STUDIEN ZUR THEOLOGISCHEN ETHIK 156

Published by Daniel Bogner and Markus Zimmermann

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Towards a Critical Political Ethics

Catholic Ethics and Social Challenges

Schwabe Verlag, Basel
Echter Verlag, Würzburg

The formatted content has been provided by the Department of Moral Theology and Ethics, University of Fribourg/Switzerland.

Published with the support of the University Council Fribourg/Switzerland

Bibliographic information published by the Deutsche Nationalbibliothek

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at http://dnb.dnb.de.

Cover design: icona basel gmbh, Basel

Graphic design: Stellwerkost

Typesetting: Ute Heimburger, University of Fribourg, Department of Moral Theology and Ethics, Av. de l'Europe 20, CH- 1700 Fribourg

Printed by: CPI books GmbH, Leck

Printed in Germany

ISBN Print 978-3-7965-4147-6 (Schwabe)

ISBN eBook (PDF) 978-3-7965-4197-1 (Schwabe)

DOI 10.24894/978-3-7965-4197-1 (Schwabe)

ISBN Print 978-3-429-05504-2 (Echter)

ISSN 0379-2366 (Studies on Theological Ethics)

The eBook has identical page numbers to the print edition (first printing) and supports full-text search. Furthermore, the table of contents is linked to the headings.

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FOREWORD

This book is based on studies that I have undertaken over the last decade, addressing some exemplary areas of social ethics. Initially, I responded to challenges raised at conferences or in projects that I was involved in, and the articles were situated in contexts in which my contribution was one voice among many. For this book, I have not only revised all of these works but considered them from a different, namely theoretical and methodological perspective, resulting in the approach of a critical political ethics that takes up insights from the early Frankfurt School and the New Political Theology. The case studies and the methodological pursuit constantly inform each other: attending to conflicts and crises, violations of rights and dignity, and the structural injustices examined in concrete social and political institutions reveal an ethical challenge that is different today than it was in the second half of the 20th century. Seventy years ago, the human rights framework was established as the international normative order for policies. Today, there can be no doubt that this very framework is under attack, and Catholic ethics, I will argue throughout this book, is ill-equipped to counter the violation of human dignity and human rights, because it adheres to an epistemological approach to morality that is has been rendered immune to critique.

I hope that the critical political ethics pursued in this book will inspire further studies, which I want to at least name here: the *ecological crisis* is, in part, a challenge of and for climate justice; *global poverty* is tackled by the different programs of the United Nations, with some success but no breakthrough so far, while the global *unjust wealth distribution* makes states dependent upon big corporations and political programs increasingly dependent on philanthropy. *Regional wars, genocides, and state violence* against minorities have not been prevented by the international norms – they are as ubiquitous as ever, only fought with much more sophisticated weapons and technologies than in any other century before. The different forms of *political violence* through terrorism demonstrate nothing but contempt for human dignity and freedom, while the "private" *domestic violence* affects every third woman globally, gaining little attention outside of feminist ethics. Billions of people, this means, are threatened in their very existence and well-being on an everyday basis. Meanwhile, *new technologies* are developed that will do little or nothing to alleviate the standard of living for those who need it most. Theological ethicists have responded to these troubling "signs of the time" with thorough scholarship – but rarely are these works taken up in the magisterial teachings. In this book, Catholic moral teaching is subjected to critical scrutiny. I do not question the principles of Catholic Social Teaching, but I reinterpret them in light of political and liberation theology, feminist ethics, and decolonial

ethics that attends especially to the imperative of historical-ethical remembrance and responsibility.

Without the support of more people than I can name here, this book could not have been written. I want to thank especially Michelle Becka who worked with me during my time at the University of Frankfurt, my colleagues from the Theology Department there, and Axel Honneth who invited me to become the first female colleague of the Frankfurt Institute of Social Research (a fact that speaks for itself).

Loyola University Chicago has become my academic home over the last ten years, and I thank especially my former Chair, Susan Ross, for supporting my transition from Germany to the USA. My colleagues of the Loyola Theology and Philosophy Department have become more than just colleagues: many of them have become friends. My doctoral students constantly challenge my own thinking, forcing me to reflect upon the different theological and ethical traditions in the USA and Europe.

I would like to thank the editors of the book series, Daniel Bogner and Markus Zimmermann, and Ute Heimburger and Mary Brunisholz for their diligent work on the manuscript.

Sara Wilhelm Garbers has supported me in the initial research for several of the articles.

My biggest thanks goes to Molly Greening. Without our multiple discussions and her rigorous work on several drafts I would not have been able to write this book.

Hille Haker Chicago, March 2020

Several articles were previously published in other locations, and I thank the publishers for using the material for this book:

Chapter 1 was published in a previous version in: Études Ricoeuriennes / Ricoeur Studies, 8/2 (2017), 22–45.
Chapter 2 was published in a previous version in: Loyola University Chicago Law Journal 50/1 (2018), 107–136.
Chapter 3 was published in a previous version in: Ryan van Eijk/Gerard Loman/Theo W.A. de Wit (eds.), For Justice and Mercy. International Reflections on Prison Chaplaincy, Oisterwijk (Wolf Legal Publishers), 2016, 209-228.
Chapter 4 was published in a previous version in: Journal of Political Science and Public Affairs 3/1: 145 (2015), 1–6.
Chapter 5 will be published in a modified version in: Jonathan Rothschildt/Matthew Petrusek (eds.), Dignity and Conflict: Contemporary Interfaith Dialogue on the Value and Vulnerability of Human Life, Notre Dame (University of Notre Dame Press), 2020, 411–457.
Chapter 7 was published in a previous version in: Journal of Religious Ethics 43/2 (2015), 218–243.
Chapter 8 was published in a previous version in: Lorealla Congiunti/Ardian Ndreca/Giambattista Formica (eds.), Oltre L'individualismo. Relazioni e relazionalità per ripensare l'idendità, Rome (Urbaniana University Press), 2017, 85–100.
Chapter 9 was published in a previous version in: Darrel Moellendorf/Heather Widdows (eds.), Handbook of Global Ethics, New York (Routledge), 2014, 340–353.
Chapter 10 was first published in a previous version in Ruben Rosario-Rodrigez, Companion to Political Theology, New York (T&T Clark), 2019, 547–564.
Chapter 13 takes up previous works published as Solidarity and Justice Reconsidered, in: Concilium 50/1 (2014), 7–18, and Compassion and Justice, in: Concilium 4 (2017), 44–54.

