

Chapter 2: Vulnerability, Ecclesial Abuse, and “Vulnerable Adults”

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The term *vulnerable adult* has been used for decades,¹ usually within health disciplines or legal scientific reports and to describe the subjects of abuse, or potential subjects of abuse, such as the elderly, the poor, or people with some kind of disability. Be it because of age or because of cognitive or other health limitations, it refers mostly to people who cannot defend their rights and their integrity due to something that they appear to lack in the eyes of modern society. This context views efficient performance in every aspect of life as mandatory, demanded, and self-demanded.² In other contexts, if one looks up *adultos vulnerables* in Spanish for example, most of the references will be on discriminatory policies due to social economical differences. The variation in the emphasis is not accidental since, as theological ethics understands, there are distinctive differences between North American, European, and Latin American understandings of the word “vulnerability.”³

In its ordinary use, the risk of abuse among the so-called *vulnerable adult* population generally stems from their dependence on others for care, their potential inability to communicate, and, as in every abuse, the disparity of power that exists between the caregiver and the person who receives acts of care. A trusting relationship between the perpetrator and

¹See, for example, Richard L. Douglass, Tom Hickey, and Catherine Noel, *A Study of Maltreatment of the Elderly and Other Vulnerable Adults* (University of Michigan: Institute of Gerontology, 1980).

²Byung-Chul Han, *The Burnout Society* (Stanford, CA: Stanford University Press, 2015).

³For example, excellent research that highlights these differences from an ethical point of view is Henk Ten Have, *Vulnerability: Challenging Bioethics* (New York: Routledge, 2016), and from a sociological perspective, Barbara Misztal, *The Challenges of Vulnerability* (London: Palgrave Macmillan, 2011).

the victim presents a further opportunistic factor that contributes to the risk of abuse. Abuse of the vulnerable always encompasses a complex and multifaceted reality. The width and scope of vulnerabilities experienced and the variety of abuses that are possible complicate the recognition and prevention of such exploitation.

More recently, the term *vulnerable adults* has appeared in relation to ecclesial abuse in relation to the definition of these adults and the terms of the reparation that they are owed. In the Apostolic Letter Issued *Motu Proprio* by Pope Francis, *Vos Estis Lux Mundi* (2019), article one lists “delicts against the sixth commandment of the Decalogue consisting of i) forcing someone, by violence or threat or through abuse of authority, to perform or to submit to sexual acts; ii) performing sexual acts with a minor or a vulnerable person” and then explicitly defines a *vulnerable person* as “any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or otherwise resist the offence.” Once again, here, the fundamental aspect is the person’s autonomy, understood as capacity to consent.

Yet in 2021, Pope Francis established a new canon⁴ in the section of the Code of Canon Law entitled “Offences against Human Life, Dignity and Liberty”:

Canon 1398 §1. A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if he:

1. commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognizes equal protection.
2. grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognizes equal

⁴ For a complete review of the canonical aspects of the matter, see Brendan Daly, “Canon Law in 2021 on Sexual Abuse,” *Australasian Catholic Record* 98, no. 4 (2021): 449–473.

- protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;
3. immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason or one to whom the law recognizes equal protection.

As we can see here, the term *vulnerable adult* is excluded and replaced by the lengthier explanation: “person who habitually has an imperfect use of reason or one to whom the law recognizes equal protection.” This formulation had been already included as equivalent to the definition of “minor” in John Paul II’s 2001 *Sacramentorum Sanctitatis Tutela* before 2019 and is recovered in the newest definition of those who previously were considered to be *vulnerable adults*. It is, in its essence, a legal description which emphasizes cognitive and rational aspects of a person’s humanity.

