

# **FROM SEXUAL ETHICS TO RELATIONAL ETHICS: ON THE DEBATE ON SEXUAL MORALITY IN THE CHURCH AND THEOLOGY**

**Hilpert Konrad\***

*Catholic Theological Faculty of the Ludwig-Maximilians-University  
in Munich*

## **Abstract**

Sexual behaviour will become an important sector of morality only by the fact that it is enlivened through relations: sexual feeling and activity become moral or immoral only in so far as they have to do with respect for the autonomy of others, trust, understanding and reliance, responsibility for reproduction and good parenthood, justice in the distribution of burdens and duties of the partners.

**Keywords:** Sexual Ethics, Relational Ethics, Gender, Marital Breakdown, Divorce

At least two factors contributed decisively to the vigorous debate on sexual morality in the Catholic Church since a few years, namely, the public discussion of the cases of the sexual abuses and the already felt dissatisfaction of many pastors and even bishops with regard to the treatment of the divorced and remarried as regulated by the current canon law.

---

\***Konrad Hilpert** (born 1947) was since 2001 to 2013 incumbent of the chair for Moral Theology at the Catholic-Theological Faculty of the Ludwig-Maximilians-University in Munich. From 1990 to 2001 he occupied the chair for Practical Theology and Social Ethics at the Institute for Catholic Theology of the University of Saarbrücken. Email: hilpert@kaththeol.uni-muenchen.de

This article was originally published in German: "Nicht nur ein Etikettenwechsel. Wie sich die Debatten um die Sexualmoral in Theologie und Ethik verändern," in *Herder Korrespondenz Spezial 2* (2014) 2-7. Translation into English by Rev. Dr Sebastian Athappilly, CMI, a member of the editorial board of *Asian Horizons*.

Both themes were not new; but the publicly known frequency of them and the way of dealing with them have damaged the trust and credibility. It has also produced much pressure that has forced not only immediate organizational ethical reactions, but also made the conviction strong that silently ignoring the reality of sexuality leads us little further, just as the constant repetition of the same demands as far as sexuality is concerned and in connection with the censuring of critical voices from the field of Moral Theology.

How can the Church's talk on Sexuality become relevant and convey credibility?

In this situation signals have come from Pope Francis, which are understood as confirmation and encouragement to a renewed and basic search for sincere orientation out of the spirit of the Gospel. One of these signals consisted in making compassion the key idea of all the efforts of the church for evangelization; the other was to make pastoral assistance to the family a priority concern and to convene a Synod of Bishops for this sake.<sup>1</sup> For its preparation it was attempted to gain a realistic picture about the life-practices, life-ideologies, convictions and also conflicts within the church.<sup>2</sup> Such an attempt is no guarantee at all, also owing to its methodological insufficiencies and limitations in this case, that the project of the synod of bishops comes to satisfactory results, even though the description of the topics as family *Pastoral*, expresses a clear aim, but is semantically vague and remains open for all kinds of ambivalences.

Although the programmatic usage of the concept "pastoral" by the Second Vatican Council (cf. the official footnote at the beginning of the Pastoral Constitution *Gaudium et Spes*) has made it clear that the pastoral orientation is to be taken as "constitutive" for all the activities and words of the church, that is, as belonging to the obligatory dimension of her teaching and norms, the term "pastoral" will be understood in the interpretation of the Council as well as in the post-conciliar official documents frequently as the same as "friendly Light-version" or as the secondary other of the dogmatic-normative. This has the fatal consequence, that the traditional teachings would merely have to be formulated more understandably and more appealingly.

However, the plan as such signalizes a context of the Church's openness in which the urgent issues of sexuality and the situation of

---

<sup>1</sup>Invitation on 8<sup>th</sup> October, "The Vocation and Mission of the Family in the Church and in the Contemporary World."

<sup>2</sup>Cf. [http://www.dbk.de/fileadmin/redaktion/diverse\\_downloads/Dossiers\\_2012/13-Vorbereitungsdokument-Bischofssynode.pdf](http://www.dbk.de/fileadmin/redaktion/diverse_downloads/Dossiers_2012/13-Vorbereitungsdokument-Bischofssynode.pdf)

marriage and family — which have long been reflected on within theology — can be discussed and deliberated openly, problem-oriented and argumentatively.<sup>3</sup> The experiences of a few years since the cases of sexual abuse of minors show that such forms of common seeking instead of one-sided instructions have become a necessary condition and the only chance for making the voice of the church on sexuality relevant.

