

REVIEW ESSAY

Distortions of Normativity in the Church's
Sexual Abuse Scandal:
The Role of Moral Theology

Bernard G. Prusak

Abstract: This essay considers how distortions of normativity figured in the church's sexual abuse scandal. The focus falls in particular on how the social articulation of morality may go awry and on the ways this happened in the church. The essay reviews work by the psychologist Marie Keenan, philosophers Herlinde Pauer-Studer and J. David Velleman, and theologian Norbert J. Rigali, SJ. Rigali draws attention to the role of traditional moral theology in shaping the moral perception of clergy. According to him, "The content, structure, and method of [this] sin-centered discipline . . . shaped the way in which the Christian moral life was understood in the Church." His primary evidence for that thesis is the way the sexual abuse of children was perceived by clergy, in particular bishops, prior to 2002. As a rule, the victims fell out of the picture. Against that background, the essay submits that the roots of the scandal lie not in moral relativism, but in a moral blindness induced, ironically, by a distorted view of the moral life.

AS HANNAH ARENDT OBSERVED SOME YEARS AGO, PEOPLE who do not think—do not stop from comings, goings, and doings to engage in what she termed "the silent dialogue between me and myself"¹—typically do not experience the pangs of conscience.² Indeed, people who do not think (which surely comprises all of us some of the time) may commit terrible deeds "in good conscience," even "conscientiously," with commendable scrupulosity if what they were doing was not so awful. It thus makes sense, as the

¹ Hannah Arendt, "Personal Responsibility under Dictatorship," in *Responsibility and Judgment*, ed. Jerome Kahn (New York: Schocken, 2003), 45. The essay dates from 1964.

² Hannah Arendt, "Thinking and Moral Considerations," in *Responsibility and Judgment*, 161, 187–88. The essay dates from 1971.

philosopher Alan Donagan remarked, that “conscientiousness has an equivocal name in the world.”³ It can be the name of a virtue—namely, that of “excellent responsiveness to obligations one really has to other persons”⁴—but also, it seems, of a vice: lamentable responsiveness to obligations one wrongly believes oneself to have, to the detriment of obligations one really has. In the latter case, we might think it would be better for people not to be so conscientious—so scrupulous about following rules, so ready to heed and obey the right as they perceive it.

This essay begins by examining a quite particular, even peculiar case of vicious conscientiousness: that of Roman Catholic priests and brothers who sexually abused children. The essay draws from research by the psychologist Marie Keenan and from the report of the French Independent Commission on Sexual Abuses in the church. What makes this case of vicious conscientiousness peculiar is that the men did not believe that what they had done, or were doing still, was right. To the contrary, they confessed its sinfulness. But they confessed it, to other priests in the confessional, in terms that obscured not only the full dimensions of its wrongness, but what made it most egregious.

The essay then seeks to draw lessons from this case. To that end, it reviews the limited literature on the theme of distortions of normativity: when morality is twisted against itself, in such a way that it appears to justify the terribly immoral, or at least is acquiescent before it. I engage primarily two articles: “Distortions of Normativity,” from 2011, by philosophers Herlinde Pauer-Studer and J. David Velleman,⁵ and “Moral Theology and Church Responses to Sexual Abuse,” from 2007, by theologian Norbert J. Rigali, SJ.⁶ Against the background of Pauer-Studer and Velleman’s article, the essay proposes that distortions of normativity factored in the church’s sexual

³ Alan Donagan, *The Theory of Morality* (Chicago, IL: The University of Chicago Press, 1977), 142.

⁴ Robert Adams, *A Theory of Virtue: Excellence in Being for the Good* (Oxford: Oxford University Press, 2006), 34.

⁵ Herlinde Pauer-Studer and J. David Velleman, “Distortions of Normativity,” *Ethical Theory and Moral Practice* 14 (2011): 329–56. Seeking to apply the lessons of this article, Pauer-Studer and Velleman also collaborated on a book-length “moral biography” of *Konrad Morgen: The Conscience of a Nazi Judge* (New York: Palgrave MacMillan, 2015). Finally, Pauer-Studer and Velleman’s article has been used in discussion of war crimes, such as the My Lai massacre and the abuses at Abu Ghraib. See Matthew Talbert and Jessica Wolfendale, *War Crimes: Causes, Excuses, and Blame* (Oxford: Oxford University Press, 2019).

⁶ Norbert J. Rigali, SJ, “Moral Theology and Church Responses to Sexual Abuse,” *Horizons* 34, no. 2 (2007): 183–204.

abuse scandal.⁷ The case of vicious conscientiousness with which the essay begins suggests as much; Rigali's article, focused on the role of moral theology, deepens the argument.

To be clear from the start, Rigali does not hold that moral theology is the primary explanation of sexual abuse in the church. That would be absurd; there are myriad factors to take into account. However, otherwise thorough studies of the scandal pass over the role of moral theology or treat it only briefly. For example, the high-quality volume *Doing Theology and Theological Ethics in the Face of the Abuse Crisis* considers at length the roles of clericalism, seminary formation, ecclesiology, and sacramental theology, but the discussion of moral theology is limited to two pages.⁸ This review essay is dedicated to bringing Rigali's argument back into the conversation.

THE "ACT ITSELF"

One of the participants in Keenan's research commented:

I did not think about justice to the individual . . . it was about how far did you go with yourself in the process, before committing a sin. . . . What was seen was what you did and not the individual.⁹

He was not an exception. Keenan writes: "All of the men thought first about breaches of the moral code and focused on the sexual 'act' rather than on the consequences for the young person."¹⁰ Sexual sin was framed "as direct offense against God but not as direct offense against a person."¹¹ From this point of view, the question to consider, in assessing the sinfulness of the deed for purposes of confession, was "the level of intrusion of the sex 'act'"; that it was performed on, with, or in the presence of a child was seen as incidental and did not figure

⁷ In using the past tense, I do not mean to imply that either sexual abuse in the church or mismanagement of the knowledge of it has ceased, though the scale is now much reduced. For a recent case, see "'An Offense against God': Sisters Say Vatican Abuse Response Not Enough," *The Pillar*, January 15, 2024, [pillarcatholic.com](https://www.pillarcatholic.com).