In the Catholic church, the recognition of adult victims of sexual or conscience abuse is a breakthrough toward acknowledging that the damage committed does not only concern minors. However, the use of the term *vulnerable adults* to describe these victims is ambiguous. Such use entails a risk in its potential revictimization, because it situates the source and the (perverse) reason of the abuse on the assumed vulnerability—and on a specific way of understanding vulnerability—of that particular adult rather than on the person that perpetrates the abuse. Such an approach distorts what happened: a power abuse over against the sexual and conscience integrity of an adult, by claiming the lack of certain qualities—especially a certain understanding of autonomy—in the victim.

The problems with such an approach become clear when we consider several critical questions. What happens in the case of abuse perpetrated against adults who have no cognitive or autonomy deficiencies? Or those who have no economic or social “debts” (frequent in Latin America) with the church? What happens when factors concerning—trust, or generosity, or faith, and not disability or precariousness, makes the abuse possible? Or if it is a result of a distorted image of God, of God’s will and how God

manifests it, in what we would call perfectly “capable” and “independent” men and women?

Redefining the Ethical-Anthropological Category of Vulnerability

As we have seen in a society where the *Autonomy Myth*⁵ prevails, vulnerability is habitually understood as a lack of cognitive and voluntary freedom to consent and/or protect one’s own interests.⁶ It is seen as a flaw in the striving for independence and rooted in the understanding that human plenitude is a state where will and reason are irreplaceable.

I attempt to redefine the concept of vulnerability. Based on extensive research and the contributions of many authors who have also reflected on this term, I define human vulnerability as a universal anthropological trait. It is to be understood as the intrinsic openness of human beings to the world in which they are immersed, to the bonds established by each person, and to the way in which they positions themselves before their own subjectivity and that of those around them.⁷ It is the potential ability of every woman and every man to be affected bodily, mentally, emotionally, or existentially by the presence, being, or acting of someone or something else. It is the condition of the permeable, porous being of those who are affected and transformed in interacting with their environment, themselves, others and with that which transcends them. This openness is reflected in human corporeality, in a more evident way, but it is also constitutive of our social condition and of the diverse ways in which people interact with the world.⁸

⁵ Martha Albertson Fineman, *The Autonomy Myth: A Theory of Dependency* (New York: The New Press, 2004).

⁶ Council for International Organizations of Medical Sciences, *International Ethical Guidelines for Biomedical Research Involving Human Subjects*, 2nd ed. (Geneva, 1993), 10.

⁷ See Ignacio Boné Pina, *Vulnerabilidad y enfermedad mental. La imprescindible subjetividad en psicopatología* (Madrid: Editorial Comillas, 2010).

⁸ Carolina Montero Orphanopoulos, *Vulnerabilidad: Hacia una ética más humana* (Madrid: Editorial Dykinson, 2022).

Vulnerability is an inherent, universal, and anthropological attribute that is categorized or individualized in concrete women and men in different ways. We are all vulnerable, but each individual is positioned in different ways in life, in his or her biography, social spaces, and the way we are supported—or not—by social institutions.⁹ The result is that every human being is not always equally vulnerable in different situations. This is what is called *situational vulnerability*, but it is the direct result of the human characteristic of common anthropological vulnerability defined as one’s inherent openness. Here we are reminded of Karl Rahner’s notion of the human being as *spirit*,¹⁰ openness to its reality, to others, and to God. We are affected and affect people, nature, ourselves, etc., and that differentiates our vulnerability from animal vulnerability.¹¹

However, the concrete experience of universal anthropological vulnerability is always situational, changing, asymmetrical, singular, and contingent. Human vulnerability, although an anthropological characteristic common to all, is not experienced in equal ways by all, nor can it be objectively assessed or compared in diverse situations and scenarios. In different ways, some of us are, in certain circumstances, more vulnerable than others, perhaps living with a greater degree of exposure or precariousness, even though we all participate in shared radical vulnerability. The American legal expert Martha Albertson Fineman resolves this apparent contradiction with clarity:

While vulnerability is universal, constant and complex, it is also particular. While all individuals are in a position of constant vulnerability, each is positioned individually. We have different ways of embodying ourselves, and we are also situated differently in networks of economic and institutional relations. As a result, our vulnerabilities

⁹ Martha Albertson Fineman, “The Vulnerable Subject and the Responsive State,” *Emory Law Journal* 60 (2010): 31.

