Opinion
News





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> "*Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether.*" -- Abraham Lincoln, Second Inaugural Address

The sense of moral reckoning that President Abraham Lincoln brought to the Civil War is akin to the moral reckoning our society is going through this year on the subject of sexual misconduct. Just as slavery was once socially acceptable, but was always wrong, no one can claim that the retribution being exacted from the perpetrators of sexual misconduct is fundamentally misguided or misplaced.

Yet, at times the sheer onslaught of new allegations has seemed dizzying. And when people are dizzy, it is usually a good time to seek clarity, to draw distinctions, to turn to the venerable traditions of thought that our Catholic faith provides for moral insight.

I turned to Megan McCabe who teaches moral theology and feminist theologies at Gonzaga University in Spokane, Washington. One of the distinctive features of the current reckoning is that very little of it is happening in an actual court of law. The trial of Bill Cosby was the exception, not the rule. In a court of law, there are rules of evidence to ensure that bias and prejudice do not distort a trial. I was curious to know what would be the equivalent of rules of evidence in the court of public opinion.

"I will say that I'm not sure that importing a paradigm from the criminal justice system into our moral analysis here about how we should respond to what behaviors, actions, and even attitudes we are willing to tolerate is particularly helpful," McCabe wrote to me in an email. "That doesn't necessarily mean 'believe in the face of all evidence' — but it does seem like the assumption that one [is] 'innocent until proven guilty' has been used to shield perpetrators when much of what happens in terms of sexual harassment and assault is hidden, and doesn't always carry with it the evidence necessary to prove something. Another factor to keep in mind, I think, is that we will necessarily see some behaviors that will not qualify as criminal, and that doesn't mean that we just ignore them when it comes to

public opinion."

McCabe also pushed back when I asked about drawing distinctions between cases. Certainly, the charges leveled against Harvey Weinstein entailed more egregious behavior than those leveled against Sen. Al Franken, yet the only penalty our culture has applied so far is forced resignation.

"It seems to me that there is an importance in recognizing that a variety of cases do not all mean the same thing, but the point here ought not to be to excuse kinds of harassment or assault (or even a woman's experience of violation that may not meet one of these definitions!), but to recognize that the experiences of violence against women are part of a 'continuum of violence,'" McCabe told me. "This continuum of violence includes not only the most extreme cases, but also cases that we often think of as 'normal' male/female interactions, or even are considered 'romantic' in our culture. That is, something need not be criminal to be an experience of violation that is morally problematic or unacceptable. That is, recognizing different degrees of violence should help us to not dismiss cases that do not seem to be the worst as not part of the conversation. I often worry that we have in mind either criminal or acceptable, and that paradigm misses a lot of the violation that women experience."

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The point about there being a continuum was seconded by Republican Sen. John Kennedy of Louisiana in explaining his support for Sen. Kirsten Gillibrand's efforts to rid the military of sexual harassment. "I had no idea there were so many pigs out there. I understand that there are different kinds of pigs — there are major league pigs and minor league pigs and amateur pigs, but they are all pigs," Kennedy told Politico.

I agree with McCabe entirely that there are more shades of grey than "criminal" and "acceptable." And, I am also sure that there are some actions and words that some guys think of as "normal" but which are, in fact, as McCabe said, "morally problematic." Still, I think we need to go beyond the idea that simply because someone takes offense, an offense has been committed. The concern is not merely that there will be false accusations, leveled for extraneous or sordid objectives: There always will be people who misuse a moral system, and we cannot allow them to obscure the fact that the vast majority of allegations are true. My concern is that

we not get into a situation in which every employee has a kind of permanent heckler's veto over the words and actions of all other employees. The fight to end harassment will not benefit from being seen as one more variety of political correctness.

One of the most important points McCabe made was that we need to go beyond a mere moral reckoning with the perpetrators. "I do really worry that much of what we are seeing right now in terms of media outlets firing employees (or politicians being pushed to resign) is ultimately companies trying to show themselves in a good light, when these perpetrators have been protected for so long," she wrote. "Rather than this response, I would really be much more satisfied with a long-term transformation of the workplace and society in which women were truly treated as equals."

This rings very true. A lot of the moral posturing we see from CEOs is merely an effort to avoid further legal liability and to burnish their company's image. These same CEOs were quite content to look the other way when that was acceptable.

I also want to direct readers to a fine article at America by Brianne Jacobs, in which she looked at the issue of sexual misconduct through the lens of Catholic social teaching. She made a very important point about the need to look beyond the media and political sensations:

> *The headline stories in the news around sexual harassment have been about women who are, for the most part, white and who work in elite circles: prestigious newsrooms, movie production companies and political bodies. Many of these women were able to walk away from their jobs. While it is a violation of C.S.T. [Catholic social teaching] when women are harassed out of participation, it is still a privilege to be able to choose not to participate.*
>
> *For the poor, particularly those who work in the service industry, retail, restaurants or domestic work like cleaning and child care, there is no other option but to remain employed. This kind of work, often in intimate and less regulated settings, is plagued with sexual abuse. Such work is often done by women of color, women whose bodies have historically been treated as open sexual property — a profound and ongoing violation of human dignity.*

I would note that societal participation, in Catholic social teaching, is a responsibility as well as a right, and if our Anglo-Saxon, liberal, political and constitutional system recognized that rights are and should be paired with responsibilities, this and other issues would be seen in a deeper and fuller light! But, Jacobs is absolutely correct: Angelina Jolie will be fine. In fact, we need the Angelina Jolies of the world to lead the media's attention away from the backlots of the movie studios to focus on the backrooms at restaurants and the basements at hotels where women do not dare speak out against the harassment they experience.

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This moment in our culture seems different from previous times when sexual harassment became a national issue. The Anita Hill allegations got subsumed in partisan bickering. Monica Lewinsky's allegations certainly got a hearing, but let's be honest: Liberals will prove they are serious about this issue when both Bill and Hillary Clinton are considered personas non gratas, him for his misconduct and her for attacking the victim. Melinda Henneberger, writing in the Kansas City Star, has warned against the "tribal non-logic" she witnessed in complaints about the forced resignation of Franken: "So many of my friends who consider themselves serious feminists are just sure Sen. Al Franken was set up. Yes, all eight times."

If I have learned anything in these weeks since the Weinstein story broke it is that women have had to face problems, and sometimes crimes, in the workplace I did not even know existed. Just as a certain sadness set in at the realization of how much racism still persisted in our country, after the excitement of electing our first black president, so too in this case, it is heart-breaking to realize how much women have had to put up with so many years into the movement for equality.

Yet, it is also a noteworthy achievement of the women's movement that there are prominent Catholic female theologians like McCabe and Jacobs to whom we can all turn for guidance as we chart a new chapter in human decency and moral responsibility.

[Michael Sean Winters covers the nexus of religion and politics for NCR.]

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