

Sexuality and Justice

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Traditionally, Catholic sexual ethics has tended to focus on a select number of issues such as marriage, homosexuality, artificial contraception, and abortion. There is no shortage of theological and ethical material on these matters. Indeed, it is fair to say that they – and perhaps one or two other concerns – still dominate Catholic sexual discourse. They are, of course, important questions that deserve serious theological consideration, but it is noticeable that theological debate sometimes fails to move beyond these concerns. Take for example the HIV pandemic. One finds ample material dealing with the ethics of condom use while other dimensions of the problematic generate less attention. I think particularly of the social, economic and cultural injustices that fuel the pandemic, and of the many moral challenges that they pose for us as a global community. These matters have, thankfully, been critiqued by a number of Catholic moral theologians in recent years¹, but despite this it seems that a disproportionate amount of time is still given to the question of condom use. As regards sexual ethics more generally, there are obvious lacunae that deserve greater analysis. One might think of the trafficking of women and children for the sex industry, of rape and sexual violence, or indeed of female genital mutilation, and wonder why Catholic sexual ethics has failed to respond as strongly to these questions as it has to homosexuality or contraception.

I use the label “justice issues in sexual ethics” to refer to matters such as trafficking, HIV/AIDS, rape, and female genital mutilation. That is not to say that the idea of justice is irrelevant to debates about homosexuality or artificial contraception. Indeed, justice ought to govern all our relationships, sexual or otherwise, and there ought to be an obvious justice dimension to

all sexual discourse. But it is also true to say that *injustice* is a driving force behind many of the sexual problems we now face in the world, and that is most clearly evident in relation to the HIV/AIDS pandemic, human trafficking and so on. For that reason, we take the concept of justice as a starting point for dialogue about sexual morality. But it only provides a starting point. Justice cannot capture all that is required of us in our sexual relationships; it is the minimum that is expected. And human relationship ought to be about more than the minimum; it ought to be about human flourishing and happiness. That said, one could argue that without just relationships we cannot speak meaningfully about human flourishing at all. And it is certainly true that if justice is absent from our sexual lives then we fall seriously short of a healthy and life-affirming sexuality.

I mentioned that a number of Catholic moral theologians have broadened the theological debate on sexuality. As a result problems such as gender discrimination, sexual exploitation, and the many injustices associated with HIV/AIDS and human trafficking are gradually becoming a more obvious part of Catholic ethical discourse. Their work is helping to draw attention to the ways in which injustice, in its many guises, contributes to the sexual vulnerability of people. This paper will consider some of the injustices that facilitate the human trafficking industry. There are, as I understand it, a number of key issues that place women and girls at risk of being trafficked; poverty is perhaps the major driving force here; the social disruption caused by war and conflict can add to a person's vulnerability; gender stereotypes, particularly those that discriminate against women, are another factor; and the ways in which sexual violence more generally place women at risk must be considered. In other words, the sex industry and human trafficking cannot be understood apart from the many forms of injustice that reinforce these industries.

So how might Catholic sexual ethics respond to human trafficking? First, it must be an ethic that is person-centred. Second, it must be an ethic that incorporates fully the "female voice". Unless the lived experiences of women are heard, Catholic sexual ethics will fail many women around the world. And third, it must be a sexual ethic that includes a realistic understanding of the ways in which poverty affects peoples' sexual choices. These are all

themes discussed by Kevin Kelly in his book *New Directions in Sexual Ethics*. I will offer a critique of Kelly's work here and examine how it might assist us in our efforts to respond to the ethical challenge of human trafficking.

Kevin Kelly's contribution

In *New Directions in Sexual Ethics*² Kelly argues that a new approach to sexual ethics is needed, one based on justice and equality. The backdrop for much of the book is the AIDS pandemic, with particular reference to the epidemic in the Developing World. Nevertheless, many of the injustices identified by Kelly are relevant to the problem of human trafficking. So although extracts below refer to the specific issue of HIV/AIDS, it is hoped that the relevance of Kelly's argument to our topic will be clear.

Like human trafficking, the HIV/AIDS pandemic cannot be adequately understood apart from social and economic injustice. Kelly believes that that "when the [AIDS] pandemic is subjected to social analysis, it becomes clear that some of the more fundamental underlying causes for its rapid spread are to be found in the 'sinful structures' which undergird the global life of our human family. One of these is structural poverty within which many developing countries are imprisoned... The other is the implicit denial of the full and equal dignity of women which can render dysfunctional so many dimensions of social, cultural and family life."³ Poverty and few economic opportunities force many women and girls to adopt lifestyles that place them at increased risk of STD infection. Furthermore, poverty increases women's dependence on men for financial and social support. That often reduces a woman's bargaining power when it comes to matters of sex, food allocation, and access to education. A woman's social and economic insecurity can lead to many forms exploitation, including sexual exploitation. Insecurity can be the cause of a woman becoming infected with HIV or other STDs, and it is also one of the main reasons why women become embroiled in the sex industry. Women and girls are often lured into that industry with false promises of a better life. In so many cases poverty leaves people with few life choices, and so the prospect of a "new start" elsewhere can be hard to resist. Poverty, therefore, provides the conditions in which sexual abuse and exploitation can easily occur. It is

also true that among poorer populations levels of literacy can be quite low. Poorer women may not be fully aware of their rights or may not know how best to protect those rights. In addition, fear and intimidation make it very difficult for women to report sexual abuse to the relevant authority if/when it occurs.