¹⁰ Karl Rahner, *Oyente de la Palabra: Fundamentos para una filosofía de la religión*, (Barcelona: Editorial Herder, 1976), 79.

¹¹ Cf. Orphanopoulos, *Vulnerabilidad*.

range in magnitude and potential at the individual level. Vulnerability is therefore both universal and particular, uniquely experienced by each of us.¹²

Hence, there is no opposition between an understanding of vulnerability as a universal human condition, and the evident differences in the particular vulnerabilities of each one, since there are existential, physical, sociopolitical, and economic contexts that exacerbate the common anthropological vulnerability.

It is true that the word *vulnerability* etymologically refers to every human being’s capability or exposure to being wounded. Perhaps the possibility of being hurt is in turn a condition of possibility of a type of intersubjective relationship that aspires to something important and profound, to the *good life*. Hence, human vulnerability would stress the permeability necessary to be affected by others. If we were self-sufficient, impermeable, and completely independent, we could not be hurt, but we would also be condemned to the most monotonous and absurd solipsism. Certainly, to acknowledge vulnerability as a humanizing possibility is not simple. The vulnerability of others can generate feelings as contradictory as contempt or compassion, care or violence, and one’s own vulnerability, as we indicated, can cause fear, shame, and various psychological defense mechanisms.

Moreover, because we live exposed, and because of *human lability*,¹³ the always latent possibility of failure in the personal and social axiological project is real. There are social and personal realities that aggravate vulnerability and lead it towards being, in fact, violated. The concept of vulnerability then requires us to examine how power, social goods, and wealth are distributed. What is relevant is to point to the need of restructuring social institutions and challenging social inequities. The

¹² Martha Albertson Fineman, “The Vulnerable Subject and the Responsive State,” 31.

¹³ I propose here the term *human lability* as the great French philosopher Paul Ricoeur defines it: “I understand by lability that constitutional weakness that makes evil possible.” Paul Ricoeur, *Finitud y culpabilidad*, 2nd ed. (Madrid: Editorial Trotta 2011), 15. My translation.

perpetual risk and reality of vulnerability is that it often leads to exploitation or abuse, manipulation, conflict, inequality, and violence, rather than solidarity, which acknowledges the shared destiny and mutual interests of the common good. This exploitation of vulnerability does not have its source in the vulnerable person or group. Rather, it originates in the will—be it personal, institutional or political—of those who take advantage of it in a way that it ends up exacerbating it.

Seen in this way, human vulnerability is both the possibility of generative transformation and of devastation, being wounded and exploited. Vulnerability is a characteristic of the human person, irremediably open to be wounded and to heal, to contingency and relationality, in multiple experiences in one’s lifespan.¹⁴ Vulnerability expresses how the human being experiences unlimited desire and longing as well as the limited reality of each person and of the world. Vulnerability always demands an ethical choice because it engages the face—Levinas’s *visage*—of the other, of others, and of one’s own face, naked.¹⁵ Human vulnerability—radical, anthropological, and situational—is possibly threatening or enriching, being an ambiguous feature of human life. In the actualization of the wide possibilities of realizations of vulnerability, vulnerability can be experienced as pure threat, pure joy, trust, or all of them together. Thus, vulnerability could be called a neutral quality, in so far as it does not possess a specific value connotation, but when it is approached ethically and therefore phenomenologically, it can also be evaluated in its ambiguity.

Vulnerability thus understood refers to a human dimension that has not been fully incorporated in our modern society. It seems that the unique and constant invitation of contemporary society is the imperative of autonomy and self-sufficiency, where the construction of personal identity and the project of life is voluntarist and solitary. However, there

¹⁴ A. Cavarero, *Horrorismo. Nombrando la violencia contemporánea* (Barcelona: Editorial Anthropos, 2009) 58.