INTRODUCTION

In this book, I examine the dominant normative framework of Catholic Social Teaching and Ethics, namely its foundation in Natural Law theory, through the reinterpretation of several issues. Due to the growing clash between a pre-Vatican II and post-Vatican II reading of the theological and ethical tradition, such an analysis has become even more important today than a few decades ago. In contrast to both the opponents and defenders of a modern theology as it is developed in the documents of the Council, other theologians have more radically questioned the ontotheological metaphysical foundation of Catholic ethics for quite some time. This book takes sides in the ongoing debates. I agree with those theologians who call for a radical shift of the theological approach within the Catholic Church, especially with regard to its responses to the current political crises, and the crisis of a planet that is increasingly becoming inhabitable due to human failure to care for it.

The approaches that I join come in different names, reflecting their point of departure and emphasis of scholarship. In fact, since the Vatican II Council, Catholic Theology has seen multiple shifts in perspective: coinciding with the German New Political Theology first introduced to Catholic theology by Johann Baptist Metz, Northern American Black Theology, Feminist, Womanist and Mujerista theologies, African and Asian Postcolonial and Decolonial Theologies emerged. They all have in common that they decenter the traditional Eurocentric approach to Christianity that is deeply influenced by Greek and Roman philosophies. Over the last decades, theologians reinterpreted the Gospel in view of their own experiences, and they began to develop new methodologies. They introduced their interpretations into the multitude of theological traditions, and they developed new liturgical, pastoral, and communal practices. These theologies are all "political" in the sense I am using the term in this book. They stem from a biblical tradition that is prophetic, revolutionary, and spiritual. Critical political ethics shares with these approaches the reflection on fundamental theological concepts. In addition, however, I argue that theology has developed the discipline of ethics for a reason: ethics is tasked with the reflection on moral agency, moral judgments, their underlying habits and the habitus – the learned but embodied disposition that is mediated in and by one's social standing and position[1] –, the normative orders that inform social and institutional settings, and the orientation of individual and collective actions. Ethics offers its particular, disciplinary perspective, focusing on ethical analyses and practical reasoning, and I examine its role in the

1 P. Bourdieu, *Social Space and Symbolic Power,* in: P. Bourdieu (ed.), *In Other Words. Essays towards a Reflexive Sociology*. Stanford 1990, 123–139.

renewal of Catholic Social Ethics from a critical, political-ethical perspective. Ethical reflection subjects any epistemology, ethical justification, or political legitimization to critical analysis. The question – and questioning – of moral truth is a never-ending endeavor, and for this reason ethical theories, too, must be – and indeed are – subjected to metaethical scrutiny. The central claim of my approach is that human dignity and human rights ought to be developed from the acknowledgment that agents are vulnerable *and* responsible. Both sides constitute the moral identities of agents, and these can only be understood by turning to experiences of suffering and susceptibility to moral harm and structural injustice on the one hand, and the capability to responsibility as well as the necessity to be held accountable on the other. The concept of vulnerable agency therefore provides the lens to reinterpret human dignity and human rights. Since people and peoples are "entangled in history"[2], however webs of relations, institutions, and structures situate their vulnerability and agency in a particular place at a particular time.

Rather than merely presenting my critique – and the alternative foundation of theological ethics – abstractly, the book pursues the argument through exemplary analyses in several exemplary case studies. They demonstrate the institutional, political, and legal arrangements individuals are confronted with in their everyday lives. The studies are not exhaustive but rather originate in my works over time, limited to areas in which I claim to have developed some expertise. Sometimes, I have included narratives from interviews that capture the experiences of individuals, while at other times I build upon my own work especially with women, counselors, and political advisors, particularly in the field of bioethics. The case studies entail a critical deconstruction of ethical argumentations, and I highlight the particular theological-ethical argumentation regarding the practice under scrutiny. As necessary as critical analyses are, however, they are not sufficient to describe the *ethical stake,* and the political-ethical stake in particular, which is liberation of individuals and peoples towards justice. Guiding questions for a critical political ethics are therefore: How can agents act together, and what ethical framework may best inform their strategies, cooperation, and coordination? When are agents empowered to act, and when are they held back by institutional settings that constitute their horizon of action?

Taking situated knowledge seriously, I explicitly follow scholars such as Enrique Dussel, Walter Mignolo, Boaventura de Sousa Santos and others who all question the Western epistemological frame as the *only* possible way of understanding. Decolonial theories in particular highlight non-Western interpreta-

