

POWER AND POWERLESSNESS: A CASE IN POINT

I want to uncover some of the theological issues rising out of women's experience of power in the Church by focusing on a kind of "case study." In so doing, I think I can say something both descriptive and normative about a Christian feminist understanding of power, paradigms for power, abuses of power, prophetic challenges to power, and the ambiguity of power.

The case I have in mind is the recent experience of a group of women—a community of women religious—who determined that integrity in their health ministry required a modification in their traditional implementation of the Ethical Directives for Catholic Hospitals issued by the National Conference of Catholic Bishops. Specifically, the Religious Sisters of Mercy of the Union (sponsors of the largest group of nonprofit hospitals in this country) found themselves, through a series of decisions and events, in direct conflict with the magisterium on the issue of tubal ligation.

Five years ago this Community sponsored a study of the experience in its hospitals regarding need for and provision of tubal ligations.¹ This study included a theological and ethical analysis of the issues involved. The result of the study was a recommendation to the General Administration of the Sisters of Mercy that Hospitals sponsored by the Community allow tubal ligations when they are determined by patient and physician to be essential to the overall good of the patient—provided that full and informed consent is given by the patient, and counselling services are made available as needed. The General Administrative Team received this recommendation and accepted it in principle, articulating their own position that when failure to provide a tubal ligation would cause unjust injury to persons, it should be available in Mercy hospitals. The General Administration did not mandate a policy for the hospitals of the Community, but in a letter to hospital administrators indicated their desire to draw concerned persons into dialogue on the issue.

Copies of the original study, the position statement of the General Administrative Team, and the letter to the hospitals came into the possession of church officials in Rome and members of the Committee on Doctrine of the National Conference of Catholic Bishops (NCCB) in this country. A number of events followed. Questions raised from within the NCCB led to the initiation of a dialogue between a committee of five bishops and six Sisters of Mercy (representing both the national and provincial levels of the Community). Two meetings were held (in September and December of 1981), and two further meetings were scheduled. In early 1982, the Sisters of Mercy were notified by the President of the NCCB that the dialogue was to be discontinued, and that a Committee of Verification would be established in its place. This change was made at the direction of Pope John Paul II, representing his own concern and the concerns of the Congregations for Religious and Secular Institutes and for the Doctrine of the Faith. The Committee of Verification, comprised of three U.S. bishops, was to conduct "an authoritative inquiry to verify whether the Sisters of the General Administrative Team . . . , individually and together, accept the teaching of the Magisterium on tubal ligation and whether they withdraw their . . . circular letter" to the hospitals.²

On May 11, 1982, the General Administrative Team responded to the Committee of Verification that they received the official teaching of the magisterium, in accor-

¹The study focused on tubal ligation (and not, for example, vasectomy) because it is a procedure still largely performed in hospital settings. The conclusions of the study were based primarily on the determination that unjust harm may be being done to patients by not allowing this procedure. Needless to say, a full understanding of this case cannot be had without an understanding of the moral issues surrounding tubal ligation. Moreover, the events in the case were more numerous than can be recorded here in a brief narrative.

²Decree, Sacred Congregation for Religious and Secular Institutes, Rome, March 26, 1982.

dance with *Lumen Gentium* 25; that, though they had personal disagreements with this teaching, they would not in the light of present circumstances take a public position in opposition to it; and that they would withdraw their letter to the Community's hospitals.

It is not my concern here to reflect on the issue of tubal ligation, but, rather, on the experience of this group of women in terms of power and powerlessness within the Roman Catholic Church. What follows is my own interpretation of the experience. This is limited in two important ways. Though it is based on my understanding of the perceptions and reflections of those who were directly and indirectly involved, it remains an individual interpretation, not one as yet tested by communal reflection. In addition, the historical recency of the events makes any interpretation necessarily provisional.

In order to understand this experience and to gain from it a wider perspective on both the situation of women in relation to power in the Church and a developing feminist theology of power, we can begin by asking, "Why did this group of women agree, as a Community, to be silenced? Why did they submit to the apparent coercive use of power in their regard?" At the risk of oversimplifying something very complex, but in the interests of brevity, I will try to shed light on this question by indicating four judgments that seem to me to have shaped the experience of these women and the decision which they made.

1. *The demands made of the General Administrative Team of the Sisters of Mercy were not in themselves finally experienced as either morally or religiously obligating.* The decision to forego a public position of dissent was not made because of a new belief in the teaching of the magisterium (on the issue of tubal ligation) or out of religious obedience to a disciplinary command. This does not mean that the Sisters of Mercy accept no fundamental authority in the Church, or that they see themselves in regard to their life and ministry only as autonomous agents in the Church, not subject to the Church and its legitimate authority in an important sense. It does mean that in this case they could not find the teaching of the magisterium persuasive and, in fact, interpreted the demands of the magisterium as an attempt to use juridical power to settle a question of truth. Perhaps even more importantly, they perceived the demand for continuation of a policy which they were convinced was unjustly injurious to other persons (patients in their hospitals) as contradictory to the overall obligation of the Sisters of Mercy (in fidelity and obedience to God and the Church) to carry on a ministry of healing. In other words, without special further justification, these specific demands by church officials entailed doing evil.