¹⁵ See Emanuel Levinas, *Humanismo del otro hombre* (Madrid: Editorial Siglo Veintiuno, 1974), 58.

are those who argue that the human being is essentially *a destitute structure*,¹⁶ given its ontological, ethical, psychological, social, cultural, and natural vulnerability. Suffering and illness would be *epiphanies of that vulnerability*¹⁷ and they would entail an ethical dimension: responsibility for the other. The truth is that we are always vulnerable, potentially open to the possibility of being hurt and of loving.

Vulnerable adults?

If we assume that this definition of vulnerability is true then all human beings, children, adults, and elderly people, are vulnerable. The problem is produced in ecclesial cases when relations that, by their nature, are supposed to be hospitable, caring, and accompanying the life and faith of those who have put their trust in those to whom they give authority, are betrayed. In the asymmetry of power and in controlling one's conscience, vulnerability is *vulnerated*—i.e., exploited and abused—by making real what is always latent and potential.

To claim that vulnerability can be recognized as a potentially valuable and inherent human characteristic is one thing. However, many times what it produces—in relations of power, manipulation, and objectification—is quite different. To guarantee that the vulnerable aspects of being human can be carriers of beauty does not lessen the ethical requirement of one's responsibility in relation to that vulnerability. The vulnerability of those who open themselves to faith and to the ecclesial community in search of transcendent meaning and of a life traversed by the Good News of Jesus is marked by generosity and the desire of God. This openness, this vulnerability, commits in binding ways those who interact with it to respect and protect the integrity of the other without manipulating the exposed intimacy and generosity of searching for a relationship with transcendence, with the Transcendent One.

¹⁶ See, for example, Arnold Gehlen, *El hombre: Su naturaleza y su lugar en el mundo* (Salamanca: Editorial Sígueme, 1980), 37.

¹⁷ Francesc Torralba, *Antropología del Cuidar* (Madrid: Institut Borja de Bioética—Fundación Mapfre Medicina, 1998), 267.

Sexual abuse, abuse of power and abuse, and manipulation of consciences *vulnerate* the victim’s physical, biographical, and psychological integrity as well as one’s worldview, beliefs and values. This way of being affected does not happen only to people with diminished capacity to consent. It happens to all those who in their vulnerability, their openness and permeability, are willing to trust, to love, and to believe in the other, in a relation that has its roots in transcendent values. It is from this shared reality of being vulnerable people that our Church is composed. Everyone—children, youth, and adults—is exposed to abuse because we are all vulnerable.

Given the above, I consider the term “vulnerable adult” to be dangerous. In sexual, conscience and power abuse, the problem is not the vulnerability of the victim. The problem occurs when in a particular human relation—for example, in the asymmetry of power or in the presumption of control of consciences—the common anthropological vulnerability of one of the present is abused, transforming the possibility of harm, due to openness, into physical or moral injury.¹⁸ Both sexual and non-sexual abuse violate not only the physical integrity of the other but also their biographical, psychic integrity and their worldview, values and beliefs, and radical vulnerability. Similarly, the existence and acknowledgement of this reality at a social level aggravates the vulnerability of every human being in society, producing scandal, collapsing trust, and delegitimizing leaders and institutions.

The Church itself, as a human structure and institution, is also vulnerable, and therefore labile, capable of acting upon the vulnerability of its members within the whole spectrum that goes from the margins of

¹⁸ See, for example, Kathleen McPhillips “‘Soul Murder’: Investigating Spiritual Trauma at the Royal Commission,” *Journal of Australian Studies* 42 (2018): 231–242; Danielle M. McGraw, Marjan Ebadi, Constance Dalenberg, Vanessa Wu, Brandi Naish, and Lisa Nunez, “Consequences of Abuse by Religious Authorities: A Review,” *Traumatology* 25, no. 4 (2019): 242–255; M. Benkert, Thomas P. Doyle, “Clericalism, Religious Duress and its Psychological Impact on Victims of Clergy Sexual Abuse,” *Pastoral Psychology* 58 (2009): 223–238.