⁸ See *Doing Theology and Theological Ethics in the Face of the Abuse Crisis*, ed. Daniel J. Fleming, James F. Keenan, SJ, and Hans Zollner, SJ (Eugene, OR: Pickwick, 2023). The discussion of moral theology appears in Michelle Becka's chapter "Sexual Abuse in the Church and the Violation of Vulnerable Agency," 17–18. See my (positive!) review of the book in the *National Catholic Reporter*, June 17, 2023, [ncr.com](https://www.ncr.com).

⁹ Marie Keenan, *Child Sexual Abuse and the Catholic Church: Gender, Power, and Organizational Culture* (Oxford: Oxford University Press, 2012), 167. For details on the participants in her research, see 277–279. Seven were priests, two brothers (none bishops).

¹⁰ Keenan, *Child Sexual Abuse and the Catholic Church*, 167.

¹¹ Keenan, *Child Sexual Abuse and the Catholic Church*, 167.

in the act's formal description.¹² Its sinfulness was conceptualized solely *vis-à-vis* the abuser's soul and calibrated according to the degree to which the act was completed. "It is out of this scenario," Keenan summarizes her findings, "that the sexual abuse of minors became possible at the level of conscience"—a stunning assertion if we stop to think about it.¹³ The men did not believe what they did or were doing was right, but through confession they were able to resolve their feelings of guilt by specifying and circumscribing the type of wrong they had done in terms that abstracted from their victims.

The report of the French Independent Commission notes this same narrowing of the act description and displacement of the victim of sexual abuse in the *Catechism of the Catholic Church*. The code of canon law defines sexual abuse as an offense against the Sixth Commandment,¹⁴ and in the *Catechism* wrongs as grave as rape, including the rape of children, fall under the heading of "Offenses against chastity." Chastity is set in turn "under the cardinal virtue of temperance," described as the long and exacting work of "self-mastery," subjecting the passions and appetites of the senses to reason.¹⁵ Attention is thereby drawn first and foremost to the successes or failures of the individual in mastering his or her sexual desires; the effects of failures on others figure only secondarily, at best.

Consistent with this logic, lust, the "disordered desire for or inordinate enjoyment of sexual pleasure," appears first in the list of offenses against chastity, followed by masturbation, fornication, the consumption and production of pornography, prostitution, rape, and finally homosexual acts, condemned as "intrinsically disordered" and contrary to natural law.¹⁶ Admittedly, it is acknowledged that rape "does injury to justice and charity," and part of the wrong of prostitution is said to lie in its "reducing the person to an instrument of sexual pleasure."¹⁷ But the principal wrong of all these acts is located in the fact that they are failures of self-mastery, and as the French report observes, "The victims of pornography, prostitution, or rape almost do not appear."¹⁸ It is telling, moreover, that the list of

¹² Keenan, *Child Sexual Abuse and the Catholic Church*, 240, 168.

¹³ Keenan, *Child Sexual Abuse and the Catholic Church*, 242.

¹⁴ *Code of Canon Law*, book 6, part 2, title 6, canon 1398.

¹⁵ *Catechism of the Catholic Church*, part 3, section 2, chapter 2, article 6, nos. 2341, 2342.

¹⁶ *Catechism of the Catholic Church*, nos. 2351–2357.

¹⁷ *Catechism of the Catholic Church*, nos. 2356, 2355.

¹⁸ Rapport de la Commission indépendante sur les abus sexuels dans l'Église, *Les violences sexuelles dans l'Église catholique de France 1950–2020*, 339, no. 0933. The report was published in October 2021 and is online at www.ciase.fr/medias/Ciase-Rapport-5-octobre-2021-Les-violences-sexuelles-dans-l-Eglise-catholique-France-1950-2020.pdf.

offenses ends with homosexual acts, envisioned in abstraction from how they might figure in relationships between people.¹⁹ The focus is again and again drawn back to the individual in relation to his or her own body. Other people figure peripherally.

The *Catechism*'s discussion of chastity is patterned after Aquinas's in the *Summa Theologiae*, so it cannot be regarded as a recent and rash innovation. As Jean Porter notes, however, Aquinas's treatment of the virtues of the passions as primarily self-regarding and the virtue of justice as other-regarding makes it difficult for him to come to terms with virtues that straddle the line "between what concerns another, and what concerns oneself."²⁰ Chastity is a prime example. As Porter remarks, Aquinas sees it as "the capacity to moderate one's desire and enjoyment of physical pleasure, rather than . . . a capacity for appropriate feeling and acting with respect to other *people*."²¹ Sexuality's role in relating us to others—opening us to others and fashioning us for life with and for others—just does not figure in the analysis. The focus falls instead on the right use of the body, and the only right use of it sexually appears to be procreation. Against that background, Aquinas's ranking of homosexual acts as graver than adultery or rape makes unfortunate sense. Inasmuch as sexuality is naturally ordered toward procreation, homosexual acts transgress the very order of nature, understood as "from God himself."²² The wrong done to God as Creator outstrips the wrongs done to human beings in acts of adultery and rape. Ironically, the more "unnatural" the sexual wrong, the more it is an offense against God, and the less other human beings figure in that wrongness. But then we are back to where we began, for that is just how the men in Keenan's research thought. They appeased their consciences by confessing their sins against God. When they committed abuse again, it was the wrong against God that disturbed and burdened them, leading them back to confession. The abuse victims fell out of the picture, or figured only peripherally within it.

THINKING, THOUGHTLESSLY

Two lessons can be quickly drawn. The first is implicit already in Donagan's remark that "conscientiousness has an equivocal name in

¹⁹ In Keenan's words, "A purity ethic rather than a relational ethic predominates." See *Child Sexual Abuse and the Catholic Church*, 167.

²⁰ Jean Porter, *Moral Action and Christian Ethics* (Cambridge: Cambridge University Press, 1995), 182–183. On justice, see ST II-II, q. 58, a. 2; on temperance, II-II, q. 141, a. 3.

