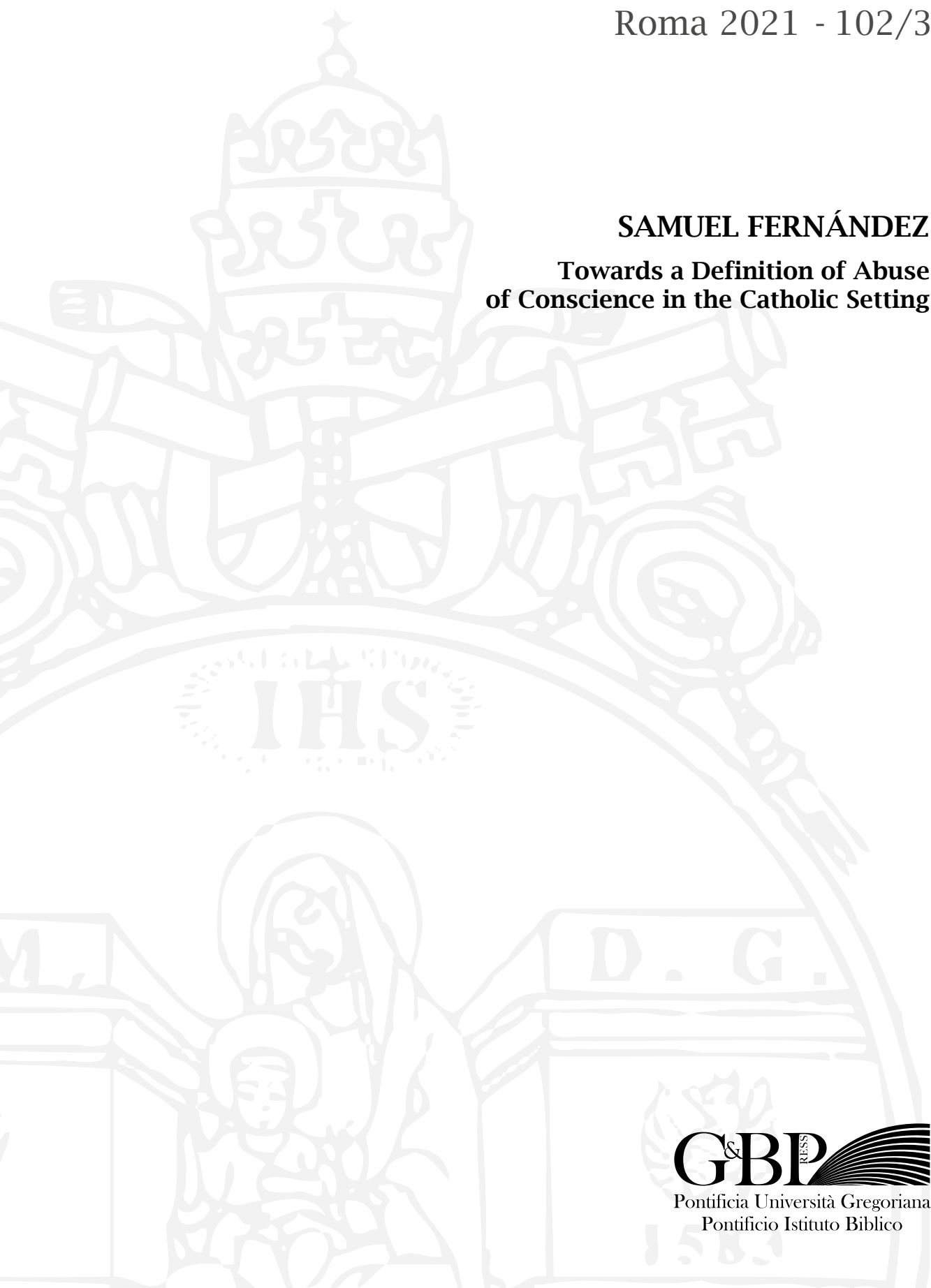


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**Towards a Definition of Abuse
of Conscience in the Catholic Setting**



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Towards a Definition of Abuse of Conscience in the Catholic Setting

The notion on abuse of conscience has been put on the table because of the sexual abuse crisis in the church context. It has been rightly asserted that in order to prevent sexual abuse, it is essential to hinder abuse of conscience, which precedes and accompanies it. However, abuse of conscience must be treated autonomously, and not just as a preliminary step to sexual abuse. This is an urgent issue because it harms human dignity, as recognised by Pope Francis,¹ and it is rarely discussed in academic literature, in Church teachings and in Church legislations. In the light of the foregoing, the aim of this article is to propose a theological definition of abuse of conscience in the Catholic setting, which might serve as an indicator in recognising this type of abuse and thus, preventing and penalising it.

Some methodological caveats need to be pointed out. Many phenomena that are similar to abuse of conscience, such as psychological or emotional abuse, manipulation, mind control and others, can be observed in domestic, labour or partner relationships. However, abuse of conscience in the Catholic setting has two particular features that justify the need for a specific study. First, abuse of conscience in the religious context involves the name and the will of God and, therefore, it hurts the person at a particularly deep level: ‘Although the impact of religious abuse is like other types of mental, physical, sexual or emotional abuse, the element of the sacred is a unique component’.² Thus, despite the commonalities, abuse of conscience in the religious context has specific features

¹ FRANCIS, *Letter to the People of God in Chile*, 3; *Letter to the Bishops of Chile*; *Letter to the People of God*, 1–2; *Encounter with the Jesuit Community of Ireland*; *Letter to the United States Conference of Catholic Bishops*, 1–2.