2 W. Schapp, *In Geschichten verstrickt. Vom Sein von Mensch und Ding*, Hamburg 1953.

tions of history, identity, and ethics, calling for an epistemic decolonization.[3] Following their theories, I emphasize that the discipline of ethics must include a reflection on its own hermeneutical presuppositions and the perspective from which it engages in ethical reasoning. Social ethics especially is in part a hermeneutical ethics that differs from an applied ethics insofar as it does not merely "apply" an unquestioned (and unquestionable) normative framework to different cases.[4] Personal and collective experiences, I argue throughout this book, form the horizon of interpretation of moral actions and moral convictions, but they, too, must be subjected to critique in a constant process of reinterpretation and reassessment. As the subject of ethical inquiry, I am therefore not choosing my topics arbitrarily. Rather, my interests are intertwined with my own experiences and with my own position and status within theology and society. First, over the last two decades, the sexual and institutional violence within the Catholic Church and the structural betrayal of trust by the institution of the Church has reinforced my conviction that a radical ecclesial change is necessary. In fact, many Catholics are yearning for this, but their voices are rarely heard. Second, as a citizen of Germany and the USA, I move between two worlds, geographically, personally, culturally, politically, and academically. Some of my experiences over the last decade, after moving from Germany to the USA, have resulted in a process of relearning and reinterpretation: for instance, I have observed more structural racism and hate crimes than I ever expected to encounter in both Western democracies. What I previously mostly recognized as my responsibility for the past, I now see more clearly from the perspective of an ongoing structural, racial injustice.[5] My experiences in the USA changed an assumption that I now see had been engrained in my identity as an almost "unquestionable" truth: I grew up in the

3 Cf. for his important role for my work: B. de Sousa Santos, *Epistemologies of the South: Justice Against Epistemicide*, Boulder, CO 2014; B. de Sousa Santos, *If God Were a Human Rights Activist: Human Rights and the Challenge of Political Theologies*, in: Law, Social Justice and Global Development Journal 1/13 (2009). For an ethics of liberation that is rooted in hermeneutics and critical theory cf. E. Dussel, *Ethics of Liberation in the Age of Globalization and Exclusion*, Durham 2013. I believe that critical theory has more in common with decolonial theory than is sometimes assumed, and I therefore aim at contributing to the common effort of decolonization from this tradition. For a critical assessment of the Frankfurt School's lack of engagement with epistemic colonialism cf. A. Allen, *The End of Progress*, New York 2016.

4 D. Mieth, *Sozialethik als hermeneutische Ethik*, in: Jahrbuch für Christliche Sozialwissenschaften 43 (2002), 217–240; J.-P. Wils, *Handlungen und Bedeutungen: Reflexionen über eine hermeneutische Ethik*, Freiburg i. Ue. 2001. Many decolonial theorists are pushing for a re-interpretation of ethics in this vein of situated knowledge and situating one's identity, without gaining a lot of traction in Western theory, beyond feminist, narrative, and/or literary ethics.

5 Ch. W. Mills, *The Racial Contract*, Ithaca, NY 1997.

post-World War II atmosphere of the divided Germany, being told endless times by my parents' generation how lucky we were, because we did not experience the war – traces of which result in evacuations of whole towns up to today when bombs are discovered that need to be recovered and, potentially, deactivated. I was told that my generation lived under conditions of justice and peace, though fragile and tentative, while others "still" suffered from injustice and war. In reality, there are no "just" conditions for one part of a town, a country, or the world as long as there are "unjust" conditions for others. The global *economic* injustice is rooted in an *epistemic* injustice, which must be acknowledged and transformed in a struggle for liberation towards justice, yet from different starting positions.[6] The denial of epistemic injustice creates a blind spot in the perception and understanding of those who disproportionately benefit from an order that disproportionately harms others. José Medina explains this aptly with respect to gender and racial injustice:

> But presumably those who do not see gender and racial stigmatization do not see gender and racial privilege either; and, therefore, their blindness is a form of inattentiveness not only to social marginalization, but also to privilege: they do not see (or fail to pay attention to) how masculinity and whiteness can operate as a locus of privilege in their lives or that of others. Color blindness (like gender blindness) typically functions as a form of active ignorance supported by epistemic vices such as arrogance, epistemic laziness, and closed-mindedness.[7]

Catholic Social Ethics is shaped by an anthropology that is centered particularly on gender complementarity, sexuality, procreation, and the family as the nucleus of society. John Paul II has been highly influential over the last decades, and he regarded abortion as the most important problem of the 20th century.[8] While the Church sees itself in a battle against a (secular) "culture of death", it graciously overlooks its own contribution to social ills. Obviously, the sexism and sexual violence against children, seminarians, and women that was revealed over the last decades cannot be blamed on secularized cultures. Likewise, superiority and supremacy are not secular phenomena. They are as engrained in Western Christianity's history as in the European and Anglo-American history. And this history

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6 M. Fricker, *Epistemic Injustice: Power and the Ethics of Knowing*, Oxford/New York 2007; J. Medina, *Hermeneutical Injustice and Polyphonic Contextualism: Social Silences and Shared Hermeneutical Responsibilities*, in: Social Epistemology 26/2 (2012), 201–220.

7 J. Medina, *Color Blindness, Meta-Ignorance, and the Racial Imagination*, in: Critical Philosophy of Race 1/1 (2013), 38–67, 41.

8 Congregation of the Doctrine of Faith, *Instruction Dignitas Personae. On Certain Bioethical Questions*, 2008, No 37, quoting John Paul II. http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20081208_dignitas-personae_en.html#_ftn10.

is, unfortunately, ongoing. Perhaps because I began my work as a theologian in an environment that is predominantly shaped by the works of male scholars, my position is deeply informed by the reflection of gender. Due to my gender, I am excluded from participating in Church decisions even when these deeply affect women's lives. To admit that my experiences have harmed me in my own personal life as well as in my professional identity is hard. I was taught that as a scholar, I needed to go beyond the personal and abstract from my experiences in the name of rational arguments. Instead, feminist ethics, like decolonial ethics, insists on the necessity of reflecting upon how one's own experiences are related to the epistemological, ethical, and political structures that shape social practices, including the practice of academic research.

