. In The Mercury of 1 August 2001.
- xvi. In The Mercury of 1 August 2001.

- xvii. In the Sunday Times of 5 September 2001.
- xviii. As reported on television news programmes.
- xix. The Archbishop's Charge (Anglican Church).
- xx. In The Mercury of the 20 March 2001.
- xxi. In the Daily News of 17 October 2002.
- xxii. The personal and emotional costs have been highlighted elsewhere in the dissertation.
- xxiii. The experience in the United States concerning the sexual abuse cases by priests has resulted in Catholics withdrawing tacitly from Rome while keeping the faith in their own parishes, or in their own hearts, as reported in the Sunday Times of 12 May 2002.
- xxiv. In The Mercury of 26 February 2002.
- xxv. The natural law theory is associated with the medieval philosopher and theologian Thomas Aquinas (1225-1274).
- xxvi. The basis of the understanding of the Roman Catholic ethic is based on the Encyclopedia of Applied Ethics, Volume 1, pages 471-492.
- xxvii. A shortage of men in an historical period is held to be the origin of men being permitted to have more than one wife under strictly controlled conditions in the Muslim community.
- xxviii. Contraceptives as we know them were not available 800 years ago at the time of Aquinas. His theory referred to non procreative sexual activities as masturbation, oral intercourse, anal intercourse and *coitus interruptus*.
- xxix. In The Mercury of the 24 September 2002.
- xxx. A phrase in the spirit of Nietzsche.
- xxxi. Reported on the television news.
- xxxii. Man is used in the pejorative sense of human being and not in a gender specific sense.
- xxxiii. The argument here is on logical grounds, not on the grounds of an ethical imperative or of moral substance.

- xxxiv. In chapter six.
- xxxv. From Nietzsche's perspective.
- xxxvi. In this research, the commanders would be the priests.
- xxxvii. The male pronoun is used as being appropriate to the time in which Nietzsche wrote. Obviously, in the current research, no distinction is made between men and women in terms of the ethical issues under review.
- xxxviii. Unless otherwise indicated, the discussion of the philosophical and theoretical aspects of Kohlberg's schemata of moral development are based on his publication (Kohlberg in Beck 1971).
- xxxix. Based on Kohlberg in Beck 1971 Appendix 1.
- xl. In the Sunday Tribune of the 15 April 2001.
- xli. In The Mercury of the 12 April 2001.
- xlii. In the Sunday Tribune of the 29 September 2002.
- xliii. Naturally this applies to men as well, but this was not the belief about women in Victorian times. Hence the residue of the 'double standard' in sexual matters between the genders that are still evident today.
- xliv. A highly circumscribed alternative seems to be alluded to in the bishops' stand for a married couple, where one of the partners has HIV or AIDS, but the rule is not specifically altered; rather it is the application of the rule by the married couple concerned that holds open the possibility of the use of condoms. The church may well hope, and counsel in private, that sex not take place at all. Certainly the rule itself is not altered, only its implementation in a highly specific context.
- xlv. Legally, a minor in South African law refers to someone under the age of twenty one. However, minors are permitted under law to make decisions that affect them at a younger age specified in various acts, such as opening and operating a bank account or having an input on which of their divorced parents they wish to live with after the divorce.
- xlvi. In The Mercury of 4 December 2001.
- xlvii. Keller's article appeared in the Sunday Times of 12 May 2002 under the caption '*Praying for small - c catholicism*'. This article is freely quoted in the discussion.

- xlvi. In the Sunday Times of 12 May 2002.
- xli. In the Sunday Times of 12 May 2002.
  
- i. In the Sunday Times of 12 May 2002.
- ii. In The Mercury of 4 June 2002.
- iii. In the Daily News of 8 February 2002.
- iiii. In the Daily News of 27 May 2002.
- liv. In the Daily News of 5 September 2001.
- lv. In the Daily News of 5 September 2001.
- lvi. In The Mercury of 10 June 2002. This section is based on this report.
- lvii. In the Independent on Saturday of 11 March 2002.
- lviii. In The Mercury of 1 May 2002.
- lix. The Pope's responses to the scandal will be considered later in this assignment and they will uphold this contention.
- lx. In The Mercury of 26 April 2002.
- lxi. In The Mercury of 26 April 2002.
- lxii. In the Daily News of 16 May 2002.
- lxiii. In the Daily News of 16 May 2002.
- lxiv. In The Mercury of 1 May 2002.
- lxv. In The Mercury of 29 April 2002.
- lxvi. In the Daily News of 16 May 2002.
- lxvii. In The Mercury of 7 May 2002.
- lxviii. In Nietzschean parlance.
- lxix. In The Mercury of 22 March 2002.
- lxx. In The Mercury of 29 March 2002.

- lxxi. In the Sunday Tribune of 24 February 2002.
- lxxii. In the Daily News of 22 March 2002.
- lxxiii. In The Mercury of 25 April 2002.
  
- lxxiv. In the Independent on Saturday of 27 April 2002.
- lxxv. In The Mercury of 26 April 2002.
- lxxvi. In the Sunday Tribune of 28 April 2002.
- lxxvii. In the Sunday Tribune of 18 August 2002.
- lxxviii. In the Daily News of 25 April 2002.
- lxxix. In the Independent on Saturday of 25 May 2002.
- lxxx. In the Independent on Saturday of 12 October 2002.
- lxxxi. In The Mercury of 15 March 2002.
- lxxxii. In the Independent on Saturday of 25 May 2002.
- lxxxiii. In The Mercury of 22 March 2001.
- lxxxiv. In the Daily News of 2 April 2001.
- lxxxv. In the Daily News of 2 April 2001.
- lxxxvi. In The Mercury of 21 March 2001.
- lxxxvii. In the Daily News of 2 April 2001.
- lxxxviii. In The Mercury of 27 March 2001.
- lxxxix. In The Mercury of 23 March 2001.
  
- xc. In the Daily News of 2 April 2001.
- xci. In the Independent on Saturday of 12 October 2002.
- xcii. In The Mercury of 6 August 2001.
- xciii. In the Sunday Tribune of 5 August 2001.
- xciv. Source unknown.

- xcv. For example, the fact that the person has access to a sexual partner (a husband or wife) and considerations of being unfaithful to an innocent spouse, the ramifications for the family, the possibility of divorce or living apart et cetera.
- xcvi. In the Sunday Times of 18 August 2001.
- xcvii. Refers to the position where one of the marriage partners suffers from AIDS
- xcviii. This section is based on this reference.
- xcix. Financial Mail of 30 November 2001.

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