### **From Sexual Ethics to Relational Ethics**

A question that no theological-ethical consideration on sexuality can bypass today is regarding the claim and justification of sexual ethics itself. This is firstly because people in open societies have learnt and consider as self-evident to think from the point of view of their right of freedom and autonomy and consequently view every limitation and demand as in need of justification, more precisely, to want to recognize as serving even their freedom and not merely the social order or the compatibility with the will of a superior institution.

Secondly, sexual feeling and activity hardly lets itself make anymore as credible *per se* moral or immoral, but only if and to the extent that it addresses respect for the autonomy of others, trust, agreement and reliability, responsibility for the conceived life and good parenthood, justice in the distribution of burden and duties of the partners. This has directly to do with the protection of the rights of the individuals; self-obligation and attention to human dignity, indirectly also much with culturally established traditional guidelines and institutional assignment of responsibility and public recognition, but precisely not exclusively and not primarily with the regulation of experience of pleasure. Sexual activity becomes hence an important field of morality only when it has to do with relations, expressing feelings, privileging and strengthening partners, and fertilizing, also taking cognizance of its disturbing and injuring potentials. This is the deeper ground for the programmatically intended shift of the self-designation of the concerned special area of Moral Theology, from “Sexual ethics” to “Relational Ethics.”

The consequences of this change reach essentially deeper than the change of the label. For, with this, a shift of the attention also will be indicated: if, namely, the morality of sexual activity and the ethical reflection on it have to do genuinely with the enabling, the mutual respect and the justice within the relationships to the other as the

---

<sup>3</sup>Cf. Konrad Hilpert, “Moral doktrin oder Moral der Wahrnehmung im Kontext der Evangelisierung?” in *Simmen der Zeit* 2014, 448-457.

other and the sexually other and being part of a new generation, then it must be a different central theme of sexual ethics that hinders such partnership, harms it and destroys it. With this come into sight, above all, violence, rape, abuse, objectification to a mere means of pleasure, and treating someone as a commodity as well as sexual molestation. All these kinds of attacks on the possibility of establishing relationships and on real relationships can take individual forms and as well as socio-structural shapes. Corresponding experiences might be more frequently suffered by women than by men in percentage. This could be a reason why in traditional sexual ethics scarcely anything was to be found on this concretely and on the link between power and sexuality.

In establishing concrete norms the traditional sexual ethics considered, more than in other fields of human activity, the nature of man and the objective finality of sexuality as already given in nature. Till today this reference regarding the issues of birth control, medically assisted reproduction and of dealing with homosexuality from the front lines of inner church clashes.<sup>4</sup> Ever since the encyclical *Humanae Vitae* (1968) the inner church critique has been directed above all at the assertion of the super-historical norms, at the predominance of procreation as the objective of sexuality that has been applied (since Augustine) and defended until today; not regarding the cultural historicity, the determination of naturally "ought" and the unavoidable unclarity as to the concrete natural. [Verify whether any modification is needed] The basic intention of the notion of natural law that the bio-psychological structure of the body with all cultural range of variation is of basic significance for the ethical norms in the area of sexuality was, however, not questioned.

### **The Key Role of the Gender Thinking**

This step was made only in the course of the Gender thinking, that is, in the interdisciplinary branch of research that has become unignorable, that inquires into the social and cultural construction of sex, the significance of the sexual differences for the formation of personal identity and the impacts of the sexually determined body on the formation of social relationships.<sup>5</sup>

It is obvious, that many ascribe to this approach of thought and research a key role, but some others decisively reject it as ideology for the same reasons. Also in the preparatory document for the synod,

---

<sup>4</sup>Cf. Konrad Hilpert, ed., *Zukunftshorizonte katholischer Sexualethik*, Freiburg i. Br. 2011.

<sup>5</sup>Cf. Hille Haker, "Körperlichkeit im Plural. Geschlechtertheorie und katholisch-theologische Ethik," in *Herder Korrespondenz Spezial* 2/2014, 20-24.

the *Instrumentum laboris*, which was composed in the curia based on the feedbacks of the local churches, this was frequently and critically mentioned as one of the factors which is responsible for the observed and undeniable loss of relevance of the ecclesiastical sexual norms, since it corrupts or intends to reverse the basic (fundamental) components of anthropology.