Watching the rise of Donald Trump since 2015, enthusiastically supported and celebrated by (mostly white) Christians, has been the hardest political experience of my life. Christian leaders still promote the image of the world that is in need to be saved by the Christian faith. Protestants and Catholic groups alike go to court for exemptions from laws meant to establish equal rights – and they support Christians who claim that their conscience *demands* of them, in the name of religious truth, to exclude women from gaining access to contraceptives and/or to discriminate against sexual minorities by denying them business services for their marriage celebrations (bakers, florists, photographers). Under the Trump administration that pretends to foster Christian values, white nationalism and white supremacy are explicitly embraced and they inform the policies regarding ethnic minorities. The Trump administration is responsible for detentions at the border to Mexico that are rightly compared to concentration camps. Islamophobia has translated into the so-called Muslim ban targeting whole countries.[9] Law enforcement agencies demonstrate ongoing cruelty against "aliens" – including children who flee for their lives to the USA.[10] Meanwhile, the European Union rather stands idly by when thousands of people drown in the Mediterranean Sea, denying them entry to the European Union. Furthermore, the EU has mainly been silent to reports that refugees are tortured in concentration camps in Libya.

The critical hermeneutics that I embrace is closely related to the situated, diatopical hermeneutics that Boaventura de Souza Santos has proposed.[11] A critical hermeneutics does not mean that ethical judgments are bound to cultural relativ-

9 The USCCB sent an Amicus Curiae Brief to the Supreme Court, urging it to reconsider the policy as blatantly discriminatory. For the background cf. A. T. Uddin, *When Islam is not a Religion: Inside America's Fight for Religious Freedom*, New York/London 2019.

10 H. Haker/M. Greening (ed.), *Unaccompanied Migrant Children. Social, Legal, and Ethical Responses to the Plight of Child Migration*, Lanham, MD 2019.

11 B. de Sousa Santos, *Epistemologies of the South*.

ism; it does not result in the debunking of human dignity and rights in the name of difference. It does mean, however, that any ethical reflection must entail a critical self-reflection of one's position in the social space as its starting point.[12] Deeply intertwined with the epistemology of coloniality, European and Northern American Catholic ethics has, for the most part of its history, "naturalized" historical moral insights, rendering them immune to any correction and, through its (all-male) offices, demanded obedience to a normative morality that lacked any insight from women or women theologians. In contrast, a critical, diatopical hermeneutical ethics claims that the reflection on moral identities, including the formation of conscience, must attend to the experiences of the people it addresses and foster the free articulation of experiences, which will happen mostly in testimonies and personal narratives. Only close attention to its own history of entanglement with white supremacy will enable Catholic Social Ethics to be a critical voice in the public sphere. Catholic Social Ethics must therefore seek the conversation and dialogue with individuals and groups who are harmed most by the global structural injustices. Furthermore, it must be willing to present arguments that are supported by the sciences and humanities, in order to justify normative claims.

Guidelines of conscience formation may be well-advised to turn to a new virtue ethics that fosters the moral imagination of individuals and groups. The Church must not prevent but encourage critical dialogue *within* communities, exploring the multitude of values embodied in different groups, and *across* cultures or religions. Experiences of *reciprocal* "alienness" in these encounters regarding worldviews, practices, and social norms are constructive to one's identity, not threatening. Such encounters will, for sure, decenter one's own views, but in return, they will enrich human experiences and the understanding among strangers who share the same social space and, under the condition of globalization, the earth. Catholic social ethics is *tasked* with a critical and constructive *reflection* of the practices, virtues, and institutions that all inform the Christian faith.[13] Like theology writ large, Christian ethics, too, will need to be decentered if it is willing to attend to experience as one of its sources.

Ethical reasoning is a process of judgment rather than merely being a proclamation of moral truths. Theology's own sources provide multiple tools, especially when changes and shifts of doctrines are examined over time. Practices that provoke moral conflicts must be subjected to a threefold judgment process. Ethical reasoning entails, *first*, a descriptive analysis of the issues at stake, *second*, a crit-

12 P. Bourdieu, *Social Space and Symbolic Power.*

13 Cf. Pope Francis, *Enciclica Laudato Si*. http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

ical hermeneutical interpretation of their context, background assumptions, the goals they pursue, and the means they apply, and *third*, a normative argumentation that addresses the claims on actors. Ethical reasoning proposes ways that orient the transformation of habits, change of practices, and reforms of institutions. The elements of judgment must be transparent and subjected to a continuous *correlation* between facts, interpretations, and normative claims, and their reciprocal *critique*. Analysis, interpretation, and argumentation must therefore be open to be *corrected* on all levels. Implicitly and explicitly, Catholic Social Ethics scholarship over the last decades has followed this route. Explicitly, however, Catholic ethicists have been limited in their scholarly practice by the Magisterium of the Church.

Critical political ethics responds to both developments that have emerged since the Vatican II Council: the emergence of new, contextual, political theologies, and the return to an authoritarian ethics over the last decades, explicitly backed by the Magisterium. It argues for a particular starting point that is informed by the "negative dialectic" (Adorno),[14] the "negative universalism" (Metz),[15] or the formal "negative categorical imperative" of avoiding violence and the violation of human dignity and rights (Ricœur).[16] It examines practices and structures of exclusion and pays close attention to structural and institutional injustices. It is not disinterested but interested and engaged,[17] committed to the discernment of injustice that is the condition for the possibility of concrete actions aimed at liberating individuals and peoples towards justice.

Critical political ethics aims to change the relations of domination and submission into relations of mutual *recognition*. It is based on a fourfold understanding of freedom: it embraces the reflective argument that renders freedom the condition of any morality; it builds upon to the notion of existential freedom as a process of becoming oneself. It explores the possibilities of social freedom as cooperative, collective action for justice, but it also acknowledges the structural injustice that renders liberation towards justice an end of individual and collective action. I therefore argue for a *responsoric responsibility* in practical and political acts

14 Th. W. Adorno, *Negative Dialectics*, New York 1983.

15 J. B. Metz, (in Zusammenarbeit mit J. Reikerstorfer), *Memoria Passionis. Ein provozierendes Gedächtnis in pluralistischer Gesellschaft*, Freiburgi. Br. [4]2011.