Kelly is surely correct when he argues that we need to re-think the way we perceive gender relations and especially the role of women in society. Without a change of attitude towards women it will remain very difficult to secure their equal rights. One can legislate for women's rights of course, but legislation alone will not be effective unless it is accompanied by a real change in attitude. And that change in attitude is needed not just by men but by women too.

Gender stereotypes affect both men and women. The role that gender plays in male sexual understanding must not be underestimated. Male stereotypes that prioritise power, strength, and sexual prowess can encourage men to devalue long-term sexual relationships, as well as devalue ideals such as fidelity and abstinence. Many stereotypes identify "real men" as being sexually experienced, while women are often seen as a means to that end. In that context men may engage in sexual activity that places themselves and others at risk of STD infection. It can also allow for an increased acceptance of lap-dancing clubs, brothels, and so on as just a "normal" part of a good night out.

Thus, an evaluation of the way we see ourselves and others is necessary if we hope to address many of the underlying factors contributing to human trafficking. We must ask whether it is acceptable that Ireland is now termed a "destination country" for traffickers. And what does that say about us and our sexual mores? Kelly too recognises the need for attitudinal change when attempting to tackle sexual injustice. As regards HIV/AIDS, he believes that "preventative work based solely on change in sexual behaviour is doomed to failure. Change has to occur at a *deeper social level*."⁴ So change at this "deeper social level" is vital if we are to improve the position of women in society, particularly in many parts of the Developing World. Education is important, as is what I call "critical citizenship."⁵ But that is a challenge not just for poorer countries. The sex industry is thriving throughout Ireland.

Irish citizens must take a critical look at the various social, economic, and sexual abuses that are occurring at present, and be honest in their response to those abuses.

A key reason why women are vulnerable to various forms of sexual exploitation rests with what Kelly calls a “double-standard” sexual morality. Again, there are obvious parallels between what Kelly says here about HIV and the problem of human trafficking, for this “double-standard morality” underpins the sexual attitudes that support the international sex trade. Kelly argues that a more person-centred sexual ethic is needed if Catholic sexual teaching is to respond positively to the lives of millions of women. And here too we see the importance of the justice dimension of sexuality. There are many practical legal steps that can and should be taken to help deal with human trafficking. But as stated above, law reform alone will not solve the problem. The roots of the problem lie with the sexual attitudes we have towards one another, the way we see each other, and the way we understand our sexual relationships. If we are to tackle human trafficking we need to recognise that there is no quick-fix legal solution. A commitment to the equal dignity of women is something that must be *fostered* within society. And that inevitably is a long-term goal. But if our response is to be a genuinely *human* one then it cannot be forced (through law, for example), but must be nurtured within us.

There is a major challenge here for Church teaching. Kelly makes the following provocative remark:

[The] justice dimension of sexual ethics must be taken on board by the Church. An awareness of the plight of women suffering sexual exploitation or trapped in the sex industry highlights this justice dimension. However, the Church must accept that it has implications for the entire field of sexual ethics. For instance, it would be a more credible witness to the Gospel if the Church was renowned for its opposition to female genital mutilation rather than to its opposition to the use of condoms.⁶

What a difference it might make if the Catholic Church was as renowned for its opposition to human trafficking as it is to artificial contraception or homosexuality. Although the credibility of the institutional Church in

Ireland is at an all-time low, there is need for real leadership by the Church authorities on this issue. The Irish Church, through its many justice and human rights organisations has shown great commitment to the eradication of injustice and oppression, both here and abroad. It would be a welcome move if it were to employ some of its energy and resources to trying to overcome the problem of human trafficking and, in doing so, it would make a definite stance on behalf of women and girls who are being sexually exploited in Ireland at present.

As Kelly notes, the need for a new direction in Catholic sexual ethics arises because our starting point for so long had been wrong.⁷ The traditional ethic focused too much on the sexual act, and on trying to define when it was morally acceptable. In the process less time was diverted to considering the quality of the sexual relationship. It is not difficult to identify the shortcomings of act-centred sexual ethic, for it fails to provide a complete picture of human sexuality and of the person in sexual relationship. A more person-centred approach has the advantage of incorporating the dignity of the human person and the quality of the relationship.

When trying to tackle something like human trafficking it is important to develop community-based initiatives and responses. In Ireland, for example, women who are trafficked here are regularly moved around the country in the hope that their presence will not arouse suspicion. Local initiatives which inform communities about the realities of human trafficking, and especially on how to be vigilant, are important. Kelly makes a similar point: the most effective responses to HIV are likely to be those that encourage collective empowerment and community initiative.⁸ Although information is important, people themselves must work together to overcome the injustices and oppression they experience.