This changed viewpoint has immediate consequences not only for the conception of sexual roles and their distribution as well as for the controlling of fertility, but also for the role of sexual differences as constitutive of partnership, stability of relationship and parenthood, not to mention the justifiability of gender reassignment.

In view of ecclesiastical contexts, the question regarding the justification of the exclusion of women from holy orders obviously arises, more emphatically than ever before. Certainly only a few theologians will cherish sympathy for the radical concept of the American philosopher Judith Butler, who would like to deconstruct even the concept of differentiation of social and biological sex and together with that to relativize the explicitness of any sexual assignment.

But even for this great majority there is the moral respect for the sexuality of persons with same sex orientation as a necessary consequence of the non-discrimination of any person demanded from the part of the church, as these persons are created by God and thereby bearers of the same unconditional dignity, and also on account of the uncontested knowledge that there are men and women with a homosexual tendency, which they have not chosen themselves. So it stands, after all, for 20 years in the *Catechism of the Catholic Church*.

Apart from the fact that the spectrum of the gender theories has long ago become manifold and many-voiced, the questions, which combinations and mutual influencing culture and nature will enter into, what is constant and what is changeable and what remains fate and what will be designable, will remain relevant also in the future. It will have to be reassessed from time to time.

On the other hand, where one holds the notion of human nature substantial and considers it as something indispensable (just as in the Neo-Aristotelianism of Martha Nussbaum and others argue), it is not said that our knowledge that is historically attained each time about the human nature and the nature of the things is perfect and will remain the same in future.

## **Sexuality can be Means and Expression of Hatred, Desire to Possess and Deception**

The questions on the difference of sexes, their need of completion just as the procreation of children concern the core of the Christian faith and the reflective-systematic theology, because marriage, procreation and parenthood belong to the context of creation and preservation of the world. Marriage and parenthood stand additionally in a special relationship to the affection of God for humans, as well as their living metaphors that are taken from their everyday experiences as also its representation. Since the High Middle Ages this is expressed by qualifying marriage as sacrament.

On the other hand it is held in the tradition that sexual desire and sexual activity can also become the place and means of aggression against others and destruction of relationships — in Christian terminology, of the power of sin. Further, marriage and family are, of course, considered as normal and legitimate arrangement of existence in the world, but at the same time they are relativized under the perspective of the eschaton.

Voluntary celibacy or virginity finds recognition and recommendation as a way of taking seriously and embodying the orientation of one's own existential life in view of the coming reign of God. Finally, the law of love applies to all human endeavours. The Second Vatican Council has explicitly stated against all former doubts and other emphases that this can be applied to the realization of the sexual act as expression of exclusive and unconditional love between two persons (GS, 49). With this it is not at all denied and not taken out of the world that sexuality can also be the means and expression of hatred, of overpowering others and desire to possess as well as of dishonesty and deception.

Consequently it was not easy for theological thinking until today to hold these heterogeneous theological traces of thought on sexuality in view. Already since the post-apostolic times the Christian thinking on sexuality was caught up alternatively under the influence of Gnostic, stoic and neo-platonic trends. The teaching firmly held by the Church preserves in itself until today argumentations and material vestiges of the reception (e.g., the image of the woman or ideas on purity) as also the defence against these influences. The corresponding concepts, conflicts, emphases, distortions and their history of impact are very well historically, sociologically and theologically researched.

Because the popular Church criticism makes use of this again and again there is the tendency to undifferentiated apology in the ecclesiastical scene. Its intention, namely, not to totally discredit the tradition of the church's sexual morality, it does not serve well, if the efforts are principally aimed at showing the individual and concrete norms of action as firmly fixed and unchangeable by Bible and tradition; on the other hand they should rather make visible the theological guiding principles.

Theology must criticize such an unhermeneutical argument and will work out the historical contexts and backgrounds of the concrete norms in the biblical texts and theological reflections of later centuries, with it, however, also the limits of the scope of these biblical and historical norms.

### **Not Everything that has Led to the Breakdown of Marriage can be Identified as Sin**

One of the questions, which, although not at all new, being discusses currently, is, how Jesus' word on divorce ( Mk 10:2-12; Mt 5:31f; 19:3-9; Lk 16:18) could be lived by Christians and credibly testified by Church practice in view of the contemporary situations.<sup>6</sup> There is, of course, in this question no option of a solution by wiping out or removing the instruction of Jesus or to interpret it as a deliberate exaggeration with the goal to attain at least the possible. But the question is certainly legitimate whether a moral law that was addressed to the Jewish practice of privileging men at the time of Jesus, can be adopted automatically as a categorical juridical impossibility of a second marriage now; in the same way as far as the reality of the breakdown of a marriage is concerned.