16 P. Ricœur, *Oneself as Another*, Chicago 1992. Cf. also the critique that Amartya Sen raises of John Rawls' theory of justice, namely that it is overly constructive and insensitive to the realities of competing, yet justifiable claims. In contrast to critical theory, however, Sen proposes a theory of justice that is context-sensitive, comparative, and aiming at creating equal opportunities within a framework utilitarianism. A. Sen, *The Idea of Justice*, Cambridge, Mass. 2009.

17 M. Horkheimer, *Traditional and Critical Theory*, in: M. Horkheimer (ed.), *Critical Theory: Selected Essays*, New York 1972.

that entails the emotional opening towards others in *compassion*, followed by collective practices of *solidarity*, aiming at the transformation of structural injustice into *liberation towards justice*. Critical political ethics distinguishes the obligations stemming from moral norms from the coercive binding of laws. In contrast, critical political ethics addresses questions of personal and social values, social and moral norms, structures that shape moral identities, and social, economic, and political institutions. It engages in the dialogue between science and society in an age that is in many ways determined by new technologies. In this way, Catholic Social Ethics is necessarily depicted as a political ethics that regards the political as personal, and the personal as political.

The approach that I develop in this book is not primarily rooted in theory but a response to practices. At the same time, it is a response to existing frameworks of thinking that I confront with my own experiences, the areas I work in, and the theoretical questions that emerged from the case studies. All studies in this book are based upon multiple encounters, from discussions at conferences, past or ongoing projects, and different kinds of international collaborations, including my work on the ethics advisory board on science and new technologies for the European Commission or, more recently, with NGOs that urge for a more thorough public discussion of gene editing for reproductive purposes.[18]

Initially written for specific audiences, I have revisited the essays in this book to reflect the methodological turn that I believe Catholic Social Ethics needs to make. In the following, however, I will explain how my own experiences correlate with the studies in this book.

In the first part, I explore the concept and critique of human dignity and human rights in different contexts. My political-ethical interest was not only shaped by Germany's history of fascism but also by my own experiences of growing up in West Germany during the "Cold War". The traces of the Western allied powers could be found everywhere in the part of Germany where I grew up. As children, we adored the Americanized idioms, American TV series, US jeans or American soft drinks. Near my home town, I often passed an American military base when I visited a friend. To me, it appeared like an "alien", secretive space with its "NO TRESPASSING" signs. In other parts of the country, nuclear weapons were stationed, which I, together with hundreds of thousands of members in the peace movement of the early 1980s fiercely rejected. Like many of my generation, I fought for the development of renewable energy technologies in place of nuclear

18 Cf. H. Haker, *Die Genveränderung von Embryonen bürdet Kindern eine unzumutbare Last auf*, in: Bioethica Forum 10/2 (2017), 50–59; R. Andorno et al., *Geneva Statement on Heritable Editing: The Need for Course Correction*, in: Trends in Biotechnology (2020).

energy and, at the same time, for a peace policy that would not rest upon deterrence and national security doctrines. The Cold War and the instability of the two German states shaped the political as much as the social climate of my childhood and early adulthood. At my school, we were immersed in literature and documentaries about the politics and economic systems of the two German states. We were *not* to question the West German social market economy or the overall Western value system, because it seemed obvious that market economy faired better than the socialist economy, based upon long-term government plans and lacking property rights. During the same time, the Western economies were radically deregulated in a wave of neoliberal policies, transforming the "social market economy" into the widely unregulated global capitalist economy.[19] Living in a divided country gave the advantage of being able to constantly compare the two global political systems and their impact on the shape of the social and civil life. The first books of the emerging genre of women's literature that I read, for instance, were written by GDR authors, and they depicted a rather different view of the organization of labor or the role of women than one would expect from the pejorative judgments we learned in the BRD.

I volunteered for a local group of Amnesty International, and in this context my commitment to human rights was shaped. As a student, I joined a so-called coordination group that had the task to keep prisoners and disappearing persons in the public eye during the catastrophic civil war in El Salvador. I studied the North-South divide from a historical, social, and economic perspective, and the responses of Latin American liberation theology to the ongoing poverty, exploitation, and violence that prevailed in these postcolonial countries. For those of the war generation who wanted to see radical changes in theology, it was often easier to empathize with the survivors of the Shoah than to discern the misdeeds and atrocities of the everyday Germans and the Church during the Nazi time. Likewise, for my generation, it was often easier to empathize with the campesinos and guerrilleros in Nicaragua and El Salvador than to discern the role of German corporations in South and Central America, or the German support of the dictatorships in Argentina or Chile. I was shaken by New Testament scholar Ernst Käsemann whose public lecture I attended in Tübingen one evening in 1984: he was broken in his grief and anger after the torture and murder of his daughter Elisabeth in an Argentinian prison in 1977, yet he did not remain silent. Up to today, long after the background of the political betrayal by the German government has been revealed,[20] I cannot forget this father of a murdered child who did

19 J. Vogl, *Das Gespenst des Kapitals,* Zürich 2015.

20 For more information on the case cf. http://www.elisabeth-kaesemann-stiftung.com/biography.html.

not just seek our compassion. More importantly, he sought our solidarity in his struggle for justice.