² C.S. CASHWELLA – P.J. SWINDLE, ‘When Religion Hurts’, 184. Cf. K. MERTES, ‘Geistlicher Machtmissbrauch’, 252; L. OAKLEY – J. HUMPHREY, *Escaping the Maze*, 58: ‘As we have said, experiences of spiritual abuse include coercion and control but what can be really damaging is the suggestion that God is behind or in agreement with the damaging behaviour’.

that differentiate it from other forms of abuse. Second, the Catholic setting—its juridical structure and customary culture—has some particular features that distinguish it from other religious and Christian contexts. Some of these distinctive features, such as hierarchical relations, religious life, priestly mediation, obedience, sacramental confession, examples of the saints and others, can be used by the abuser as tools for controlling the victim's conscience. Therefore, my contention is not that abuse of conscience is a phenomenon exclusive to the Catholic Church, but that abuse of conscience has some particular features in the Catholic setting that justify a specific study and definition. Much of what the article says about it can be applied to other settings, yet the aim of this article is to define abuse of conscience in the Catholic Church.

In the last 30 years, important research on spiritual abuse has been undertaken. Some of these studies are based on empirical investigations conducted using the methods of the social sciences. The results they obtained are immensely useful in understanding abuse of conscience. However, the findings of these studies cannot be applied mechanically to abuse of conscience for several reasons. These two kinds of abuse are similar phenomena that many times coincide, but they are not identical. Besides, studies on spiritual abuse have been developed in non-Catholic Christian communities, whose institutional conditions differ from the Catholic setting on relevant issues. Furthermore, data from the social sciences cannot be automatically integrated into a theological work, such as this article, as the theological notion of conscience differs from the psychological one. Finally, given that—according to my knowledge—there are no empirical studies on abuse of conscience in the Catholic setting, the data from studies on spiritual abuse have been used critically, and the draft of this article has been discussed with survivors of abuse of conscience, as well as with specialists in victim care. These discussions have allowed this work to be corrected, expanded and enriched.³

I. THE DIGNITY OF CONSCIENCE⁴

The term 'conscience' is complex and has a wide spectrum of meanings. It indicates psychological conscience, self-awareness, moral conscience and others. In Catholic theology, the point of reference of its notion comprises the teachings of the Second Vatican Council, especially *Gaudium et spes* (GS)

³ I wish to thank the survivors of abuse of conscience, colleagues and other specialists who have reviewed the various drafts of this article. Their feedbacks have been extremely helpful.

⁴ Cf. E. LÓPEZ AZPITARTE, *Hacia una nueva visión*, 178–192; S. MAJORANO, *La coscienza*, 66–122; J.L. MARTÍNEZ – J.M. CAAMAÑO, *Moral fundamental*, 419–461; M.G. LAWLER – T.A. SALZMAN, 'Gaudium et spes and Dignitatis humanae', 153–169; A. FUMAGALLI, *L'eco dello Spirito*, 135–320.

and *Dignitatis humanae* (DH).⁵ These teachings have been developed by the *Catechism of the Catholic Church* (CEC) and by the encyclical *Veritatis splendor* (VS). The Vatican II and the subsequent ecclesiastical Magisterium develop three dimensions of conscience.⁶ First, the conscience as the instrument for recognising the law of God (*conscientia habitualis*): ‘Deep within their conscience, individuals discover a law which they do not make themselves but which they are bound to obey, whose voice ever summoning them to love and do what is good and avoid what is evil, rings in their heart when necessary with the command “Do this, keep away from that”’.⁷ In this context, the law of God is associated with the natural law. Second, the conscience as an act of judgment (*conscientia actualis*): ‘Conscience is a judgment of reason whereby the human person recognises the moral quality of a concrete act’.⁸ Third, the conscience as the place of encounter with God: ‘Conscience is the most secret core and sanctuary of a person. There, each one is alone with God, whose voice echoes in the depths of the heart’.⁹ The Vatican II affirms that the dignity of conscience is not lost when it errs, but when it stops seeking the good and the truth.¹⁰ It also emphasises the link between the dignity of conscience and human freedom.¹¹ Likewise, with regard to religious freedom, the Second Vatican Council declares, ‘In religious matters, no one should be forced to act against his conscience, nor should he or she be prevented from acting according to his or her conscience’.¹² This principle has been taken up by the *Code of Canon Law*.¹³

Theology usually circumscribes the reflection on conscience to the field of moral theology, thus highlighting its functional dimension. By integrating its relational and theological dimension, the Vatican II has shown that conscience has to be placed in a context that is wider than moral theology.¹⁴ Thus, current theology has enriched its reflection on conscience with elements coming from philosophy, psychology and other disciplines. By doing so, post-conciliar

⁵ The Second Vatican Council uses the term *conscientia* 72 times. Of these, 38 correspond to *Gaudium et spes* and 13 to *Dignitatis humanae*. Cf. A. FUMAGALLI, *L’eco dello Spirito*, 275, note 492.

⁶ A. FUMAGALLI, *L’eco dello Spirito*, 274–284.

⁷ GS 16; see also DH 3; VS 54.

⁸ CEC 1778; see also VS 59.

⁹ GS 16; see also CEC 1776. Besides, the conscience is also the place of encounter with all human beings who are searching for truth (GS 16).