Certainly, the demand for permanence and life-long faithfulness of intimate relationships is still valid. But the fulfilment of this ideal is more difficult than before — for various reasons. There are on the one hand the changes of the external conditions just as the extension of the average duration of the common time of marriage, the social acceptance of divorce and remarriage, the availability of economic alternatives and the like; and on the other side, the added demands on the partner to shape a proper common way, and to coordinate the

---

<sup>6</sup>Cf. Martin M. Lintner, *Den Eros entgiften. Plädoyer für eine tragfähige Sexualmoral und Beziehungsethik*, Brixen/Innsbruck, 2011; Eberhard Schockenhoff, *Chancen zur Versöhnung? Die Kirche und die wiederverheirateten Geschiedenen*, Freiburg i.Br., 2011; Markus Graulich/Martin Seidnader, Hg., *Zwischen Jesus Wort und Norm. Kirchliches Handeln angesichts von Scheidung und Wiederheirat*, Freiburg i. Br., 2014.

wishes of two individuals longing for autonomy and happiness in such a way that this arrangement can withstand the manifold stress of everyday life and its often banal demands.

And so the marriages break down, not merely because one of the partners wilfully wants to make an end with the other or has already let in a new partner, but also because it has become clear one day that the commonalities have been exhausted, that a growth has become impossible, that the path of marriage could be continued only with constant conflicts, acceptance of violence and humiliation, the expectations at this particular partner and the common life with him/her were hopelessly overdrawn or the partner refuses to settle the intolerable situation for the other or for the common children.

In the developments running beforehand there might have been at some time guilt at work always. But the insight that the relationship has now broken down beyond repair, i.e., it is so severely damaged that there remains nothing more of the original feelings and hopes, this insight is not as such guilt. And not everything, that has led to the failure, cannot be attributed to the concerned subjects proportionately and unambiguously, because relationships are too complex and too much woven into particular contexts and constellations of persons.

As consequence of the breakdown, the question of how to deal with resulting obligations arises not only for former partners, but also for the church as institutionally organized community of faithful and also the individual local community the question regarding the fair institutional dealing with the divorced and the divorced and remarried.

What is an appropriate or fair dealing of the church with the many who are affected? This can be measured on the one hand in view of the persons who suffer heavily on account of the breakdown (failure) and are of good will to make it better at the second chance, and on the other hand at the transparency to the message of the Gospel, that man/woman is accepted by God also in failure. A "Theology of Failure" as has been envisaged since a few years by moral theologians like Dietmar Mieth<sup>7</sup> and Eberhard Schockenhoff<sup>8</sup> and

---

<sup>7</sup>"Vom Ethos des Scheiterns und des Wiederbeginnes. Eine vergessene theologisch-ethisch Perspektive," in *Concilium* 26 (1990) 385-399.

<sup>8</sup>*Chancen zur Versöhnung? Die Kirche und die wiederverheirateten Geschiedenen*, Freiburg i. Br. 2011, 99-125.



systematic theologians like Jürgen Werbick<sup>9</sup> and others, has to be called for this right into the regulations of Canon law and liturgy.

### **Making the General Values behind Individual Norms of Action again Visible**

With this finally two further problems will be called on the agenda, which theological ethics tackle in a special way. Both are closely related to the concept of normativity: what can a theological sexual ethics achieve at all? And, is the summary categorization of the forms of relationships, which are not marriage in the traditional sense, as “irregular” really justified?

It belonged to the typical characteristics of the official ecclesiastical sexual morality until the recent past that the right dealing with sexuality was conceived in a way that individual concrete actions were named, which are to be omitted or avoided, such as masturbation, homosexual activities, birth control, adultery, etc.; unfortunately “sexual morality” is generally understood in this way.

Besides the question whether ethical demand can have predominantly the form of strict norms, the general values behind the prominence of such facts of avoidance will be invisible, which were at the ground of these regulations; hence it is necessary to make them livable, for instance, in friendship, love and loyalty. Therefore it is not merely a question of psychological sensitivity and of pedagogical skill to rewrite the demands that are connected with a sexual ethics that has been thought in terms of a relational ethics in the form of general objectives or values of orientation.