Thus for me, the ubiquitous human rights violations in almost every country, recorded and reported by the annual reports of several non-governmental organizations, only reinforced my defense of human rights. Today, however, human rights are more radically attacked by their critics from the right and the left than in the 1980s. They are mocked as an instrument of "Western liberalism" that rhetorically conceals a political agenda rather than reflecting a moral standard of actions and policies. Thus, seventy years after the Universal Declaration of Human Rights, the conceptual question must be addressed with new urgency: how can ethics uphold the principle of human dignity and human rights as the normative foundation of moral and political actions? Hannah Arendt's early critique of the United Nations declaration of human rights raises a hard question about human rights as "natural" rights: in her view, they are useless unless spelled out as *political* rights. Arendt's critique is especially important for Catholic ethics that interprets human rights through the theory of natural law. I therefore begin this book with a reflection on human dignity and rights within the realm of political ethics. Though following her in her critique in part, I confront Arendt's political ethics with a reading of Paul Ricœur's works in which he critically engages with her arguments (Chapter 1).

The second essay connects this discussion explicitly to the history and theology of natural and divine law. Instead of rehearsing the well-known history, however, I examine the current concerns for the right to religious freedom in the context of US policies. The human rights framework was embraced at the Vatican II Council, but some ambiguity remains, especially concerning the relationship of legality and morality, or law and justice. The Church rightly claims that laws must be coherent with moral norms, but it wrongly claims that these are grounded in the metaphysical theological order of being. In the Church's reading, laws are only morally justified if they are in line with the natural law that is informed by divine law. I examine the exemplary political-ethical approach of the US Catholic Church Conference of Bishops (USCCB) that fights hard to protect Christian religious freedom rights. Together with other Christian groups, the USCCB opposes particular health rights, labor rights, or antidiscrimination laws that are meant to protect vulnerable individuals and groups – all in the name of religious freedom. It has supported numerous lawsuits filed on behalf of Christian individuals, institutions or even companies that are owned by Catholic employers. It has declared the laws of marriage, sexuality, and gender to be morally flawed and therefore also unjustified (though legitimate in the political realms) *as* laws. I critique this overly-narrow interpretation of an important human right, by which the Church

immunizes itself to any ethical critique and instead using its status as political-theological authority to interpret "moral truths". Ethically, however, it is indifferent to the vulnerability of minorities, and it overrides the very freedom of religion in its own realm that it claims to defend in the political realm. It weaponizes the right to religious freedom for political purposes, ignoring not only scientific insights and experiences but also the voices of opposition within the Church, especially concerning the Magisterium's interpretation of sexual morality (Chapter 2).

Catholic ethics has addressed questions of medical ethics and bioethics multiple times over the last decades, rendering it one area in which the Church is especially engaged. As is the case in every area of moral theology, the underlying framework for judgments concerning bioethical issues is rooted in the Natural Law tradition. In my own works, I strived to approach bioethics differently, explicating especially the concept of responsibility for social ethics.[21] While I was working at the University of Frankfurt, I became curious one day about a call for a project that the German Prison Chaplains Association wanted to launch, namely to establish ethics committees in prisons that would mirror clinical ethics committees in hospitals. Together with my colleague Michelle Becka who ultimately led the academic side of the project, we met with a group of theologians working as prisons chaplains over the course of several years. We engaged in multiple discussions and exchanges that also illuminated the dialectic of theory and practice, or academic theology and theology engaged in ministry. We succeeded to establish a few pilot projects in German prisons, teasing out the possibility of a reflective, ethical accompaniment of practices of ethical concern inside prisons. By now, this project has resulted in the institutionalization of practical-ethical procedures to secure the human rights of prisoners in several, though certainly not all prisons in Germany.[22] Despite this background, I was ill-prepared for the US prison system when I moved to the USA. The US incarceration system differs in two important ways from other countries: *first*, it has turned to more private contractors than other countries. Private corporations increasingly run the prisons and/or depend on the prison labor for their own profit, thus creating an incentive to populate rather than empty the prison cells. *Second,* and more important for the current situation, however, is the mass incarceration of millions of African Americans, seen as yet another means of segregation by many critics. Obviously, racism against African Americans is the specter of American history up to today.

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21 H. Haker, *Ethik der genetischen Frühdiagnostik. Sozialethische Reflexionen zur Verantwortung am menschlichen Lebensbeginn,* Paderborn 2002.

22 Cf. M. Becka, *Strafe und Resozialisierung. Hinführung zu einer Ethik des Justizvollzugs,* Münster 2016; M. Becka (ed.), *Ethik im Justizvollzug: Aufgaben, Chancen, Grenzen,* Stuttgart 2014.

Examining human rights in the context of the US prison system, I demonstrate the structures of injustice within the criminal justice system through the lens of a case study and the legal transformations over the last fifty years. Furthermore, I examine the response to the criminal justice crisis by the Catholic Church and Catholic ethics, critiquing the shortcomings and theoretical weakness in the turn to restorative justice by the USCCB (Chapter 3).

Global justice, the global economy, and global governance structures are regularly highlighted by United Nations' programs. They are also the topic of several encyclicals issued by the Catholic Church since the Vatican II Council.[23] At the turn of the millennium, the UN were working on a comprehensive concept of human security under the leadership of Kofi Annan, which was to accompany the Millennium Goals. Then the terror attacks in New York on September 11, 2001 changed the course of history. In the following years, I was often reminded of the dramatic changes I had seen in Germany in the 1970s. At that time, terror attacks were committed in Germany by the extremist left terror group RAF (*Rote Armee Fraktion*). Germany was hit hard by these terror attacks, aimed at overthrowing a political regime that was regarded as oppressive and exploitative. The violence quickly escalated: car bombings, kidnapping and killing of politicians and economic leaders were justified in the name of a justice to come. Calls for the reintroduction of the death penalty provoked my friends and me to fiercely debate political-ethical issues at school, and these debates continued at our homes. Some of the authors whose books I read and admired came under fire in the climate of surveillance and suspicion. There was much public discussion about the so-called sympathizers, and anybody who criticized the government policies – especially the solitary confinement of the leadership of the RAF terrorists after their capture, a practice that many considered as torture – was considered suspicious.[24] This response foreshadowed the climate after the 9/11 attacks, to the effect that, for instance, the UN human security program was changed dramatically. The international community transformed the human security program, and the USA interpreted security as national security within the new framework of "homeland security". This shift in international politics, enabling an unprecedented amount of securitization and surveillance technologies as part of governmental power, has by now changed the outlook of most societies. At the same time, however, it has weakened the efforts to conceive of human security as an element of

23 Of particular importance are *Mater et Magistra, Pacem in Terris, Populorum Progressio, Laborem Exercens, Evangelii Gaudium, and Laudato Si.* Cf. Pontifical Council for Justice and Peace. http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html.