¹⁰ Cf. A. FUMAGALLI, *L’eco dello Spirito*, 279–282; VS 62–64.

¹¹ Cf. GS 16–17; 41; CEC 1782.

¹² DH 2; see also DH 3.

¹³ Cf. CIC can. 748 § 2.

¹⁴ Cf. K. DEMMER, *Fondamenti di etica teologica*, 249; A. FUMAGALLI, *L’eco dello Spirito*, 302–310.

theology has overcome the reduction of conscience to the exclusively moral realm and has opened up a rich dialogue with other disciplines. Consequently, the valuable tenets of traditional moral theology should be placed in a wider anthropological and theological context. This broader view of conscience involves two dimensions. On the one hand, it understands conscience as the place of freedom of judgment, which implies both the content of decisions, i.e., recognition of the law, and the manner of making decisions, i.e., free self-determination.¹⁵ This judgement of conscience concerns not only ethics (the good), but also the understanding of reality (the truth). On the other hand, conscience is the place in which the human being is set before him or herself and before the God revealed in Christ.¹⁶ This last dimension involves the process of personal identity that develops before God, before oneself and before others. These dimensions find their unity in the person. In fact, from this perspective, Klaus Demmer affirms: ‘The human being does not *have* a conscience, but *is* a conscience’.¹⁷

In the light of the foregoing, in order to define abuse of conscience, it is necessary to take into account its two fundamental dimensions that constitute the legally protected good, namely, the conscience as the seat of freedom of judgment and as the place of encounter with God and self. Damaging or suppressing these dimensions harms the dignity of the conscience and, therefore, the dignity of the human being, who was created in the image of God.¹⁸ However, these are not two separate dimensions because the conscience enjoys genuine freedom to judge precisely because, in it, the human being is alone with God.

II. THE EXERCISE OF POWER IN THE CHURCH AND THE ABUSE OF POWER

Human beings cannot exist without a network of relationships and influences. Hence, in concrete life, human conscience is always embedded in a specific context. Moreover, in recent centuries, various scientific disciplines have highlighted the bio-psychical and socio-cultural factors that shape human conscience. Thus, a conscience that is absolutely autonomous and free from any kind of influence is neither possible nor human. In fact, the historical

¹⁵ Cf. K. DEMMER, *Fondamenti di etica teologica*, 247.

¹⁶ Cf. K. DEMMER, *Fondamenti di etica teologica*, 248.

¹⁷ K. DEMMER, *Fondamenti di etica teologica*, 244 (emphasis mine). The moral decision expresses the unity of the person in a definitive and integral manner, cf. K. DEMMER, *Fondamenti di etica teologica*, 242.

¹⁸ ‘La conciencia no puede nunca quedar sometida a ninguna norma exterior, pues equivaldría a robarle su propia autonomía y dignidad’, E. LÓPEZ AZPITARTE, *Hacia una nueva visión*, 187.

setting and the network of influences are not obstacles; rather, they are a necessary condition for the existence and development of human conscience. Illegitimate influences do obstruct freedom, and not influences as such.

According to Christian revelation, the social character of the human being develops through its ecclesial dimension. The believer, as a human being, is linked to humanity and, as a Christian, is part of the People of God. Therefore, the believer is called to listen to the voice of God through different forms of mediations, one of which is the Church. The human beings created by God and called to communion with Him must be open to their own foundation, i.e., to God who reveals Himself as the loving authority. The will of God, the only absolute authority, is revealed to human beings in various ways: through nature, history, reason, the Church and personal conscience. Given that these are mediations of God's will and not the will of God itself, they are partial, ambivalent and ambiguous. Therefore, they must be discerned, because they do not always coincide mutually and, thus, could clash with each other.

Thus, the problem of abuse of conscience in the Catholic setting is framed within the complex relationship between the mediation of conscience and the various mediations of ecclesiastical authority.¹⁹ Therefore, to understand the abuse of conscience, it is crucial to distinguish the legitimate influences of ecclesiastical authority, which do not impede but rather illuminate human conscience, from those that are abusive influences, which obstruct or nullify it. In this context, the expression 'ecclesiastical authority' should be understood in a broad sense, which implies both the power of governance (*potestas regiminis*) and all other forms of influence, institutional or charismatic, that are exercised in the Church.

Mediation of conscience and ecclesiastical mediation imply both a *vocation* and a *temptation*. The *vocation* of conscience entails being open to listening to the voice of God, which is also transmitted by mediation of the ecclesiastical community, and its *temptation* is to close itself off from those influences that benefit it or to renounce the risk of self-determination and transfer its own responsibility to another person. In turn, the *vocation* of ecclesiastical mediation is to re-present the voice of God before the believer, while its *temptation* is to identify itself with the divine voice, which it is called to re-present. All of these deflections, namely, the absolutisation of conscience, the renunciation of self-determination and the absolutisation of ecclesiastical mediation, equally contradict the Christian vocation of the believer. The teaching of the Church formulates many warnings against the absolutisation of conscience, yet the Catholic culture is rather tolerant of the absolutisation of ecclesiastical mediation and the renunciation of the believer's self-

¹⁹ R. ALDANA VALENZUELA, 'Nota sobre conciencia', 383–398; M. SLATTER, 'An Abuse of Conscience?', 149–152.

determination. The ecclesiastic discourse contains many exhortations to obey the Church, but few calls to obey one's conscience. Not by chance, although in another context, Pope Francis has stressed: 'Individual conscience needs to be better incorporated into the Church's praxis'.²⁰ Moreover, the ecclesiastical culture has developed a broad reflection on conscientious objection before civil authority, but very little thinking on conscientious objection before ecclesial authority.