Coming together, the socially vulnerable build up a critical perception of the 'social, cultural, political and economic forces that structure reality' and, working out of this awareness, are better able to take action against those forces which are seen to be oppressive. This model demands a whole new approach to public health with regard to vulnerable communities. While not ignoring the health care needs of individuals, its main focus is on

empowering communities to respond to these needs and also to develop effective programmes of action aimed at confronting the root causes of their social vulnerability.⁹

For too long we have tended to think of social reform in terms of the “top-down” model, whereby those who controlled the power and the wealth would somehow be moved to reform the sinful and unjust social structures that oppressed so many. Of course, that was a naïve attitude to say the least, and increasingly we are realising the importance of empowering the poor themselves so that they become actors in their own change. That marks an important shift in emphasis. It recognises not only that the poor have a great deal to contribute to the transformative process but also that the process itself must be based on *the experiences of the poor* if it is to have any real impact.

The experiences of women, therefore, ought to form an integral part of our response to the abuses within the sex industry. And women’s empowerment is crucial. It seems rather futile to try to help women out of the sex industry if they have few options but to return to the vulnerable situations that gave rise to their exploitation in the first place. The empowerment of women is important for another reason also. Where women have real life-choices, where they are less economically dependant on men for daily survival, they have a greater say over their sexual and reproductive health. Many studies confirm that an increased agency role for women directly affects developmental variables such as infant mortality, literacy and education among women, and improved reproductive health.

Conclusion

Although Kelly is writing about the AIDS pandemic, with particular focus on the African context, much of his work could be of benefit to the debate on human trafficking. The injustices that fuel the sex industry are similar to those affecting the AIDS pandemic. At the heart of both issues lie questions about the equal dignity of women, the way we perceive sexuality, the impact that poverty has on our sexual choices, and the need to empower women. But it may be helpful, by way of conclusion, to try to situate these remarks in the Irish context. To that end we will briefly consider a document issued

by the Irish Commission for Justice and Social Affairs in 2008, entitled *Violence in Irish Society*¹⁰. Here the Commission provides a very helpful and informative account of the scale of violence in Irish society at present. The reality of human trafficking cannot be understood sufficiently without reference to the violence and intimidation that accompanies it. Furthermore, violence can contribute to a rise in trafficking, particularly where various forms of violence displace and disrupt families.

As the Commission points out, violence in Irish society has dramatically increased since the year 2000. Headline crime has increased by 8 percent in the last 2 years or so, and some believe that as the current recession takes hold levels of crime and violence will continue to grow. The document also makes the point that “over and above the increase in the incidence of recorded violent crime is the equally worrying perception amongst a significant segment of the population that their lives are in danger ... Such perceptions are conducive to the creation of a *culture of fear*, which impacts severely on people’s *quality of life*” (emphasis mine). Incidents of sexual and domestic violence appear to be increasing, as is the sexual exploitation of children in Ireland. As we know the scale of sexual abuse in Ireland has remained largely hidden until recently. And although the horrors of that abuse within the Catholic Church are gradually being revealed, it seems that we as a society have yet to seriously confront the issue more generally.

The Irish Commission for Justice and Social Affairs calls for deeper reflection into how society can successfully tackle violence. Part of our task lies in trying to devise better social and community infrastructure which can enable people to confront the problem. Otherwise we risk living in communities marked by fear and suspicion.

We can live in a fear that disempowers us and prevents us from closing the gap between an acceptance of our present fractured society as inevitable and any belief that we may have in the inherent dignity of all human beings. Or we can face the realities of our modern world and seek to confront issues such as violence through those very values that affirm our shared membership of society and the rights and responsibilities that flow from that membership. A response that is more than reactionary, one that

can indeed move beyond fear, one that involves difficult choices at societal, community and personal level, is in fact the only really useful way forward.

We as a society must determine what values affirm that shared membership and how to best promote and protect those values. Ideas such as justice, human dignity, the common good, love and solidarity may feature in that shared vision for society, but they need to be reflected in and through our sexual relationships and attitudes as much as in the social structures and policies that we put in place.



The second of two talks which Dr. Suzanne Mulligan gave to members of APT follows on from the first. The title of this second talk is 'Sexuality and the Good of Human Relationships'. In this she sets out to develop a rich and rounded theology of sexuality, one which is grounded on justice, genuine equality, and mutual respect – and which sees sex as a precious gift from God. Building on the work of Margaret Farley, she shows that sexual relationships should promote the human flourishing of the persons engaged in the activity; and that this flourishing is to reach out beyond these individuals to contribute to the building up of a rich web of human relationships in the wider society. Sexual activity, while being personal and intimate, is not a purely private matter; it plays a key part in the creation and the enriching of a genuinely human community. This fifth chapter contains the text of Suzanne's second talk.

