

THE CHALLENGE OF CHRISTIANITY

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I have approached this assignment with some bemusement because you are talking about law and how the law can be used to reinforce women's rights and reproductive rights in the international arena. I am here to talk about a "country" where there is perhaps little opportunity for law to have much influence on these issues. That is the so-called Vatican State.

We are dealing here with 108 acres of office space and tourist attractions, with a citizenship that includes no women, no children, and to the best of my knowledge, has no population problem, either pro- or anti-natal. Therefore, why do we pay so much attention to States like the Vatican? In considering the Vatican State, I recommend to you a publication by the CIA, the *World Fact Book*, which lists various facts about all of the countries of the world.¹ The Vatican State is one of the shorter entries in the book, because next to almost all entries it says "none": "Exports: None"; "Major Products: None"; "Resources: None." Some of us here have been wondering whether or not Euro-Disney had as many qualifications for permanent observer status as the Vatican State—

(Laughter.)

—and considering whether or not we should propose Euro-Disney for such membership.

All this humor aside, I will try in some way to talk about the Vatican as a nation, but of necessity, I will concentrate largely on Roman Catholicism, which is that branch of Christianity with which I am most familiar and which seems to present a greater problem in the public

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1. See generally CENTRAL INTELLIGENCE AGENCY, *WORLD FACTBOOK* 1994, at 174.

arena than other branches of Christianity. I will note, as we certainly saw at Cairo, that in terms of religious voices, the voices most frequently heard are those of conservative religious bodies or those adherents within religious bodies who espouse conservatism. It is my experience that in almost every organized religion, whether Hinduism, Judaism, Roman Catholicism, Christianity, Islam, and even Buddhism, there are both fundamentalist tendencies and liberating tendencies.

I do think that fundamentalism is religious, not merely political. Since I understand that both the tendency to fundamentalism and the tendency to liberation exist in all religious bodies, the question for me is, why, at any given time, does the political system seem to find space for one or the other of those tendencies to dominate in the political discourse. Questions about fundamentalism are central to policy, whether manifested by the U.S. elections on November 4 or in Egypt.

Of the world's population, 960 million people are Roman Catholics, which may be one reason that so much attention is focused on what the Roman Catholic leadership has to say, whether or not they represent those people. Additionally, the Roman Catholic Church occupies a unique political position, both informally and formally in many countries, examples of which follow.

The Constitution of Argentina, for example, requires that the president of the country be a Roman Catholic. There are other constitutions in which the Roman Catholic Church is specifically acknowledged in special ways within the State. We have seen in the recent rewriting of many constitutions an attempt by the Roman Catholic Church to be acknowledged as *the* religion of that country. That battle is going on in Poland right now. Indeed, the Polish executive branch of government signed a concordat with the Vatican which gave the Vatican extensive powers over education, marriage, and other aspects of civil life. That concordat has not been approved by the current parliament because many parliamentarians have their roots in communism. Had those post-Communists not been elected, the concordat most likely would have been approved.

We know that the Vatican maintains strong bilateral relations with many countries, including formal, diplomatic relations, which include the exchange of ambassadors and ongoing activities. The Vatican is also a major provider of humanitarian, educational, and health services worldwide, and for that reason exercises influence over recipient States' public policy.

We need to look very seriously at the legal questions Catholicism and other religions' status as a state religion, its presence in constitutions, its receipt of government monies, and certainly at the international level, its status as a permanent observer State in the United Nations raise regarding efforts to secure women's rights.

It is particularly important to understand that some of these bilateral relationships and some of these attempts by the Vatican to use the State to enforce its religious views stem from the Vatican's weakness as a State and as a religious institution in its own right.

Many of us thank God each night that the Vatican no longer has an army—except for a few Swiss Guards—no longer has prisons, and no longer has the right to invoke capital punishment, because a few of us would not be around, if those things were possible.

(Laughter.)

Not only does the Vatican seek to use the State to enforce teachings that it does not have the physical capacity to enforce, but it also attempts to use the State in these matters, because it does not have the capacity to motivate or gain the support of the Catholic populace worldwide to follow voluntarily the teachings of the institution on a variety of sexual matters.