love to violence. Only since the ecclesial crisis of abuse of minors and adults, in which we are immersed, have we begun to understand that the possibility of abuse and violence can occur within the Church. This situation scandalizes us because neither has anything to do with the person of Jesus and his way of relating and living, nor with the Gospel that he gave us as Good News for the whole world and for all times, nor with the mission of the Church to follow Jesus Christ, risen and present, especially in the midst of human vulnerability. What shocks, together with the ecclesial narcissism that has led to the systematic cover-up or categorical denial of these abuses, is the lack of preparedness and response, which has left the Church structurally unprotected.¹⁹

The “coercive control in a religious context”²⁰ (in this case, sexual and non-sexual abuse in ecclesiastic contexts) has a double tributary in relation to human vulnerability. First, it does not occur because of a concrete weakness, like when, in our collective imaginary, we are accustomed to thinking (although many times we do not actually verbalize it) about the victims of abuse as weak or dysfunctional in some aspect. Second, paradoxically, coercive ecclesial control sometimes occurs out of our strengths such as a decentered generosity, the desire to give one’s life, the meaning found in fidelity, and the pursuit of God’s will. The abuse here leads to a dispossession of oneself for the benefit of the perpetrator, who grows in power and control over the abused person.

There are other instances where there is, in fact, a specific or situational vulnerability. They are people in situations of special vulnerability given previous violations, conditions of physical or mental fragility, or biographies particularly traversed by damage, poverty, exclusion, and affective absence. Somehow, we could all find ourselves in these hardships,

¹⁹ A very suggestive investigation into the shadows (along the lines of Carl Gustav Jung) of the Church and ecclesial narcissism is developed in Camilo Barrionuevo Durán, *Una Iglesia devorada por su propia sombra: Hacia una comprensión integral de la crisis de los abusos sexuales en la Iglesia Católica* (Santiago: Ediciones Universidad Alberto Hurtado, 2021).

²⁰ Lisa Oakley and Justin Humphreys, *Escaping the Maze of Spiritual Abuse: Creating Healthy Christian Cultures* (London: Society for Promoting Christian Knowledge, 2019).

at some point in life. In case of people experiencing great vulnerability, what troubles is that the abuser exercises control through the identification of that vulnerability, often under the guise of protecting or welcoming it, harming the victim even more by manipulating, objectifying, and abusing that vulnerability.²¹

As we have pointed out, the dual conception of vulnerability, anthropological and situational, requires respect for the integrity of all people and special protection for those who experience greater vulnerability.²² This means that in case of the abuse prevention protocols and policies, including non-sexual abuse, implemented by many groups, congregations, or dioceses today, this double vulnerability should be made explicit. First, we are all vulnerable to sexual or power abuse. Hence, the physical, emotional integrity, and conscience of every Christian, of every human being, must be respected and promoted. Second, individuals or groups who are in situations of greater vulnerability must be explicitly protected from any increased possibility of abuse.

It is true that, from the perspective of clinical psychology, formulated with more relational and phenomenological perspectives, certain distinctions could be allowed in measuring the fragility or psychic strength of different people (for example, at the level of coherence, structuring, and internal unity) that varies according to various experiences of attachment or traumas of early relations.²³ From this distinction, on the one hand, it could be said that there are adults whose relational dynamics are more fragile and who may be more vulnerable to abuse. However, on the other

²¹ A thorough study of this *modus operandi* is described in Carlos Barrias’s doctoral thesis on the emblematic “Karadima Case” in Chile. Carlos Barria, “*Condiciones psíquico-institucionales de producción subjetiva y de violencia sexual presentes en el caso Karadima*” (PhD diss., University of Chile, 2017), repositorio.uchile.cl/handle/2250/146182.

²² UNESCO, *Universal Declaration on Bioethics and Human Rights*, 2005. Art. 8. unesdoc.unesco.org/ark:/48223/pf0000146180.