²¹ Porter, *Moral Action and Christian Ethics*, 182.

²² See Aquinas, ST II-II, q. 154, a. 12.

the world”: namely, the potential of conscience to be dulled by conscientiousness, by which I mean here a scrupulous attention to rules of conduct.²³ The men in Keenan’s research were conscientious in a way, but it is safe to say that they did not have lively consciences, in part precisely because they were conscientious in the sense articulated above.²⁴ The second lesson, which Keenan herself draws, is the danger of a moral code that can be applied in what Arendt calls an “automatic way—as though we dispose of a set of learned or innate rules which we then apply to the particular case as it arises, so that every new experience or situation is already prejudged and we need only act out whatever we learned or possessed beforehand.”²⁵ A code that bypasses thinking also makes an end run around conscience. Reactive emotions, such as guilt, may remain and resist elimination, but it is not a given that they will lead to re-thinking what we have done or are proposing to do. Remarkably, Keenan observes that the men she studied “who went on to commit sexual violations were more inclined than other clergy to be strict rule-keepers.”²⁶ They tended to be “‘logical’ and ‘intellectual’ and devoid of emotional or self-reflective engagement.”²⁷

Why the men in Keenan’s research did not really think—that is, why they just applied the narrowly circumscribed rules they had learned—is likely a question more for a psychologist than a philosopher. Sociologists also may have a role: to the extent that the men’s seminary formation was “education to orthodoxy and not education of the whole person,” during which critical thinking was discouraged rather than inculcated,²⁸ it must figure in the explanation. But philosophy, too, has a further contribution to make here: to drill down into how the men did think, however limited or even, in a sense, thoughtless it was. So we turn now to the literature on distortions of normativity.

Pauer-Studer and Velleman’s paper investigates two themes in Arendt’s notorious *Eichmann in Jerusalem: A Report on the Banality of Evil* and subsequent essays. The first is “Arendt’s diagnosis of [Adolf] Eichmann’s ‘inability to think,’” which they formulate as “a tendency to mischaracterize his circumstances and actions” and a

²³ Call it conscience in its bookkeeping capacity.

²⁴ Whatever our theory of conscience, the experience of it is nicely described as that “of being pulled into the world of norms, into the often hidden dialogue of reasons, the public space of other people.” See Jason J. Howard, *Conscience in Moral Life: Rethinking How Our Convictions Structure Self and Society* (Lanham, MD: Rowman & Littlefield, 2014), 90.

²⁵ Arendt, “Personal Responsibility under Dictatorship,” 44.

²⁶ Keenan, *Child Sexual Abuse and the Catholic Church*, 169.

²⁷ Keenan, *Child Sexual Abuse and the Catholic Church*, 169.

²⁸ Keenan, *Child Sexual Abuse and the Catholic Church*, 48, 177.

“lack of perceptiveness of what he was doing.”²⁹ The second “is her analysis of Nazi Germany as an inverted moral order,” with special interest in “the thoroughness with which the Nazi regime transformed the conventional moral order, causing its citizens to lose their moral bearings.”³⁰ To that point, Hitler’s image was emphatically *not* that of an amoral, Nietzschean *Übermensch* set on overthrowing all values. To the contrary, the historian Ian Kershaw observes that, “in a total inversion of reality, Hitler was widely perceived as signaling a triumph for values associated with ‘normality,’ acting as the true representative of the ‘common man’ in cutting down the high and mighty . . . for the good of his people.”³¹ Similarly, Claudia Koonz underscores Hitler’s “rhetoric of virtue” and “consummate skill at preserving his image as the upholder of rectitude” in the interests of Germany’s moral health,³² claimed to be threatened by Bolshevism, Western plutocracy, and above all the Jews. As Arendt sharply remarked, “The ease with which conscience could be dulled was partly the direct consequence of the fact that by no means all was permitted.”³³

To investigate these themes, Pauer-Studer and Velleman examine not high-level figures like Eichmann, whose portrayal by Arendt has proven deeply controversial, but three “ordinary,” “lower-level perpetrators whose moral psychology,” they propose, “is revealed in diaries and correspondence.”³⁴ These are Johann Paul Kremer, a physician who served at Auschwitz; Felix Landau, who served in a notorious *Einsatzkommando* that carried out massacres in present-day Ukraine; and Karl Kretschmer, who participated in mass executions on the Russian front. In each case, Pauer-Studer and Velleman claim, the “perpetrators mischaracterized their situations and consequently misinterpreted and misapplied the guidelines of their conventional morality.”³⁵ They did not renounce morality; instead, their “moral principles were filtered through socially conditioned interpretations and perceptions that gave events a distorted normative significance.”³⁶

²⁹ Pauer-Studer and Velleman, “Distortions of Normativity,” 331, 332.

³⁰ Pauer-Studer and Velleman, “Distortions of Normativity,” 331, 333.

³¹ Ian Kershaw, *The “Hitler Myth”: Image and Reality in the Third Reich* (Oxford: Oxford University Press, 1987), 92 (I have Americanized the spelling of “signaling”). See further 93, quoting as representative “a small-businessman from Saxony” who saw Hitler “as ‘an absolutely honest person who wants the best for Germany.’”

³² Claudia Koonz, *The Nazi Conscience* (Cambridge, MA: Harvard University Press, 2003), 38, 19.

³³ Arendt, “Personal Responsibility under Dictatorship,” 42.

³⁴ Pauer-Studer and Velleman, “Distortions of Normativity,” 336, 334.

³⁵ Pauer-Studer and Velleman, “Distortions of Normativity,” 334.

³⁶ Pauer-Studer and Velleman, “Distortions of Normativity,” 340.