2. *The major concerns of the Community throughout this experience were threefold: ministry, truth, and community. No decision could finally be justified that did not take all three of these into account.* From the beginning, the central concern had been ministry, and truth in relation to ministry; that is to say, the central concern was for the persons for whom Mercy hospitals exist. This concern had itself been two-fold: (a) to provide for persons (women) who need and want tubal ligations, and who ought, in truth, to be able to have them; and (b) in a wider sense, to offer a voice in the Church for women (and men) on issues of sexuality and reproduction. The Community could not, at the point of opposition, simply forget the suffering of which it was aware through its pastoral ministry; nor, above all, could it simply continue to inflict a part of this suffering through its ministry.

When the appeal to power and authority was introduced by the magisterium, another concern emerged: concern for community—the community of the Sisters of Mercy and the broader community of the Church. Within the Sisters of Mercy there exists the same moral pluralism that is to be found in the Church as a whole. Had the leadership of this Community perceived a firm consensus among their members, I believe they would have stood with their original position and their call for dialogue. As it was, there seemed sound reason to fear that a negative response to the demands of the magisterium could so seriously divide as to eventually destroy the Community. Past sanctions imposed on other communities in analogous though lesser situations of conflict with church authorities showed a potential for harm that could not be ignored.

In itself a decision to remain silent for the sake of the Community could be a self-serving motive for failing to stand for the truth and failing to be faithful to those whom the policy in question directly affected. Two elements in the moral situation called for a broader view, however. The first was the problem of “corporate voice” in the Community. A community may well decide to risk its own existence for the sake of others and for the truth; but the leadership of a community may not always be justified in placing others at risk without an effort to discern the base of support or to engage in a broadly participative process of decision. At the very least, it was judged premature to take this Community “to a wall” on this particular issue forced to a time-line by external authority.

Secondly, the consequences of the division and potential destruction of the Sisters of Mercy extended beyond the Community itself. Consultation with other groups led to the belief that risk included harm to many who were not Sisters of Mercy. In addition, the diminishment or dissolution of this Community would entail the limitation or even the end of its healing ministry in general; and so would end the possibility of any future Community efforts to change church teaching and policy regarding tubal ligation in particular.

In relation to this issue, then, concern for ministry, truth, and community led to a decision to preserve community—not for its own sake, nor for the sake of maintaining the status quo; but for the sake of ministry and of an ongoing struggle to make ministry more true. Justification of this decision—in terms of a proportionate good—might be described as an appeal to the traditional principle of “material cooperation.”³ The principle invoked so often to justify the Church’s cooperation with society’s evil must now function to justify a group’s cooperation with authorities in the Church.

3. The third judgment serves to amplify the second. It relates explicitly to the perception of power and powerlessness by the Sisters of Mercy in this situation. On the one hand, this was clearly an experience of powerlessness. As such, it provoked outrage and was an occasion of appropriate mourning for the Church. On the other hand, this Community did not experience itself only—or perhaps even primarily—as powerless. Like other communities of women, it had long since grown in self-understanding, cohesiveness, and a reflective

³Material cooperation, of course, means that, while not approving what is considered to be an evil action done by another, one helps the performance of this action by doing something that is not, in itself, morally wrong. Such cooperation can be justified only for a “proportionate reason,” the determination of which involves such issues as one’s need for involvement, one’s degree of involvement, etc.

sense of inner power of life and fruitfulness. In this situation, it had clear alternatives and the power to choose between them. It had even previously thought through, as a Community, its possible general obligations regarding corporate dissent.⁴ Here, it seems to me, its decision was a decision not just to submit to its own lack of power, but a decision not to allow its own power to be diffused by the direct action of an external power. It was a decision to build on its present power in order ultimately to be more faithful to the truth and to its healing ministry. Concretely, that meant a decision which prevented such possible sanctions as the removal of Community officers, investigation of community hospitals, etc., and which allowed continuing community dialogue and collaborative response.

4. The fourth judgment operative in this experience and decision was a judgment about the nature of power itself—or at least the use of power within the Church: Power is essentially for the sake of empowering others. This judgment was joined with basic presuppositions about the nature of the Church, the Church's ongoing search for truth, the capacity for community (and church) to sustain pluralism and authority, the possibilities for reform of church structures in the direction of just access to power, openness, collaboration, and concern for both individuality and communality. The judgment was also joined with an analysis of the concrete historical situation in which the events were unfolding. Though I cannot here explicate either the presuppositions or the historical analysis, it is crucial at least to note the importance for both of them of a view of power which is ultimately not for the domination of others but for their empowerment.

The decision of the Sisters of Mercy must still be reviewed and critiqued, by those within the Community and without. The answer to the question, "Why did this group of women agree to be silenced?" seems to me to be this: "In order that theirs and other voices may ultimately prevail." The danger, of course, is that the silence will grow, and that power in the Church will be more and more isolated, especially from the experience of women. But this story is unfinished. The wisdom of the decision of the Sisters of Mercy may become manifest only when their voice is once again heard.

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WOMEN AND POWER IN THE CHURCH: A BLACK-CATHOLIC PERSPECTIVE

Random House College Dictionary defines "power" in many different ways. Among these, "power" is fundamentally "the ability to do or act; capability of doing or accomplishing something." In contrast the *RHCD* defines "authority" as "the power to judge, or command," or "a power or right delegated or given, . . . usually because of rank or office, to issue commands and

⁴Context and criteria for corporate public dissent are delineated in a document approved by the Tenth General Chapter of the Sisters of Mercy of the Union, April, 1977.