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Vatican criticizes US theologian's book on sexual ethics

Jerry Filteau | Jun. 4, 2012

The Vatican Congregation for the Doctrine of the Faith has sharply criticized *Just Love*, an award-winning book on sexual ethics by Mercy Sr. Margaret Farley, a prominent Catholic theologian at Yale University.

"Among the many errors and ambiguities in this book are its positions on masturbation, homosexual acts, homosexual unions, the indissolubility of marriage and the problem of divorce and remarriage," the congregation's five-page "Notification" said.

In those areas, it said, the author's position "contradicts" or "is opposed to" or "does not conform to" church teaching.

Made public Monday but dated March 30, the Notification was approved by Pope Benedict XVI and signed by U.S. Cardinal William J. Levada, prefect of the congregation, and Archbishop Luis F. Ladaria, its secretary.

Farley said, "Although my responses to some particular sexual ethical questions do depart from some traditional Christian responses, I have tried to show that they nonetheless reflect a deep coherence with the central aims and insights of these theological and moral traditions."

While the Notification briefly quotes her conclusions on each of the five specific topics that are singled out, followed by a brief summation how those conclusions depart from the church's teaching, Farley said the congregation's critique "does not also consider my arguments for these positions" or the "complex theoretical and practical contexts to which they are a response."

In that way it "misrepresents ? perhaps unwittingly ? the aims of my work and the nature of it as a proposal that might be in service of, not against, the church and its faithful people," she said.

Just Love: A Framework for Christian Sexual Ethics was published in 2006 by Continuum, an international publishing company specializing in scholarly works.

The book argues that justice is a key quality in human sexual relationships because authentic love is formed, guided and protected by justice. In its core Chapter 6, "Framework for a Sexual Ethic: Just Love," among the topics treated are personhood, free consent, mutuality, equality, commitment, fruitfulness and social justice.

"Ultimately, in this book I propose a framework for sexual ethics that uses criteria of justice in evaluating true and faithful sexual relationships and activities," Farley said. "In doing so, I offer not only ideals for human sexual relations, but also some absolute requirements."

In 2008 she received the prestigious Louisville Grawemeyer Award in Religion for the book.

For more on the content of Farley's 2006 book *Just Love: A Framework for Christian Sexual Ethics*, see:
Theologian's book a wide-ranging study[1]

Now a professor emerita, Farley has taught Christian ethics for 50 years and began her career at Yale in 1971. She was the first female professor appointed full-time to the Yale Divinity School faculty. She and noted spiritual writer Henri Nouwen share the distinction of being the first Catholics ever on the school's faculty.

"I do not dispute the judgment that some of the positions [expressed in *Just Love*] are not in accord with current official Catholic teaching." she said. "In the end, I can only clarify that the book was not intended to be an expression of current official Catholic teaching, nor was it aimed specifically against this teaching. It is of a different genre altogether."

In an email to *NCR* Lisa Sowle Cahill, a well known Catholic theologian, author and professor of ethics at Jesuit-run Boston College, said, "Theologians do not see or present their work as 'official church teaching' and few of the faithful are confused about this fact."

Sr. Patricia McDermott, president of the Sisters of Mercy of the Americas, expressed "profound regret that this Notification was issued." She said Farley "assiduously attempts to present the Catholic tradition as formative of her own rich experience while recognizing the ecumenical audience she often engages."

The Rev. Paul Capetz*, an ordained Presbyterian minister and professor of historical theology at United Theological Seminary of the Twin Cities in New Brighton, Minn., told *NCR* the in teaching undergraduate courses on religion, gender and sexuality two times within the past five years, he has used *Just Love* as a required text

"I think it's the best book in sexual ethics" available, he said. "I just don't think there's anything better."

What the Notification says

The doctrinal congregation said that after an initial examination of the book, in March 2010 it sent Farley and her religious superior a "preliminary evaluation...indicating the doctrinal problems present in the text."

Farley's response that October "did not clarify those problems in a satisfactory manner," the congregation said, so it undertook a full examination of the book under its Regulations for Doctrinal Examinations.

Following a second exchange in 2011 between the congregation and Farley and her superior, the congregation concluded that her responses to the "grave problems" in the book were still inadequate and decided to proceed with the Notification, which is a standard form in which the congregation notifies church leaders and members that it has found serious doctrinal problems with a theologian's work.

On Farley's general approach, it said that in addressing moral issues she "either ignores the constant teaching of the magisterium [official church teaching authority] or, where it is occasionally mentioned, treats it as one opinion among others. Such an attitude is in no way justified, even within the ecumenical perspective that she wishes to promote."

It also accused her of a "defective understanding of the objective nature of the natural moral law," long a linchpin of official Catholic moral teaching. "This approach is not consistentwith authentic Catholic theology," the congregation said.

On the five specific issues on which it criticized her positions here is a shortened version of what the congregation quoted from her book and its responses:

"This position is opposed to the teaching of the magisterium," the congregation said, quoting from the

Catechism of the Catholic Church and from previous statements it has made on the subject, including, "The principles of respect and nondiscrimination cannot be invoked to support legal recognition of homosexual persons" ? in part because that would mean "approval of deviant behavior, with the consequence of making it a model in present-day society."