To explicate that claim, Pauer-Studer and Velleman turn to Kant scholar Barbara Herman's paper "The Practice of Moral Judgment." Herman, they write, is an exception to the rule that "philosophers rarely discuss the impact of social context on the processes of interpretation and application" of abstract moral principles.³⁷ Herman's paper begins by acknowledging a problem for Kant: namely, as the philosopher (and Kant critic) Lawrence Blum puts it, "whatever perceptions of situations are involved in the Kantian agent's actions are not accounted for by Kantianism itself" with its focus on whether the maxims of our actions (roughly, the policies our actions reflect) satisfy the categorical imperative.³⁸ For example, in the *Groundwork of the Metaphysics of Morals*, Kant takes it for granted that a man whom nature has given "little sympathy in his heart," "by temperament cold and indifferent to the sufferings of others," would be capable both of noticing that others are in need of care and of responding appropriately.³⁹ Blum observes, however, that "part of what characterizes a person as caring, compassionate, sympathetic, or concerned is that he is more likely than other persons to apprehend situations in terms of the weal and woe of others."⁴⁰ By contrast, "The indifferent man of duty is much less likely than the man of sympathy to apprehend the other person as in distress in the first place."⁴¹ Blum also nicely remarks that "it is easy to fail to notice that the issue is being avoided. For in writing moral philosophy the author presents situations in which the moral choice is to be made and the principles applied"⁴²—as if it is always obvious, when we are not reading a book but interacting with our neighbors, when a situation is calling for us to consult and apply our principles.

Herman's response to this problem is twofold. According to her, the first step is to acknowledge that:

Kant's moral agents are not morally naive. In the examples Kant gives . . . the agents know the features of their proposed actions that raise moral questions *before* they use the [categorical imperative] to determine [the actions'] permissibility. It is because they already

³⁷ Pauer-Studer and Velleman, "Distortions of Normativity," 334.

³⁸ Lawrence Blum, *Friendship, Altruism, and Morality* (London: Routledge & Kegan Paul, 1980), 139.

³⁹ Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, ed. Karl Vorländer, 3rd ed. (Hamburg: Felix Meiner, 1965 [1785]), 16 (4:398); *Groundwork of the Metaphysics of Morals*, trans. Mary Gregor (Cambridge: Cambridge University Press, 1997), 12.

⁴⁰ Blum, *Friendship, Altruism, and Morality*, 132.

⁴¹ Blum, *Friendship, Altruism, and Morality*, 136.

⁴² Blum, *Friendship, Altruism, and Morality*, 137.

realize that the actions they want to do are morally questionable that they test their permissibility.⁴³

The second step is then to acknowledge that “prior moral knowledge is necessary.”⁴⁴ Herman proposes that this knowledge can be understood “as knowledge of a kind of moral rule” she calls “rules of moral salience”:

Acquired as elements in a moral education, they structure an agent’s perception of his situation so that what he perceives is a world with moral features. They enable him to pick out those elements of his circumstances or of his proposed actions that require moral attention.⁴⁵

Take as a simplified example Jesus’s parable of the good Samaritan in Luke. Why does the Samaritan *not* pass the beaten man by? On one way of reading the story, the Samaritan shows moral awareness or sensitivity the priest and the Levite do not. Likely beginning in childhood, “as part of socialization” on Herman’s account,⁴⁶ the Samaritan learned to perceive and describe “the morally relevant features of his circumstances of action”⁴⁷—features that alert us, in some situations, that moral value is at stake and, in other situations, “moral danger” threatens (say, should the Samaritan have been tempted to take for himself whatever the thieves disregarded: to see a temptation *as such* shows moral sensitivity at work). Having internalized such a practical framework, the Samaritan thus has the rudiments of a conscience, enjoining him to pursue this good and shun that evil on the basis of knowledge he shares with others.⁴⁸ To extend this line of thought a little beyond Herman’s paper, we do not learn feelings of guilt or shame by *imitating* our elders (e.g., trying to feel guilty when they feel guilty).⁴⁹ Instead, feeling ashamed or guilty is a natural, unlearned response. But we do learn from our elders *when* to feel guilty or ashamed, that is, what elements of our circumstances or

⁴³ Barbara Herman, “The Practice of Moral Judgment,” *Journal of Philosophy* 82, no. 8 (1985): 416. The paper also appears in her book *The Practice of Moral Judgment* (Cambridge, MA: Harvard University Press, 1993), 73–93.

⁴⁴ Herman, “The Practice of Moral Judgment,” 418.

⁴⁵ Herman, “The Practice of Moral Judgment,” 418.

⁴⁶ Herman, “The Practice of Moral Judgment,” 419.

⁴⁷ Herman, “The Practice of Moral Judgment,” 420.

⁴⁸ Compare Herman, “The Practice of Moral Judgment,” 419, though Herman puts “conscience” in scare quotes, presumably because Kant’s account of conscience is different. See on Kant Richard Sorabji, *Moral Conscience through the Ages: Fifth Century BCE to the Present* (Chicago, IL: The University of Chicago Press, 2014), 178–183.

⁴⁹ See Martin C. McGuire, “Conscience,” *Journal of Philosophy* 60, no. 10 (1963): 260, whom I follow here.

our actions we should feel guilty or ashamed about precisely because they are bad, wrong, and so forth. Our feelings of conscience and judgments of value are thus closely interwoven because of the way we meet the concepts of right and wrong in our early moral education.⁵⁰

A further point to note is that Herman does not think of rules of moral salience as “eternally fixed,” or in terms of one “ideal set.”⁵¹ Instead, “as a vehicle for moral education,” they can be expected to vary, depending on, for example, “the way social or economic conditions shape moral temptation” in a particular community.⁵² At the same time, the rules are not for her, as a Kantian, altogether arbitrary. Instead, they are rooted in our apprehension of moral law and thus are, at bottom, interpretations of the imperative to respect persons as ends-in-themselves.⁵³ After all, we need to learn as children and often anew as adults what respect actually demands, when it is in peril, how it can be infringed, and how it can be appropriately, as well as inappropriately, expressed and affirmed.