III. ABUSE OF POWER AND ABUSE OF CONSCIENCE IN THE CHURCH

Abuse of power consists of the perverse use of the asymmetry of power.²¹ According to ecclesiastical legislation, abuse of power is committed when power is exercised beyond its limits or when it is not exercised according to its genuine aim.²² Abuse of power has many manifestations in the Church, one of which is the abuse of conscience.²³ The *Code of Canon Law* defines the canonical crime of abuse of 'ecclesiastical power or function' (*CIC* can. 1389; cf. can. 1384). However, as previously mentioned, there are other forms of authority in the Church that are not of a juridical nature, especially in the pastoral field. They are real and powerful, and they stem from ecclesial authority but they are not identified with 'ecclesiastical power or function'. These forms of authority that are of a pastoral or charismatic nature—which we could call 'spiritual power'—are indeed influential and effective, yet they have little canonical legislation. Thus, the ecclesiastical crime of abuse of power described in Canon 1389 does not include all possible forms of abuse of power in the Church, but only those that are related to the power of governance (*potestas regiminis*). The *Code of Canon Law* sets some limitations to any type of ecclesiastical power in order to protect the faithful's self-determination in specific cases,²⁴ yet other situations are not ruled by ecclesiastical law.²⁵

²⁰ FRANCIS, *Amoris laetitia*, 303, Vatican 2016.

²¹ Cf. J.A. MURILLO, 'Abuso sexual', 425.

²² Cf. J.P. BEAL – *al.*, *New Commentary*, 1593; V. DE PAOLIS, 'Abuso de potestad eclesiástica', 33–34.

²³ 'Missbrauch, ob sexueller, psychologischer oder eben geistlicher Missbrauch, ist Machtmissbrauch', K. MERTES, 'Geistlicher Machtmissbrauch', 252. Cf. J.A. MURILLO, 'Abuso sexual', 415–440; J. MARTÍNEZ, 'Entrevista', 263–265; T. MIFSUD, 'La conciencia', 191–210.

²⁴ For example, the Christian faithful have the right 'to be free from any kind of coercion in choosing a state of life' (*CIC* can. 219), to approach any confessor (*CIC* can. 240 § 1; 630, 991) or to choose a spiritual director (*CIC* can. 246 § 4; 719 § 4). Cf. F. RETAMAL, 'El ejercicio del poder', 347–349; R. ALTHAUS, 'Geistlicher Machtmissbrauch', 159–169; D. WAGNER, *Spirituelle Missbrauch*, 156–159.

²⁵ Abuse of conscience cannot be simply encompassed within the scope of matters of internal

Therefore, if we take into account that ‘spiritual power’ is influential and stems from ecclesial authority, it becomes apparent that canonical legislation should also define the crime of ‘abuse of spiritual power’. Just as the Church penalises the misuse of power of governance, it should also punish the misuse of spiritual power because these two types of power are exercised in the name of the Church.

Abuse of conscience is not defined by the type of power that perpetrates it, but by the damage to the dignity of conscience, the legally protected good. This damage can be produced by the misuse of the power of governance, as well as other forms of ecclesial authority, such as spiritual power. In fact, both a hierarchical superior, by the power of governance, and a spiritual director, by his charismatic influence, can commit abuse of conscience.

What kind of abuse of power entails abuse of conscience? Abuse of conscience is the type of abuse of power that damages the conscience as the seat of freedom of judgment and as the place of encounter with God and with oneself. Abuse of conscience occurs when the ecclesial mediation transgresses its limits, so that it gains control of and replaces it. For instance, it is perpetrated when representatives of the Church impose the will of God on the followers who have opened their conscience to them. In fact, when ecclesiastical mediation becomes absolute, it transgresses its limits and contradicts its aim and meaning. The leader no longer *represents* God, but *supplants* Him, and makes wrongful use of the name of the Lord (Ex 20:7). Thus, conscience loses its freedom to judge and the follower can no longer be alone with God in his or her conscience.²⁶ The hallmark of this type of abuse is that the faithful’s conscience can no longer fulfil its proper function because the abuser has replaced it. Survivors’ testimonies describe the phenomenon in similar terms: the victim is deprived of his or her freedom to judge and, therefore, loses his or her critical sense. The abuser, ‘in the name of God’, supplants God and decides for the victim.²⁷ Thereafter, the conscience is invaded by another and ceases to be a place where the human being is ‘alone’ with God and self. This kind of abuse deprives the victim of his freedom of judgment and makes perverse use of the name of the Lord.²⁸

forum for two reasons: because the internal forum is not identified with the forum of conscience and because confusion or transgression of the forums is a common source of abuse. By contrast, the *Code of Canon Law* of 1917 identified *internal forum* with *forum of conscience* (can. 196). Cf. Á. RODRÍGUEZ LUÑO, ‘Aclaraciones sobre los conceptos’.

²⁶ R. ALDANA VALENZUELA, ‘Nota sobre conciencia’, 395; A. IDALSOAGA, ‘Abuso de poder’, 78; A. IDALSOAGA, ‘Los desafíos del abuso de poder’; T. MIFSUD, ‘La conciencia’, 201–202.