24 Ch. Riederer, *Die RAF und die Folterdebatte der 1970er Jahre*, Berlin 2014.

the struggle for human rights. The European Group on Ethics in Science and New Technologies, of which I was a member from 2005 to 2015, analyzed the technological developments for the European Commission, listening to countless experts from different areas over the course of one year. Here, I build upon this work, but I examine more closely the underlying social and political ethical challenges of security and surveillance (Chapter 4).

The second part of the book shifts to feminist ethics, reinterpreting human dignity as vulnerable agency, and exemplifying human rights from the perspective of women's rights. I exemplify my perspective by turning to some areas that I have worked on over the last decades. Studying theology, I was confronted with a sometimes overwhelming presence of patriarchal norms. These power structures, cemented by denigrative comments about women and the exploitation of professional dependency, could be observed on an almost everyday basis.[25] None of my undergrad professors in theology, philosophy, or literature were women. There were some academic assistants, working on dissertations and habilitations, functioning as the gatekeepers of the professors of the chairs who were mostly inaccessible, but I did not take a single class with a female professor. When I took the position in Frankfurt in 2005, I was the first, and the only woman on the faculty of the Catholic theology department. The philosophy department did not fare better: it, too, had only one woman on its faculty. Yet, I needed the solidarity of other women in order to pursue my career – for instance, without the establishment of a university day care center, promoted by a women's ombudswoman who pursued this against all odds, I might have dropped out, as so many other women did. I was fortunate to meet other women who, like me, needed to balance raising their children and qualifying for academic positions, while facing the silent or not so silent reproaches for being over-ambitious – and the unbecoming gender comments by the formerly "male-only" in-groups in meetings.

I do not merely embrace the feminist struggle for women's rights for political or theological reasons. Sexual and gender violence harms millions and millions of women. Sexual violence is so common an experience of women that it is not surprising that I, too, carry this experience with me. Yet, women's suffering, our experiences, our resilience and agency never received the attention it deserved from the authors in theology (or, for that matter, in philosophy) whom I was studying as an undergraduate student, who all had a lot to say about women. Instead, I was reminded of women's "natural inclination" to serve, to love, and to

25 I am forever grateful that my own mentor, Dietmar Mieth, who showed me ways to lead a professional team that is neither authoritarian nor disrespectful but engaged and interested in mutual growth despite the asymmetry of the relation.

give, as if the same did not hold true for my male counterparts. Fortunately, feminist theologians had already begun to raise their voice. They were critical of the Church positions regarding sexuality, the role of women, and the inattention to the male dominance and male power in the Church – and so was I. I went from Tübingen to Nijmegen, Netherlands, for a study abroad year because at the time, it held the largest European center for research in feminist theology. There, I learned to read the theological and philosophical tradition from a new perspective: feminist theology engaged with all disciplines, from exegesis to systematic theology, canon law, and theological ethics as well as moral and political philosophy. After all, the gendered epistemology is engrained in multiple works of Christian theology and modern philosophy, and postmodern as well as poststructural philosophies were read with more sympathies in the Netherlands than in Germany.[26]

Historically, the moral theology of "gender equality in sex difference" may be seen as progress by some, but the phenomenology of the body that Pope John Paul II pursued is deeply embedded in the traditional view of European Catholicism (and patriarchy) that had been mostly shaped by 19th century European philosophies and theologies. The Vatican II Council, praised as a watershed moment in Catholic theology with respect to modernity, certainly departed from the previously dominating antimodernism. However, it did not depart from the metaphysical epistemology that presupposes a gendered order of being as the normative framework for human action. The effects were especially clear for women: even though they now could earn all available academic degrees in Catholic theology, they were still not treated with equal respect regarding access to the Church offices and/or leadership in parishes. Furthermore, women theologians, and female lay theologians in particular, were dismissed as irrelevant regarding their own expertise in those fields that were assumed to be especially important to women in general. For instance, ethical questions of family ethics, sexuality, human reproduction, or ethical questions regarding the care for vulnerable persons or groups are, up to the present, predominantly answered by the clergy. Moral-theological questions of conscience formation and education are being decided in Rome, mostly without any input by women or lay male theologians who raise their own children and constantly move among the different groups of parents and families that the clergy can only see from a distance. Growing into the profession of a theologian and ethicist, I was not willing to be held back by the

26 In Germany, the harsh critique of postmodern thinkers by Jürgen Habermas shaped the reception history for many years, but it also informed the theological refusal to thoroughly engage with poststructural theories, let alone poststructuralists who questioned the current normative gender order, such as Judith Butler. This was different in the Netherlands.

reality of the Church. I believed that together with others, I would and could contribute to giving women a voice in areas that matter to them.

Informed by my studies in feminist ethics, I interpret human dignity through the concept of *vulnerable agency*. In the first essay of this part, I exemplify this concept through the lens of two scenarios, one concerning sexual violence and one concerning human reproduction (Chapter 5). I then analyze the epistemological framework that guides Catholic sexual morality. I show that ethical violence[27] is not only relevant as a theory of judgment but becomes structural and institutional when, as is the case for the Catholic Social Teaching on sexuality and gender, the moral order is prioritized over against the human right to life and health. The prohibition of contraceptives even for the prevention of HIV offers a window into the devastating effects of Catholic sexual morality, notwithstanding the important care work for persons living with AIDS that local communities provide, often with the financial help of the Church (Chapter 6).