In light of Herman’s conception of interpretation of the moral law as “a *practical* task for a community of moral agents,”⁵⁴ Pauer-Studer and Velleman propose that we speak of the “social articulation of morality.”⁵⁵ Whereas Herman is interested in developing and defending Kant’s moral theory, though, Pauer-Studer and Velleman are interested in how the social articulation of morality may go awry. From the cases they examine, they identify two ways this can happen. The first is if the social articulation of morality is “based on empirical falsehoods about ‘the community’s particular circumstances’” (quoting Herman).⁵⁶ Here Karl Kretschmer (who participated in mass executions on the Russian front) is a case in point: he seems to have internalized what Arendt called “the lie most effective with the whole German people,” namely, that they had either to exterminate the Jews or be exterminated themselves.⁵⁷ Thus Kretschmer interpreted his qualms about participating in mass executions of innocent people as themselves temptations to overcome. He cast himself as principled, but in a moral order turned upside down by Nazi propaganda. As an

⁵⁰ McGuire, “Conscience,” 261.

⁵¹ Herman, “The Practice of Moral Judgment,” 425.

⁵² Herman, “The Practice of Moral Judgment,” 425.

⁵³ Herman, “The Practice of Moral Judgment,” 428.

⁵⁴ Herman, “The Practice of Moral Judgment,” 429.

⁵⁵ Pauer-Studer and Velleman, “Distortions of Normativity,” 335. They also write that they “don’t agree with Herman” that the two functions of rules of moral salience—namely, their shaping of moral perception and interpreting the moral law—“are necessarily expressed in the form of rules,” but do not explain this claim.

⁵⁶ Pauer-Studer and Velleman, “Distortions of Normativity,” 352.

⁵⁷ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 1964), 52.

aside, it is hard to imagine that Kretschmer was not also guilty of a measure of bad faith. It has been observed that “there were no simple tests that anyone could have done to discredit the stereotypes of the Jew. . . . The belief-systems that sustained the persecutions of Jews . . . were elaborate, speciously plausible, hedged against empirical refutation . . . , and deeply entrenched.”⁵⁸ At the same time, research indicates that people who risked their lives to help and protect Jews hounded by the Nazis—Holocaust rescuers and other righteous among the nations—were different from their neighbors in that they saw the Jews, not as a race set apart, but simply as fellow human beings in need. A more concise, though cruder, way to put that point is to say that rescuers refused to go along with the Nazis’ bullshit.⁵⁹ A host of others, like Kretschmer, accommodated themselves to it.

The second way the social articulation of morality can go awry, according to Pauer-Studer and Velleman, is by failing to help people make adequate sense of the social roles they are called upon to occupy. Here both Johann Paul Kremer (the physician at Auschwitz) and Felix Landau (who carried out massacres in Ukraine) are cases in point. In Pauer-Studer and Velleman’s words, neither “could make sense of the roles that their circumstances had assigned to them, and so they fell back on understanding themselves in terms of roles that were inappropriate to the circumstances.”⁶⁰ Thus Kremer conceived of himself as “a physician on duty at the gassings, as an anatomist observing the corpses, and as a medical researcher in the sickbay.”⁶¹ Similarly, Landau thought of himself as simply having a job to do: “He normalized his activities as the workaday routine of a laborer”—though his job was executing Jews and Poles.⁶² Both men were sensitive to workplace codes of conduct, but these badly distorted the significance of what they were doing. In other words, what stood out as morally salient to them blinded them to—or perhaps, more likely, allowed them to look away from and obfuscate—what they really ought to have faced and recoiled from. As a physician, Kremer in fact did the opposite of what he should have done: he did harm, rather than abjuring it.

⁵⁸ Geoffrey Scarre, “Understanding the Moral Phenomenology of the Third Reich,” *Ethical Theory and Moral Practice* 1 (1998): 436.

⁵⁹ The indispensable resource remains Harry Frankfurt, “On Bullshit,” *Raritan* 6, no. 2 (1986): 81–100.

⁶⁰ Pauer-Studer and Velleman, “Distortions of Normativity,” 352.

⁶¹ Pauer-Studer and Velleman, “Distortions of Normativity,” 344.

⁶² Pauer-Studer and Velleman, “Distortions of Normativity,” 348.

MORAL (MAL)FORMATION

Rigali's "Moral Theology and Church Responses to Sexual Abuse" asks a question that, on its face, might seem quite strange: namely, "whether the morally inadequate responses of Church authorities [to instances of clergy sexual abuse] reflect teachings of moral theology."⁶³ He clarifies that by moral theology he has in view the discipline, explicitly distinguished from dogmatic theology, created toward the end of the sixteenth century in the aftermath of the Council of Trent. That discipline was, quoting Richard McCormick (as Rigali does in several of his papers), "sin-centered, confession-oriented, and seminary-controlled."⁶⁴ It found expression in the moral manuals used to train seminarians to hear confessions, in which penitents were to confess their sins by kind, number, and circumstance. According to Rigali, moral theology as a "seminary science" is now obsolete, replaced in the aftermath of Vatican II by a new academic discipline, sometimes called theological ethics (though sometimes still moral theology, as in the title of this journal), having as its subject "the lives of Christians as lives of discipleship" to Christ.⁶⁵ Yet moral theology as a seminary science dominated Catholic sacramental life and moral thought for more than 350 years, entrenching a legalism that gave pride of place, in moral analysis, to the question of whether an action was permitted or forbidden. Moreover, not only has it not been entirely uprooted in seminaries (and may even be undergoing a resurgence),⁶⁶ it also was standard still when many post-Vatican II bishops were seminarians. "Thus the question here," as Rigali puts it more fully, "is whether Church leaders' wrongful responses to sexual-abuse allegations reflect teachings of the then traditional but now obsolete discipline taught in seminaries when they were students."⁶⁷

The "wrongful response" that interests Rigali is the following well-known pattern:

Having received an allegation of . . . sexual abuse by a priest and found it to be credible or true, the local bishop kept the abuse secret and transferred the priest, sometimes after a period of therapy or

⁶³ Rigali, "Moral Theology and Church Responses," 184.

⁶⁴ Rigali, "Moral Theology and Church Responses," 184; see also his "On Presuppositions of Theological Ethics," *Horizons* 38, no. 2 (2011): 214, and "New Horizons in Moral Theology," in *New Horizons in Theology*, ed. Terrence W. Tilley (Maryknoll, NY: Orbis Books, 2005), 41.