"This opinion is in contradiction to Catholic teaching on the indissolubility of marriage," the congregation said. Its response, citing church law and the Second Vatican Council among its sources, said in part that "Love seeks to be definitive; it cannot be an arrangement 'until further notice.' ? The Lord Jesus insisted on the original intention of the Creator who willed that marriage be indissoluble. ? Between the baptized, a ratified and consummated marriage cannot be dissolved by any human power or for any reason other than death."

- Masturbation: "Sr. Farley writes: 'Masturbation ? usually does not raise any moral questions at all. ?[T]he norms of justice as I have presented them would seem to apply to the choice of sexual self-pleasuring only insofar as this activity may help or harm, only insofar as it supports or limits,, well-being and liberty of spirit. This remains largely an empirical question, not a moral one.'"

  The firm and constant teaching of the church "and the moral sense of the faithful have been in no doubt and have firmly maintained that masturbation is an intrinsically and gravely disordered action," even if one must also take into account factors such as "affective immaturity, force of acquired habit" that may "lessen or even extenuate moral culpability," the congregation responded.

- Homosexual acts: "Sr. Farley writes: 'My own view ? is that same-sex relationships and activities can be justified according to the same sexual ethic as heterosexual relationships. Therefore, same-sex oriented persons as well as their activities can and should be respected whether or not they have a choice to be otherwise.'"

  "This opinion is not acceptable," the congregation said. While persons with homosexual tendencies "must be accepted with respect, compassion and sensitivity," it added, church tradition, based on Scripture, "has always declared that homosexual acts are intrinsically disordered. They are contrary to natural law."

- Homosexual unions: Noting that Sr. Farley argues that antidiscrimination laws play an important role in reversing hatred and stigmatization of gays and lesbians,, the congregation quoted from the book, "Presently one of the most urgent issues before the U.S. public is marriage for same-sex partners ? that is, granting of social recognition and legal standing to unions between lesbians and gays comparable to unions between heterosexuals."
- Indissolubility of marriage: "Sister Farley writes: 'My own position is that a marriage commitment is subject to release on the same ultimate grounds than any extremely serious, nearly unconditional, permanent commitment may cease to bind. ? Can it hold absolutely, in the face of radical and unexpected change? My answer: sometimes it cannot. Sometimes the obligation must be released, and the commitment can be justifiably changed.'"
- Divorce and remarriage: "Sr. Farley writes '?[T]he lives of two persons once married to one another are forever qualified by the experience of that marriage. ? But [if that ends in divorce] does what remains disallow a second marriage? My view is that it does not ? any more than the ongoing union between spouses after one of them has died prohibits a second marriage on the part of the one who still lives."

  Quoting Christ in Mark's Gospel -- "Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery" ? the congregation answered that in church teaching in the case of civil divorce and remarriage, "a new union cannot be recognized as valid, if the first marriage was," and those in such a situation cannot receive Communion unless they repent, confess in the sacrament of penance and commit themselves "to living in

complete continence."

The congregation said that because of its positions "in direct contradiction with Catholic teaching in the field of sexual morality,"*Just Love* "cannot be used as a valid expression of Catholic teaching, either in counseling and formation, or in ecumenical and interreligious dialogue."

It closed with a call to theologians to study and teach moral theology "in full concord with the principles of Catholic doctrine."

Other reactions

Harold Attridge, dean of Yale Divinity School and a Catholic, said, "Honest and creative theologians have often met a critical response to serious theological reflection, and it is no surprise that Professor Farley's work has done so as well."

He added, "In time, I suspect, those who react negatively to it now will come to appreciate the important contribution it makes to what must be our constant effort to examine the foundations of our moral life."

Farley is a former president of the Catholic Theological Society of America and of the Christian Ethics Society. She has received 11 honorary degrees and in 1992 was awarded the CTSA's highest honor for theological achievement, the John Courtney Murray Award.

Boston College theologian Cahill said in her email to *NCR* that the Notification adopted a strategy of only reporting Farley's conclusions on five specific moral issues and countering them with the conclusions of church teaching ? without "engaging any of the substantive arguments for or against" the church teachings.

She said this approach creates the "unfortunate impression" that:

- "Engaging Sr. Margaret's arguments and replies to previous inquiries [over the two-year investigation] is superfluous and unnecessary because the condemnation of her book was predetermined and the investigation a mere formality.
- "There are in fact no reasonable arguments to back the positions asserted by the Notification.
- "The CDF itself has abandoned the grounding of moral theology in the 'objective nature of the natural moral law' and is relying solely on the authority of past conclusions."

Capetz*, the Presbyterian theologian from Minnesota -- viewing Just Love from a teacher's perspective quite removed from internal Catholic debates -- said in a 2007 book review in The Ecumenist, a journal promoting Christian unity, that two things drew him to the book as a principal text for teaching college courses on sexual ethics.

"First, it provided my students with clear and readable summaries of much literature already covered but which is not as stylistically lucid as Farley's prose," he wrote. "Second, her book was a marvelous manual for teaching students what goes into the making of an ethical argument and how they might go about constructing such a normative position on secular ethics for themselves."

Cahill commented that "the timing of this intervention is incredibly and ironically bad."

"The U.S. bishops, and at their instigation the Vatican, are already attracting an enormous amount of negative press over their prosecution of American nuns," she said. "They have just thrown another log on the fire."

**An earlier version of this story incorrectly spelled the Rev. Paul Capetz's name.*

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