²⁷ ‘In our lives our abuser was a God substitute – he would tell you what God was saying about particular situations’, testimony of a victim, in L. OAKLEY – J. HUMPHREY, *Escaping the Maze*, 57; C. BORGOÑO – C. HODGE, ‘El abuso de conciencia’, 70–71.

²⁸ E. DE LA FUENTE, ‘Es de noche y grito’, 17–38.

Abuse of conscience then constitutes the abuse of power that damages or nullifies the conscience as the place of free judgment and encounter with God. In other types of abuse of power, the victim's conscience is still free to judge and to encounter God. A person who is forced to act against his or her conscience does not fail to recognise what is good and what is evil; meanwhile, abuse of consciences undermines the victim's autonomy and capacity for discernment.²⁹ Whereas the abuse of power restricts freedom of *action*, the abuse of conscience curtails freedom of *judgment*. A believer who is pressured by a representative of the Church to act against his conscience suffers abuse of power—which is serious—but maintains his or her freedom of judgment regarding good and evil. By contrast, a victim obeying a representative of the Church who has supplanted the divine voice believes that he or she is doing God's will when submitting to the abuser's will. For this reason, the abuser of conscience is not merely instilling fear and guilt but religious fear and religious guilt within the victim. To wit, in abuse of power, the victim thinks: 'If I disobey, I will be punished by the leader', while the victim of abuse of conscience thinks: 'If I disobey, I will be unfaithful to God'.³⁰ Abuse of power is related with *coercion*, and that of conscience is related with *control*. According to survivors, a person who suffers abuse of power knows that he or she is a victim of abuse of power, but one who suffers abuse of conscience is not aware that he or she is suffering abuse of conscience. In simple words, it is one thing to force the captain to sail where he does not want to go, but it is another thing to manipulate the instruments of navigation.

IV. ABUSE OF CONSCIENCE AND OTHER TYPES OF ABUSE

To create an outline of abuse of conscience in the Catholic setting, it is necessary to distinguish it from other types of abuse, such as spiritual abuse, mind control and sectarian deviations within the Catholic communities.

a) *Abuse of conscience and spiritual abuse*. It is difficult to compare these two kinds of abuse because there is no consensus on a precise definition for them.³¹ Nonetheless, spiritual abuse is a phenomenon that is very similar to abuse of conscience but is more extensive in scope, at least in my point of view. 'Spiritual abuse is a form of emotional and psychological abuse. It is

²⁹ J. MARTÍNEZ, 'Entrevista', 264.

³⁰ According to a victim's mother, the minister 'had made it clear to [the teenager] that his belief was that God wanted this mentoring to continue and therefore [the boy] told us if he said he did not want it, then he would feel he was going against God', in L. OAKLEY – J. HUMPHREY, *Escaping the Maze*, 62.

³¹ L. OAKLEY – K. KINMOND, *Breaking the Silence*, 7; 20–22.

characterised by a systematic pattern of coercive and controlling behaviour in a religious context'.³² Taking this definition into account, it is possible to say then that the 'coercive' aspect of spiritual abuse is a form of abuse of power, while the 'controlling' dimension is related to abuse of conscience. Since the notion of conscience used in this article is a theological one, which implies a reference to God, every abuse of conscience is a spiritual abuse, although not every spiritual abuse is abuse of conscience.

b) *Abuse of conscience and mind control*. Another similar phenomenon is mind control, which occurs in sectarian environments. Steven Hassan's description of mind control overlaps the depiction of abuse of conscience in many aspects.³³ Nonetheless, the two phenomena do not coincide. While abuse of conscience necessarily involves the misuse of the name of God, mind control can occur outside religious environment. Besides, the sectarian leader must acquire the authority to abuse the victim's conscience. On the flip side, Catholic leaders already possess some authority simply by virtue of their being representatives of the Church. Finally, the notion of 'mind' does not coincide with that of 'conscience'. Nevertheless, the two phenomena are almost the same when mind control is performed by a religious leader who uses the name of God to manipulate the victim's conscience.

c) *Abuse of conscience and sectarian deviations within the Catholic Church*. Sectarian deviations and abuse of conscience are closely related. A reflection on the sectarian characteristics of some Catholic groups offers valuable contributions for understanding abuse of conscience. The *Cellule des dérives sectaires dans des communautés catholiques* of the French Conference of Bishops has published thought-provoking documents that shed light on the systemic dimension of abuse of conscience. This approach helps identify the contexts that allow and even favour abusive relationships. However, in Catholic communities with no sectarian tendencies, there are also abusive individuals, structures and cultures.

It is useful to conceptually distinguish these various forms of abuse. Yet, in concrete situations, it is much more difficult to establish boundaries.

³² L. OAKLEY – J. HUMPHREY, *Escaping the Maze*, 31. There are other definition of spiritual abuse: D. JOHNSON – J. VAN VONDEREN, *The Subtle Power of Spiritual Abuse*, 20; K. BLUE, *Healing Spiritual*, 12; M. LINN – *al.*, *Healing Spiritual Abuse and Religious Addiction*, 12; D.S. WEHR, 'Spiritual abuse: When Good People do Bad Things', 20; S. HALL, 'Spiritual Abuse', 32–35; D. WARD, 'The Lived Experience of Spiritual Abuse', 901; S. NELSON, *Spiritual Abuse: Unspoken crisis*, 2015; K.H. KELLER, *Development of a Spiritual Abuse Questionnaire*, 74; F.R. DIEDERICH, *Broken Trust*, 52–57; L. OAKLEY – K. KINMOND – J. HUMPHREYS, 'Spiritual Abuse in Christian Faith Settings', 144–154.