⁶⁵ Rigali, "New Horizons in Moral Theology," 42, 49.

⁶⁶ See Brian Besong, "Reappraising the Manual Tradition," *American Catholic Philosophical Quarterly* 89, no. 4 (2015): 557–584.

⁶⁷ Rigali, "Moral Theology and Church Responses," 185.

rehabilitation, to a different place of ministry, where the wrongdoing was unknown to all.⁶⁸

Rigali then considers a number of official statements that, he suggests, indicate “the perceptions that in the past underlay the discernment of what to do when a priest sexually abused a minor.”⁶⁹ For example, Boston’s Cardinal Bernard Law commented in a 2002 deposition:

Obviously I viewed [a priest’s sexual molestation of boys] as something that had a moral component. It was, objectively speaking, a gravely sinful act. And that’s something that one deals with in one’s life, in one’s relationship to God. But I also viewed this as a pathology, as an illness.⁷⁰

The latter perception of sexual abuse as a pathology, Rigali notes, emerged in the 1980s. Until then, sexual abuse was seen primarily as a priest’s moral weakness and sin.⁷¹

Now, Rigali notes further both that “moral discernment of what is to be done in a particular situation . . . is dependent upon how that moral situation is perceived” and “moral perception,” understood as “a person’s active ability to grasp the human significance of a situation,” is by no means “automatic” or merely natural.⁷² Instead, it is, “for better or for worse, learned and appropriated” in the course of moral formation, whether that be in a family, a community like a church, or an institution like a seminary.⁷³ Rigali’s thesis is that “the science of moral theology formed directly . . . the clergy’s perception of the Christian moral life”; otherwise put, “The content, structure, and method of [this] sin-centered discipline . . . shaped the way in which the Christian moral life was understood in the Church.”⁷⁴ His primary

⁶⁸ Rigali, “Moral Theology and Church Responses,” 185. Marie Keenan likewise notes the “unusually consistent pattern . . . in the handling of abuse complaints by Catholic leaders across jurisdictions and continents”; see *Child Sexual Abuse and the Catholic Church*, xxiv–xxv.

⁶⁹ Rigali, “Moral Theology and Church Responses,” 186.

⁷⁰ Rigali, “Moral Theology and Church Responses,” 187.

⁷¹ In a paper published in 1994, Rigali refers to “the recent not-moral-fault-but-sickness approach to clerical sexual misconduct.” In his judgment, both approaches “deal with the crisis in its immediate context of the individual persons affected by the problem rather than in the broader context of a more global view of church life.” See “Church Responses to Pedophilia,” *Theological Studies* 55, no. 1 (1994): 134–135.

⁷² Rigali, “Moral Theology and Church Responses,” 186. Rigali follows William Spohn’s account of moral perception. See further Charles Starkey, “On the Category of Moral Perception,” *Social Theory and Practice* 32, no. 1 (2006): 75–96.

⁷³ Rigali, “Moral Theology and Church Responses,” 186.

⁷⁴ Rigali, “Moral Theology and Church Responses,” 190.

evidence for that thesis is the way the sexual abuse of children was perceived by clergy, in particular bishops, prior to 2002, when the US Conference of Catholic Bishops approved the Dallas Charter for the protection of minors. The fact he underscores is the lack of visibility of “*the other*” or in Christian terms “the neighbor”—that is, the victim of abuse—in clergy’s perception of the wrong done.⁷⁵ If sin is first and foremost “the free transgression of a divine law” by an individual agent, an act wrongly ordered in an individual’s relationship to God, it can begin to make sense “why . . . abuse was perceived primarily as a priest’s moral weakness and sin rather than as a priest’s very harmful violation of a child.”⁷⁶ Vertical accountability to God eclipsed horizontal accountability to neighbor.

For all that, we might still wonder “why the evil was not perceived as a priest’s harmful violation of a child and *therefore* a priest’s moral weakness and sin.”⁷⁷ Why was the act narrowly described such that it abstracted from the victim, as we saw already with the men in Marie Keenan’s research? According to Rigali, the legalistic individualism of moral theology *qua* seminary science is part of the answer. On his account (in terms reminiscent of Pauer-Studer and Velleman’s), it displaced “the reality of *the other*” from the center of consideration to “a marginal place” and thereby *distorted* clergy’s perception of the human significance of sexual abuse.⁷⁸ But that explanation still does not account fully for why the victim of sexual abuse went largely missing. After all, the legalistic individualism of moral theology did not lead clergy to fail to see that murder is the wrongful killing of another person and *therefore* sin. Why, then, did moral theology get wrong at least some violations of the Sixth Commandment (all things sex), while getting right violations of the Fifth Commandment (all things killing)?⁷⁹

Rigali’s fuller answer is: “moral theology’s inadequate treatment of human sexuality,”⁸⁰ which he accordingly goes on to examine. His principal criticism is that moral theology advanced a radically impoverished understanding of human sexuality’s “inherent

⁷⁵ Rigali, “Moral Theology and Church Responses,” 190, 192.

⁷⁶ Rigali, “Moral Theology and Church Responses,” 192, 189.

⁷⁷ Rigali, “Moral Theology and Church Responses,” 189 (emphasis original).

⁷⁸ Rigali, “Moral Theology and Church Responses,” 193.

⁷⁹ Interestingly, the report of the French Independent Commission on Sexual Abuses in the Church describes sexual abuse as “a work of death” and recommends that it be classified as a sin not against the Sixth Commandment, but against the Fifth, given how shattering it can be psychologically and spiritually. See Rapport de la Commission indépendante, *Les violences sexuelles dans l’Église catholique de France*, 26, no. 0019 (“œuvre de mort”); 62–63, recommendation 29; and 341, no. 0942 (Fifth Commandment rather than Sixth).