²³ See, for example, theories that go from different types of attachment in John Bowlby, *Attachment and Loss*, vol. 1: *Attachment* (New York: Basic Books, 1969), to theories of resilience in Boris Cyrulnik, *Resilience: How Your Inner Strength Can Set You Free from the Past* (London: Penguin, 2011).

hand, the various ecclesial relational contexts place believers in a situation of special vulnerability, particularly when it comes to relations with clergy, which are still, for too many, asymmetrical. In the case of ecclesial abuses, this vulnerability is further accentuated by how what is sacred is projected into the performative language of the Catholic Church and into its members, in particular, the clergy.

I argue, then, that the term “vulnerable adults” is inappropriate, first, because every adult can be—and in the reality of the clerical ecclesial structure we live in today—*is* vulnerable to sexual and non-sexual abuse. Second, it is inappropriate because it shifts the focus of responsibility of the abuse committed from the perpetrator to the victim. The message that “vulnerable adults” seems to suggest is “you have been abused because, even as an adult, you are vulnerable. The manipulation, exploitation, or objectification to which you have been subjected is your vulnerability’s fault.” Finally, to refer to “vulnerable adults” is inappropriate because it stigmatizes, like any attempt to categorize people into vulnerable groups or populations, and increases the risk of undue paternalism, by increasing people’s vulnerability to abuse.

Conclusion

Throughout this chapter we have seen how universal human vulnerability and situational vulnerabilities can be defined in a new way which discontinues the myth of the self-sufficient individual autonomy of contemporary society. This way of understanding vulnerability entails an explicit ethical dimension: respect and solidarity in our shared vulnerability and the protection and promotion of the integrity of those who are in situations of special vulnerability.

Sexual abuse of minors has now been, for at least the past five decades, motive of incommensurable suffering, trauma, and treason for thousands of people throughout the world. It has also been, as some have said, the greatest ecclesial crisis since the Protestant Reformation. It has been an occasion of scandal and delegitimization of the Christian faith in civil

society. Much has been written, scientifically explored, and articulated in order to react and prevent ecclesial abuse.

Non-sexual abuse is neither a watered-down version of the more serious sexual abuse nor merely a prelude to it. Non-sexual abuse, given the current structure of the institutional Church, is sadly widespread and silenced, and its traces carry trauma, humiliation, pain, and contempt for the ungraspable subjectivity of every human being. These are neither mere authoritarian or narcissistic acts of a misunderstood authority nor are they exclusively perpetrated by “bad apples” within the ecclesial community. They manifest systematic dynamics that creep into our organizational structures, our ways of relating with others, and our perceptions of how to respond to what is invested as sacred, staining the institutional *ethos* and perpetuating violence and violations.

The Christian God, the Father of Jesus, is certainly a God in love with all that is human and, in particular, the beauty of human vulnerability, understood as we have been defining it. Hence, this inherent openness, although it exposes us to be wounded, makes solidarity, love, tenderness, and compassion possible. As a Church, whether ecclesial communities or hierarchical structures, we are failing when we are unable to watch over the integrity of every human being, recognizing their fragility, desires, needs and the sacred beauty of their pursuit for happiness, plenitude. When, in the most despicable ways, we abuse the particular and concrete situations of vulnerability in which women and men, children and young people, find themselves, we are betraying the covenant and mission with which God has made us partakers of the life of Jesus Christ, particularly present in each one of the victims and survivors.

It can be discussed, and indeed it is discussed philosophically,
if human beings enjoy a special dignity in the whole of nature.
It is disputed whether its preeminent place in the whole cosmos
is true or if it is a simple claim of fellow feeling,
but what does not enter the realm of discussion is its radical
vulnerability.

What unites us to human beings, to all human beings,
beyond our obvious differences, is vulnerability.²⁴



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²⁴ Francesc Torralba, *Ética del Cuidar: Fundamentos, contextos y problemas* (Madrid: Institut Borja de Bioética—Fundación Mapfre Medicina, 2002), 247. My translation.