Linked to its unique political position, it is very important in understanding and analyzing the Vatican to understand its attitude towards church-state relations. Many of us say that the worse thing that ever happened to Catholicism was Constantine's conversion to the church. Up to that point, Christians were a countercultural reform movement within or on the margins of Judaism, having all of the accompanying characteristics of democracy. Unfortunately, when Constantine became a Catholic, he then made Catholicism the state religion and, indeed, we now suffer in our church from a system of governance that has been rejected by most Western European countries—in essence, the absolute monarchy. Even the English are having some trouble these days with the monarchy, but not yet Rome.

As a result, we have in the Church a long history without separation between church and state and no tolerance of fallibility of democracy and pluralism. The classic quote in Catholicism is "error has no rights." You don't have the right to make a mistake, and the Church knows what is a mistake.

Within that context, it was only in the 1960s, at the time of the Second Vatican Council, that the Church acknowledged, begrudgingly, that separation of church and state was legitimate. Therefore, we have a very long history of a mindset in which the Church has authority over the State, and only some thirty years of Church

teaching that indicates the separation of church and state can be legitimate.

In any large institution, mindsets change very slowly, so that the mindset of the institutional church, no matter what is said, is still a mindset which does not recognize the separation of church and state, and whenever it has the opportunity—Poland is, again, the prime example of this in modern times—it will seek to create a religious State or a State whose values and laws mirror Catholic doctrine.

In this context, one cannot omit a discussion, however brief, of dogma, doctrine, and mindset towards women and reproduction.

The Church, as a political institution, puts forward an agenda that rejects women's rights, reproductive rights, and sexual rights, in spite of qualified lip-service to each. This is a political need of the institution. There are only two qualifications to have power in the Roman Catholic Church:

You have got to be a man, and you have to say you won't have sex. You don't have to be smart; you don't have to have a law degree; you don't have to have a medical degree; you don't have to be nice; you don't have to be compassionate; you don't have to talk to people.

If it ever becomes part of the mindset of our world that sexuality and sexual relations are a good, in and of themselves, separated from procreation—if the standard for judging sexual relations becomes justice, as is the standard in every other form of human relationship (friendship, community, and state to citizen)—then, indeed, there would no longer be any way in which the institutional church could say that one of the requirements for power is not having sex, because those of us who are sexually active become as valuable and as good human beings as those who have voluntarily given up sexual activity.

I want to point out a few more things about the way in which the Church views women, if only to show people things I find ridiculous. I think that you need these in your discourse as you go out in the world; we need to understand that at the root of what we are dealing with and the reason that Catholicism and Islam got together in Cairo had nothing to do with family planning and had nothing to do with abortion. It had everything to do with that segment within both of those faith groups that shares a vision of women as inferior and a vision of men as in charge.

I will go back as far as the twelfth century to my current favorite antiwoman Catholic, mathematician, musician, and monk named Odo of Cluny. Odo of Cluny said it very well, in terms of what the Church thinks of women: "To embrace a woman is to embrace a sack of

manure.” This is the mindset of the Church with which we are dealing.

For the sake of brevity, I am not going to bring this quote up to the present, which I could do. Lest you think these were old ways, discarded in the 1990s, several weeks before we went to Cairo, the Pope beatified two women as part of the preparatory part for Cairo. These women exemplify perfectly what the Church thinks of women and what it thinks our roles are.

The first woman that was beatified was an Italian pediatrician who died in 1962 in childbirth. She had uterine cancer with her fourth pregnancy, and she instructed her physicians that she would not have an abortion. She would accept no treatment for the cancer. Finally, she instructed her physician that if in childbirth there were a choice to be made, she wanted her child saved not herself.

I respect this woman’s right to make that choice, but this Pope is not telling us that this is a choice. He is telling us that this is what we are supposed to do.

The second example is somewhat more egregious and without any nuance whatsoever. The second woman who was beatified died in 1825, and was also an Italian. She lived in an abusive marriage, including physical abuse. She was frequently abandoned, but her husband kept returning. She died, as far as I know, of natural causes, and her husband entered the priesthood. She was beatified not because she was abused, but because she stayed in the marriage. The challenge to lawyers and to women’s rights activists is to see that such a “vision” of women is decisively rejected in the law.