⁸⁰ Rigali, “Moral Theology and Church Responses,” 194.

meaningfulness and goodness,” which he suggests should come as no surprise given that the discipline was developed by celibate male clerics for the training and use in the confessional of other celibate male clerics.⁸¹ Crucially, this impoverished understanding of human sexuality led to a further failure to grasp the full significance of “the great sexual and personal harm done to a child by [sexual] abuse.”⁸² In brief, a failure to appreciate the meaningfulness and goodness of sexuality brought in its wake a failure to appreciate the evil of its violation. The most moral theology “was able to cultivate was only . . . a perception of moral lapse and transgression of divine law,”⁸³ which kept the focus on the perpetrator rather than concentrating on the victim.⁸⁴

Rigali says more about human sexuality (though still not a lot) in both an earlier paper of his from 1983, “The Moral Act,” and a later paper from 2011, “On Presuppositions of Theological Ethics.” Sexuality, he proposes in the 1983 paper, “directly pertains to the relational nature of human personhood”; otherwise put, “it lies . . . at the heart” of being “a-person-in-relation-to-other-persons-in-the-world.”⁸⁵ Accordingly, sexual relations may deepen persons *qua* relational beings, but they also have the potential to damage or even destroy persons in a profound way. The 2011 paper similarly contrasts “individualistic” and “relational” perspectives. Whereas chastity, “the virtue of sexual living,” is understood in the individualistic ethics of moral theology as perfect self-mastery over sexual desires, in the relational ethics of theological ethics, on Rigali’s presentation, chastity is understood “as perfective of a person’s way of relating to worldly reality”—that is, to *other people* as well as him or herself.⁸⁶

Neither paper discusses the sexual abuse scandal, but the 1983 paper’s relevance to it is striking. On Rigali’s account, sexuality is a crucial way we are realized as relational beings. It is also, for that reason, an especially vulnerable theatre of a person’s identity, to which survivors’ testimony sadly attests. But moral theology’s individualistic sexual ethics did not even begin to provide the means to plumb the depths of the potential harm of sexual abuse, no less at the hands of a priest, the supposed representative of Christ. As Rigali succinctly

⁸¹ Rigali, “Moral Theology and Church Responses,” 198, 199.

⁸² Rigali, “Moral Theology and Church Responses,” 198.

⁸³ Rigali, “Moral Theology and Church Responses,” 198–199.

⁸⁴ A haunting example is the solicitude Scranton’s Bishop James C. Timlin showed for a priest who assaulted and impregnated a girl and then helped to procure an abortion. See the grand jury report of the Pennsylvania Office of Attorney General, 285–296, especially Bishop Timlin’s letter to the priest, at 286. The report was released August 14, 2018, and is available online at www.attorneygeneral.gov/report/.

⁸⁵ Rigali, “The Moral Act,” *Horizons* 10, no. 2 (1983): 265.

⁸⁶ Rigali, “On Presuppositions of Theological Ethics,” 220.

remarks: “Only with the rise of modern feminism have the physical, emotional, and sexual abuse of women and children found their way into public consciousness and concern and into Catholic categories of sin. Moral theology did not treat these evils.”⁸⁷ Thus clergy whose moral perception was shaped by the seminary science of moral theology might understandably, though not justifiably, have been morally blind. They overlooked, or looked away from, evils they ought to have faced and sought to combat. Like the priest and Levite in Jesus’s parable of the good Samaritan, all too many passed the victim by.⁸⁸

THE POWER OF A PICTURE

To recall, Pauer-Studer and Velleman propose two ways the social articulation of morality may go awry. By the social articulation of morality, they have in view the shaping of moral sensitivity and perception, or in Herman’s terms the formulation and inculcation of rules of moral salience, such that the world appears to us “with moral features,” for example stakes and temptations, before we ever turn to consulting and applying whatever moral principles we affirm. The first way Pauer-Studer and Velleman propose it may go awry is when it is “based on empirical falsehoods about ‘the community’s particular circumstances.’” The second way is when it fails to help people make adequate sense of the social roles they are called upon to occupy, with the consequence that they fall back “on understanding themselves in terms of roles that [are] inappropriate to the circumstances.” Neither failure, however, seems to describe what went wrong in the case of the church’s sexual abuse scandal, whether we are considering it under the aspect of priests abusing children and other vulnerable people, or under the aspect of how the knowledge of that scandal was managed by bishops and other church authorities.⁸⁹ Yet there clearly was a deep

⁸⁷ Rigali, “Moral Theology and Church Responses,” 199.

⁸⁸ To be sure, not all clergy went along; some spoke out, risking ostracism for breaking the expected code of silence. See further my paper “Jointly Committed: Examining the Sexual Abuse Scandal as a Case of Institutional Vice in Post-Vatican II Catholicism,” in *The Legacy and Limits of Vatican II in an Age of Crisis*, ed. Catherine E. Clifford, Kristin Colberg, Massimo Faggioli, and Edward P. Hahnenberg (Collegeville, MN: Liturgical Press, forthcoming).

⁸⁹ Against this claim, it might be countered that a “falsehood” of sorts played a role, namely, the conviction central to clericalism that priests are “ontologically” different from and higher than laypeople. As Cathleen Kaveny suggests, “In the dominant framework of clericalism, which assumes that priests matter more than laypeople, the suffering of those who are sinned against remains hazy. The focus is the spiritual reformation of the priest.” See her post “A Matter of Justice, Not Merely Chastity,” *The Immanent Frame*, February 19, 2019, tif.ssrc.org/2019/02/19/a-matter-of-justice-

failure in the social articulation of morality. Despite generally affirming, it seems right to presume, the fundamental principles of Christian moral life, love of God and love of neighbor,⁹⁰ clergy (and sometimes lay people too) exhibited astounding moral blindness.⁹¹ The question to ask, then, is: What can we learn from the sexual abuse scandal about other ways the social articulation of morality may go awry?