³³ Cf. S. HASSAN, *Combatting Cult Mind Control*, 53–75; J. UNDURRAGA MATTA, 'Control Mental Destructivo', 164–177.

V. CONSEQUENCES OF THE ABUSE OF CONSCIENCE

Abuse of conscience harms or nullifies the conscience as the seat of freedom of judgment and of encounter with God and self. These two dimensions of the person are undermined by abusers. Unfortunately, the damage is not confined within these two elements. Just as a beating not only causes physical damage but also psychological, so does the abuse of conscience cause injury on different levels of the human person.

The abuse of conscience gives rise to an internal division because the alleged ‘voice of God’ imposed by the abuser does not coincide with the ‘voice of God’ heard by the victim in his or her conscience, which is ‘the most secret core and sanctuary of a person’.³⁴ The victims then struggle between what their own conscience dictates and what is dictated by the representative of the Church who has invaded their conscience and supplanted God. This situation creates a severe personal dissociation. On the one hand, it provokes distrust in oneself and, therefore, insecurity in one’s own judgments.³⁵ On the other hand, it incites a deformation of the face of God, which is confused with the abuse and with the abuser.³⁶ In this case, the consequences of spiritual abuse can be applied to abuse of conscience: ‘It changes their experience of “self”, their understanding of who they are as a person, their relationship with others—and often with God, their ability to trust and even their sense of ontological security’.³⁷ The dissociation that the abuse produces can have serious repercussions not only on the spirituality, but also on the mental and physical health of the victims. In addition, conciliar texts relate conscience with the search for ‘the good’ and ‘the truth’. This articulation indicates that ‘the good’—the moral aspect—is not the only thing at stake because ‘the truth’ is also hanging in the balance. The abuse of conscience is not merely restricted to the ethical aspect of life but also extends to the judgment between the true and the false. The abuser has the capability to disfigure and redefine the way that the victim perceives and judges reality.³⁸

³⁴ GS 16; see also CEC 1776.

³⁵ ‘If you have been in a place where you trusted people and then find that they have hurt and damaged you, it can feel as if you can no longer rely upon yourself to judge the trustworthiness of others. [...]. There is often a huge amount of self-blame’, L. OAKLEY – J. HUMPHREY, *Escaping the Maze*, 68.

³⁶ ‘It was presented as if God himself was behind the behaviour [of the abuser], I felt like God was complicit, promulgating the image of God as agreeing in every respect with abuser’s attitudes and actions’, testimony of a victim, in L. OAKLEY – J. HUMPHREY, *Escaping the Maze*, 58; ‘Geistlicher Missbrauch hingegen, wie ich den Begriff hier im Folgenden verstehen will, basiert auf einer tiefer liegenden Verwechslung von geistlichen Personen mit der Stimme Gottes selbst’, K. MERTES, ‘Geistlicher Machtmissbrauch’, 249; E. DE LA FUENTE, ‘Es de noche y grito’, 31.

³⁷ L. OAKLEY – K. KINMOND, *Breaking the Silence*, 89.

³⁸ The same phenomenon happens in intimate partner relationships, cf. A. RODRÍGUEZ-CARBALLEIRA *et al.*, ‘Taxonomy and hierarchy’, 919.

VI. ECCLESIASTICAL NATURE OF POWER IN THE ABUSE OF CONSCIENCE

Undoubtedly, abuse of conscience has many attributes that are also apparent in other forms of abuse. However, as the purpose of this article is to define abuse of conscience in the Catholic setting, it is necessary to emphasise its specific elements. One of the features of abuse of conscience in the Catholic context is the nature of the power of the abuser. This power has two characteristics.

a) *Ecclesiastical character of the power.* For abuse of conscience to be configured in the Catholic context, the power of the abuser should have some ecclesial support. It is not a matter of the power that one faithful can have over another because of his or her personal attributes alone, but of the power that has an ecclesial backing. Catholic leaders have authority over believers because the Church supports them as its representatives. The believers then place their trust in the leaders on account of the Church's support, that is, because the Catholic Church presents them as trustworthy.

b) *Relational character of the power.* The relationship between master and disciple, which has a wide cultural and ecclesiastical tradition, is in itself an asymmetrical relationship. M. Weber calls this type of power as 'authority', which is subjectively recognised to be legitimate.³⁹ Openness to the master—a necessary condition of discipleship—places the disciple in a condition of vulnerability. Obviously, vulnerable adults should be especially protected from abuse.⁴⁰ However, I now speak about the radical vulnerability that belongs to every human being who trusts in another person. The disciple opens his or her conscience to a master who has an ecclesiastical support and, in the face of sacred power, instinctive resistance gives way.⁴¹ Therefore, this kind of vulnerability is not to be seen as a deficiency of the disciple, but a necessary condition of discipleship, which always implies an asymmetrical relationship. It is worth highlighting that the assumption that the victims may have been abused because of their psychological deficiencies has been rejected by scientific research.⁴² Hence, victims of abuse of conscience should not be blamed because of their openness to the representative of the Church. Openness and, therefore, vulnerability are prerequisites for following

³⁹ Cf. M. WEBER, *Economy and Society*, 338–341.

⁴⁰ 'Vulnerable adults', namely, people who are functionally, mentally, or physically unable to care for themselves enjoy a special protection by canonical and civil law.