By “values” are meant the general ideas of what is good, desirable and just in one’s own life, in the interpersonal dealing and above all in the concern (care) for social cooperation. Therein the values are distinguished from rules for actions or norms, which are specific to situations or roles. Besides, the values distinguish themselves from the rules through their positive character: values evoke, they invite, they mark an attitude, that one can acquire, which one has made one’s own during the course of life and preserves fully even in different situations, while rules for action, the more they become concrete and explicit, mostly only dictate what one may not do. Important values of orientation for the shaping and building up of relationships are respect, attentiveness (care), mutuality, entirety, personality, truthfulness, tact, reliability and solidarity.

---

<sup>9</sup>*Scheitern und Glauben. Vom christlichen Umgang mit Niederlagen*, Freiburg i.Br, 1991.

## The Problematic Talk of Irregular Relationships

These values, each one in itself as well as combined with one another, are practised only seldom and with ultimate consequence, but appear) gradually in different measures. One must and can learn them and it remains a task for every moral development, to realize them step by step more and again and again. In this sense values represent ideals, but are at the same time also more than mere ideals, namely, indispensable signposts and presuppositions for the success of relationships.

They meet, however, in the individual and social life environment with their demand on different situations and existing forms of life. They are morally valuable to the extent, how they are adequate to the values of meaning or ideals, and morally questionable when they ignore these values or defy them or violate them. To that measure the talk of irregular relationships is at the most a pragmatic category, which gives a hint at where special pastoral attention is necessary; but it is ethically questionable if it fixes its evaluation merely on the agreement or disagreement with the juridically regulated. The manifold forms of living together that factually exist today in the social reality must not therefore be considered as equivalent, even if this is frequently claimed.

A theoretical "core issue" that arises in this connection for the theological ethics is the question whether there are other plausible logical relationship classifications between such general values (or principles) and concrete norms, which on the one hand help to develop the visionary and unity forming dynamic of traditional and new values, but prevent on the other hand that this impetus fails at the rigor of merely traditional individual forms or falls flat in the ideal that is far from reality.

Deliberations along that direction are already made long ago in the so-called applied ethics (e.g., medical ethics, political ethics, economic ethics).<sup>10</sup> Methodological alternatives to deductive extrapolations and more than ever to every form of decisionism are debated (discussed) under the catchwords "induction," "deduction," "case studies," "reflective equilibrium" ( a concept that goes back to John Rawls) and "moral coherence." Further work has to be done on such "coherentistic" logic of norms.

---

<sup>10</sup>Cf. Christof Arn/Ruth Baumann-Hölzle, "Integrative Verantwortungsethik – Verantwortung als Würde - und autonomieorientierter Kohärenzismus," in *Ethikdialog in der Wissenschaft. Handbuch Ethik im Gesundheitswesen*, t 5, Basel, 2009, 113-137.

Only in this direction there is, by the way, a prospect of a solution of a final, quite other kind of a problem, which becomes, however, more and more urgent, namely, the tension between the claim of universality of ethical positions and the existence of morality in cultures, in which Christianity has gained foothold. This problem is already known for a long time, when one thinks of the polygyny in many religions of Africa. But this cannot be held in margin anymore and not at all be assessed according to the self-evident norms of Europeans in a world that is being globalized faster and faster and in view of the over-proportionate growth of the Catholic Church in Africa and Asia.

On the other hand an undifferentiated application would lead to a real ethical relativism, which also should include a moral verdict in view of inculturated slavery, sexual coercion, child marriage, genital mutilation, command to extinct another ethnic group, etc. This is a position with all necessary respect for other cultures and their adherents, which can lead to deep contradictions and brutal practices, which cause disgust and indignation to everyone who becomes witness to such incidents involuntarily or out of humanitarian motives.

Also in the recent history health catastrophes like AIDS epidemics, that have not yet been brought under control have necessitated more attention to initiation rites, imaginations on femininity and masculinity, family organization and system of relatives, sexual education, neglect as consequence of becoming orphans and recognized a political dimension that is relevant for the future.

Also, therefore intercultural perception of customs, which affect the sphere of sexual activity directly or only indirectly, comparative sexual ethics and a basic confrontation with culturalistic currents, which gain sympathy now in many regions of the world as a counter movement to human rights thinking, are themes for the theological ethics, which become more urgent. The concept of a common humanity that is present always in the Christian tradition as well as the faith in God, who is the Father of all humans and who calls all to salvation obligates them to the latter.