Rigali's work suggests two answers. One is that it may apparently go awry by means of moral theory, if the seminary science of moral theology is properly described by that term. That is, the way moral life as a whole is viewed ("theorized") may skew moral perception, making some descriptions of our actions seem natural and obvious inasmuch as they reflect deep-rooted habits of thought and regularly find uptake among the people who constitute our community, while other possible descriptions either never emerge or find so little support that they are immediately silenced.⁹² In traditional Catholic moral theology, moral life was viewed as a matter of obeying or violating commandments addressed to the individual. As seen, such a theory risks occluding wrongs that cannot be grasped in full so long as the focus remains on the individual and his or her deliberately willed actions. Thus, in the church's sexual abuse scandal, what was most egregious about it, the catastrophic harm done to victims, all too often fell out of the picture.

The fact that moral theology was developed for use in the confessional suggests a second way the social articulation of morality

not-merely-chastity/. The historical denigration of sexual activity, even in the "right" way with the right person, etc., must also figure in this story.

⁹⁰ Mark 12:29–31 and Matt 22:37–40; compare Luke 10:27 and John 13:34.

⁹¹ By way of example, the Murphy Report on the Archdiocese of Dublin notes that, during the period it investigated, "A number of very senior members of the Gardai . . . clearly regarded priests as being outside their remit," and the Gardai occasionally even reported complaints of abuse to the Dublin archdiocese "instead of investigating them." See the Commission of Investigation, *Report into the Catholic Archdiocese of Dublin*, 24, no. 1.93, published in July 2009 and online at various sites. Meanwhile, in Boston, before the *Globe's* explosive "Spotlight" investigation in the early 2000s, the paper had in fact buried coverage of clergy sexual abuse. It should be underscored, however, that most lay people who raised the alarm with church leaders were either ignored or treated punitively.

⁹² The relevant literature includes Iris Murdoch, "Vision and Choice in Morality," *Proceedings of the Aristotelian Society*, supplementary volume 30 (1956): 32–58, especially 43 ("A man's morality is not only his choices but his vision," constituted in part by his "deep conceptual attitudes"), and Stanley Hauerwas, "Situation Ethics, Moral Notions, and Moral Theology," *Irish Theological Quarterly* 38, no. 3 (1971): 242–257, especially 249 ("The moral life is a struggle and training in how to see") and 253 ("Our moral notions do not just inform us about what is going on, but actually arrange what is going on by selecting the variables to be understood in a particular way").

may go awry: namely, through practices that themselves embody and encode a particular vision of the moral life. On John Mahoney's magisterial account, the practice of confession bequeathed to moral theology "a preoccupation with sin, a concentration on the individual, and an obsession with law."⁹³ Yet it seems likely there is a strong case to be made that, just as the practice of confession profoundly influenced moral theology, so too having to administer the sacrament profoundly shaped many clergy's moral perception, and perhaps more than any preparatory study of moral theology ever could. Recall that the men in Marie Keenan's research confessed what they had done in terms that abstracted from the victims and concentrated instead on the men's failures of self-mastery. We might wonder how the confessors responded. Did they correct the men's distorted moral perception, or did the established, post-Tridentine understanding of the practice—examination of an individual's deliberately willed transgressions—tend to skew the confessors' own moral perception, such that they went along with the men's descriptions of their sins? The men in Keenan's research seem to have had the latter experience, returning as they did to the confessional with the same act descriptions time and again.⁹⁴

A quite different perspective on the sexual abuse scandal is also worth noting. According to Bishop Robert Barron, it was a product of moral relativism in the church, and he points to the years following Vatican II as the time that the rot took hold.⁹⁵ Barron claims rightly, in my view, both that there was "something . . . haywire" in the "moral compass" of abusing priests and bishops who shuffled them from parish to parish, and that "we have to look beyond the explicit offenders and raise some serious questions about the clerical culture that made this kind of abuse and its cover-up possible."⁹⁶ But this

⁹³ John Mahoney, *The Making of Moral Theology: A Study of the Roman Catholic Tradition* (Oxford: Oxford University Press, 1987), 27. Compare, from a different angle, Matthew Levering, *The Abuse of Conscience: A Century of Catholic Moral Theology* (Grand Rapids, MI: Eerdmans, 2021), 152: "The real impulse for casuistic ethics comes from the development of penance and the confessional."

⁹⁴ Interestingly, however, it seems that some priests' experience as confessors disposed them to be critical of the limits of moral theology. For example, Leslie Woodcock Tentler claims that younger, Vatican II-era clergy found mounting criticisms of the traditional discipline of moral theology so compelling precisely because of their experience of "the anguish of their many penitents who wrestled with the problem of family limitation." See her *Catholics and Contraception: An American History* (Ithaca, NY: Cornell University Press, 2004), 152.

⁹⁵ Robert Barron, *Letter to a Suffering Church: A Bishop Speaks on the Sexual Abuse Crisis* (Park Ridge, IL: Word on Fire, 2019), 88. Compare Levering, *The Abuse of Conscience*, 192, who quotes Barron affirmatively and blames "postconciliar conscience-centered Catholic morality" seeking liberation from "too much law."

⁹⁶ Barron, *Letter to a Suffering Church*, 88.

essay suggests that the roots of the scandal run much deeper than the 1960s, and that what we have to reckon with is much less moral relativism than moral blindness induced, ironically, by a distorted view of the moral life—a picture, as it were, that held us captive.⁹⁷ So it was that terrible deeds became “possible at the level of conscience,”⁹⁸ among men who were scrupulous to a grievous fault. **M**

Bernard G. Prusak, PhD, holds the Raymond and Eleanor Smiley Chair of Business Ethics at John Carroll University in Cleveland, Ohio. He was previously Professor of Philosophy and Director of the McGowan Center for Ethics and Social Responsibility at King’s College in Wilkes-Barre, Pennsylvania. His books include *Catholic Moral Philosophy in Practice and Theory* (Paulist, 2016) and *Catholic Higher Education and Catholic Social Thought* (Paulist, 2023), edited with Jennifer Reed-Bouley. His public scholarship and criticism appear often in *Commonweal*.

⁹⁷ Ludwig Wittgenstein, *Philosophical Investigations*, bilingual edition, trans. G. E. M. Anscombe (Oxford: Basil Blackwell, 1958), 48, no. 115.

⁹⁸ Keenan, *Child Sexual Abuse and the Catholic Church*, 242.