⁴¹ Cf. R. BLÁZQUEZ PÉREZ, 'La protección de los menores', 9.

⁴² 'Il est habituel de penser que [les victimes] ont des personnalités plus fragiles que d'autres et qu'elles sont des proies toutes trouvées pour ce qu'on peut appeler des abuseurs ou des prédateurs. Ce n'est pas toujours vrai. On constate que des personnalités éminentes, non susceptibles d'être accusées de compromissions, de corruption, ou de faiblesse de caractère peuvent être abusées par des *leaders* déviants ou pervers', A. LANNEGRACE, 'Dérives sectaires', 42. Cf. L. OAKLEY – K. KINMOND, *Breaking the Silence*, 18.

the gospel of Jesus. In fact, on occasion, the victims are the more generous persons: ‘L’analyse de la personnalité des victimes, individus ou communautés, montrera comment ce sont les personnes sans méfiances et généreuses qui sont les plus exposées’.⁴³ The problem is the abuser’s erroneous understanding of shepherding and his wrong expectations of blind and unquestioning obedience. The victims then are not guilty for having generously trusted the one who was backed by the Catholic Church as a trustworthy representative of God. This aspect underscores the responsibility of the Church as guarantor of the trustworthiness of its representatives.

VII. INSTITUTIONAL DIMENSION OF ABUSE OF CONSCIENCE

Both ecclesiastical and relational characters of power show that the issue of the abuse of conscience is an institutional phenomenon that must be considered systemically. In the ecclesiastical context, abuse of conscience is never just a phenomenon between individuals, although it may be rooted in either individual perversions or institutional deformations.

a) Catholic leaders are able to commit abuse as the victims trust in them because the Church supports their roles as leaders. Thus, even when it occurs between individuals, the abuse is somehow committed by virtue of the Church’s support. In fact, the victims would not open their conscience to a stranger who was not presented by the Church as a trustworthy representative of God.

b) In addition to abusive individuals, abusive structures also exist in the Church. The ecclesiastical institution, in the broad sense, comprises juridical structures and customary cultures that, in fact, govern the ecclesiastical communities. These structures and cultures are not neutral; they can hinder abuse, favour it and even be abusive themselves. Therefore, they must always be reviewed because the Church as an institution has the tendency to protect its interests and reputation rather than the welfare of its people.⁴⁴ In fact, it is the ecclesiastical organisation that must be adapted to the needs of the faithful, and not vice versa.⁴⁵

⁴³ A. LANNEGRACE, ‘Dérives sectaires’, 37.

⁴⁴ ‘The victims often felt that the “interests of the church, its reputation and its power, have been put above the care of those who it damaged”. It is really important to put the person at the centre’, L. OAKLEY – J. HUMPHREY, *Escaping the Maze*, 92–93; THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE, *The Roman Catholic Church Investigation Report*, November 2020, 116–120. Although the IICSA Report is related to child sexual abuse, its conclusions are fully relevant for other kinds of abuse such as abuse of conscience.

⁴⁵ Cf. F. RETAMAL, ‘El ejercicio del poder’, 346.

For this reason, the issue of abuse in the Catholic setting must be confronted at the institutional level. It is not enough to simply prevent individuals from committing abuse; it is also crucial to review and reform the ecclesiastical structures and cultures that allow or favour the abuse of conscience. The focus should not be on the personality of the abusers or the victims, but on the ecclesiastical context in which the abuse occurs. The Church does not consist only of a juridical structure; it also has its own customary culture, which is configured by all those assumptions, sometimes tacit, that are not officially defined, but that shape the life of the Church. Again, these assumptions are not neutral. For instance, the understanding of obedience, hierarchy, critical thinking, humility, generosity, religious life, virtue, 'blind faith' and other topics makes up a substantial part of Catholic culture, and it can prevent or promote abuse of conscience. The prevalence of abuse of consciences shows that the theology of obedience must undergo a thorough reconsideration.

VIII. THEOLOGICAL FOUNDATION OF THE ABUSE OF CONSCIENCE

A culture of abuse with theological foundations can only be rejected theologically.⁴⁶ Are there some theological tendencies that favour abuse of conscience? Scientific research is needed to answer this question. However, I believe it is possible to identify some of them. Abuse of conscience is based on pessimist anthropology. The centre of this anthropology is not the image of God in human beings, but the corruption that comes from sin. If human nature is corrupted, then neither the voice of conscience nor reason can be trusted, but only the 'enlightened one' who, by a supernatural grace, knows and transmits God's will. Moreover, a strong opposition between the natural and supernatural realms justifies the 'will of God' being in conflict with what reason and nature indicate. Hence, from this perspective, nature, reason and natural bounds are not considered trustworthy. In this scenario, critical thinking, questions and questioning are identified with the evil spirit, and human freedom is considered a risk rather than a gift. In turn, the exercise of reason is seen as a sign of self-confidence and, therefore, pride. Mistrust of reason promotes the exaltation of 'blind faith', which is at the service of obedience to the abuser.⁴⁷ In short, the message of the abuser is: 'Since you are not trustworthy, you must trust me blindly'.

What about ecclesiology? At first glance, conservative ecclesiology that emphasises the hierarchical structure seems more favourable to abuse of

⁴⁶ Cf. D. REISINGER, 'Machtmissbrauch und sexuelle Gewalt', 53.

⁴⁷ 'L'abuseur [...] réclame une soumission absolue, aveugle, demandant la remise de la liberté de la conscience, comme offrande suprême, exigeant le renoncement et l'humilité totale', P. DE CHARENTENAY, 'L'Église face à la pédophilie', 84.

conscience because of its more rigid vision of obedience, which allows the superior to supplant the voice of God. However, a progressive ecclesiology that underscores the charismatic authority of the leader also favours abuse of conscience because in this setting, the charismatic leader is above and beyond the law. Therefore, progressive and conservative parameters do not help identify the ecclesiology that favours abuse. Studies on spiritual abuse and sectarian deviations in the Church have identified some features of communities where abuse occurs, such as spiritual elitism, ‘no salvation outside the group’, authoritarianism, isolation, concentration of power, requirement of secrecy and blind obedience.⁴⁸

IX. CONCLUSION: ABUSE OF SPIRITUAL POWER AND ABUSE OF CONSCIENCE

In this last section, along with a definition of abuse of conscience in the Catholic setting, some results and conclusions of the study will be presented. Taking into account the foregoing, it is possible to propose the following definition:

Abuse of conscience in the Catholic context is a kind of abuse of juridical or spiritual power that controls the victim’s conscience to the point that the abuser, taking the place of God, obstructs or nullifies the victim’s freedom of judgment and prevents him or her from being alone with God in his or her conscience. This type of abuse is perpetrated by a representative of the Church—one who is endorsed by the Church as trustworthy. Hence, abuse of conscience always has an institutional dimension. This kind of abuse harms human dignity and often damages the person at the spiritual, psychological and physical levels.

How does one tackle this kind of abuse? Abuse of conscience can be perpetrated by both power of governance and what we have called ‘spiritual power’. Given that the *Code of Canon Law* penalises the misuse of power of governance (Can. 1389), it is evident that canonical legislation should also define and penalise the crime of ‘abuse of spiritual power’. However, in my view, to correctly address the problem, ecclesiastical law should also define the specific crime of abuse of conscience. By defining both crimes, namely, abuse of spiritual power and abuse of conscience, canonical law will be able to cover all the cases of abuse of power on the one hand and, on the other, it could make clear the particular seriousness of abuse of conscience, which should be classified within *delicta graviora*, for several reasons: it seriously damages human dignity, it makes perverse use of the name of God,⁴⁹ and it takes the victims a long period of time to recognise that they have suffered abuse of conscience (which requires imprescriptibility or at

⁴⁸ Cf. C.M. SORLIN, ‘Les dérives sectaires’, 12–23; L. OAKLEY – J. HUMPHREY, *Escaping the Maze*, *passim*.

⁴⁹ Cf. Ex 20:7; Lv 19:12.

least a long prescription period). These reasons substantiate the definition of the canonical crime of abuse of conscience.

This is an emerging issue, so substantial research on the subject is needed. Some complex problems, such as the intentionality of the abuser and the systematic character of the abuse, should be addressed in order to clarify the way this crime ought to be penalised. Moreover, empirical research is necessary to determine the main features, strategies and mechanisms of abuse to identify, prevent and penalise this ecclesiastical offence. At present, there is a dearth of both empirical and statistical studies about this issue in the Catholic Church, but on account of partial extant information, it is possible to assume that this type of abuse is prevalent.

On this subject, there is much room for prevention and formation because between healthy leadership and penalising actions, there is a broad spectrum of greys. On the one hand, there are unhealthy ways of shepherding that, for different reasons, are not punishable, yet they should be avoided by prevention. On the other hand, formation should foster healthy ways of leadership that are not harmful to anyone and are fruitful and necessary for the development of Christian life. Canonical punishments should be an extreme response. Therefore, there is a need to improve canonical legislation and the formation of conscience. Certainly, specific canonical and institutional changes must be undertaken to help prevent and penalise abuse of conscience. However, comprehensive changes must also take place within Catholic culture, that is, in those assumptions that are often unwritten but which shape the life of the Church.

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ABSTRACT

This article aims to propose a definition of abuse of conscience in the Catholic setting. To this end, it exposes the relevant features of the moral conscience according to the Second Vatican Council and the subsequent Catholic theology. Then, the topic of abuse of conscience is set in the context of abuse of power. Thereafter, the article discusses abuse of conscience, distinguishing it from similar phenomena and highlighting the religious and institutional dimensions of this kind of abuse. Finally, the conclusion offers a definition of abuse of conscience in the Catholic setting and proposes that canonical legislation should establish the crime of abuse of spiritual power and that of abuse of conscience.

Keywords: abuse of conscience, abuse of power, conscience, obedience, Christian freedom

RIASSUNTO

Quest'articolo intende proporre una definizione dell'abuso di coscienza in ambito cattolico. A tal fine, espone le caratteristiche rilevanti della coscienza morale secondo il Concilio Vaticano II e la successiva teologia cattolica. Così il tema dell'abuso di coscienza si colloca nel contesto dell'abuso di potere. In seguito, nell'articolo si discute dell'abuso di coscienza, distinguendolo da altri fenomeni simili ed evidenziando la dimensione religiosa e istituzionale di questo tipo di abuso. Infine, la conclusione offre una definizione di abuso di coscienza in ambito cattolico, e propone che la legislazione ecclesiastica stabilisca il delitto di abuso di potere spirituale e quello di abuso di coscienza.

Parole chiave: abuso di coscienza, abuso di potere, coscienza, obbedienza, libertà cristiana

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