One area of sexual violence that has gained much attention by the Catholic Church concerns sex trafficking. Nobody will defend sex trafficking. Yet, it matters how the discourse is shaped and what presuppositions it entails. While the Catholic Church objects to any kind of prostitution, sex work was defended by numerous feminist scholars since the 1980s. Liberal feminist ethicists especially stressed voluntariness and consent as conditions for the "negative freedom" of women. The reality of trafficking in the sex industry, however, complicates both views. I explore how a political-ethical response could shift the discussion from either a paternalistic victimization or a permissive tolerance towards sex work that normalizes power asymmetries without much regard for the underlying oppressive structures (Chapter 7).

Feminist bioethics, especially regarding reproductive rights, emerged since the 1980s as an approach that was mostly responding to the liberal tradition, either affirming or critiquing it. In the 1990s, however, the liberal ethics approach was more broadly critiqued, especially by a communitarian ethics that took up important insights from feminist care ethics. The challenge for bioethics today is to integrate the concern for violations of rights and the attention to structural and institutional injustices into a social ethics approach to bioethics. I explore how the human rights framework may circumvent the shortcomings of liberalism without falling into the trap of overruling individual rights in the name of the common good. I spell out a *qualified universalism* that builds upon historical, social,

27 I borrow this term from Judith Butler, J. Butler, *Kritik der ethischen Gewalt*, Frankfurt a. M. 2003. Originally given as the Adorno Lectures in Frankfurt and following the critique of ethical violence that Adorno and the Frankfurt School critical theory was interested in, Butler's argument was published in English a little later: J. Butler, *Giving an Account of Oneself*, 2005.

and personal experiences in biomedical practices (Chapter 8). In the following chapter, I concretize my approach in one area of bioethics, reproductive medicine. This area of specialization is deeply correlated to my own experiences.

My father was physically "disabled," though in my experience certainly not "disabled" in many areas of his overall agency, so that certain limitations in what we could do were just a fact of our family life. As a child, I was much more aware of my siblings' constraints: a genetic eye disease running in my family had affected three of my (six) sibling. In the early 1990s, I watched the new interest in human genetics, sparked by the human genome project and the introduction of new prenatal genetic tests. Initially, I was interested in the connection of the new genetics and the history of eugenics.[28] Later, I examined the new emerging practices. I now worked on the concept of responsibility through the lens of medical ethics, elaborating especially on the social and political responsibility towards couples now considered "at risk", and families with special needs. I specialized in the ethics of assisted reproductive technologies and (prenatal or preimplantation) genetic tests, integrating feminist, narrative, and social ethics approaches into the methodological framework of bioethics.[29] My own experience of becoming a parent was overshadowed by the premature birth of my daughter. We spent the first days, then weeks, months and even years in anxious concern for her health. For my mother, the specter of death that accompanied us in the beginning brought back her own experience of having lost one son a few months after his birth. My mother, my siblings, and my friends have all been important conversation partners, highlighting how the question of reproduction affects everyone, be it as a child of a parent or a parent to a child.

Reproductive rights are an important element of the struggle against poverty. In the last chapter of this part, I reconsider the feminist-ethical concern for global justice in view of the history of the women's movement for reproductive rights and the struggle for (women's) health rights. Women's health rights must be de-

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28 H. Haker, *Human Genome Analysis and Eugenics*, in: H. Haker/R. Hearn Haker/K. Steigleder (ed.), *Ethics of Human Genome Analysis. European Perspectives*, Tübingen 1993, 290–314.

29 H. Haker, *Narrative Bioethics*, in: Ch. Rehmann-Sutter/D. Mieth (ed.), *Biomedicine and the Future of the Human Condition*, Doordrecht 2006, 353–376; H. Haker. *Feministische Bioethik*, in: M. Düwell/K. Steigleder (ed.), *Bioethik. Eine Einführung*, Frankfurt a. M. 2003, 168–183; H. Haker, *Narrative Bioethik. Ethik des biomedizinischen Erzählens*, in: K. Joisten (ed.), *Narrative Ethik. Das Gute und das Böse erzählen*, Sonderheft der Deutschen Zeitschrift für Philosophie, Berlin 2007, 253–271; H. Haker, *Illness Narratives in Counselling – Narrative Medicine and Narrative Ethics*, in: G. Lucius-Hoene/Ch. Holmberg/Th. Meyer (ed.), *Illness Narratives in Practice: Potentials and Challenges of Using Narratives in Health-related Contexts*, Oxford 2018, 63–74; H. Haker, *Narrative Ethics in Health Care Chaplaincy*, in: W. Moczynski/H. Haker/K. Bentele (ed.), *Medical Ethics in Health Care Chaplaincy. Essay*, Münster 2009, 143–173.

fended against social (and religious) value traditions that have a long history of discriminating against women, and it must be defended against policies that ignore women's social positions in their societies. Moreover, reproductive rights must not be exploited for the commodification of a market economy model that interprets moral rights as consumer choices, transforming human reproduction into one commodity among others. Critical political ethics is as committed to the principle of human dignity and human rights, including women's rights, as Catholic Social Teaching is. However, it is not constrained by the traditional sexual ethics of the Catholic Church, and it is therefore better equipped to join the struggle for the UN human rights agenda, especially in the implementation of the UN Sustainable Development Goals that highlight women's rights as a priority (Chapter 9).

The third part of the book brings together the elements of critical political ethics, however, highlighting my own situated knowledge position that is especially relevant in this part.

Political theology was coined as a term in Germany, today mostly associated with the works of Carl Schmitt – a Catholic, antisemitic legal scholar, a Nazi who worked for Hitler's "Third Reich". In Catholic Theology, political theology is mostly associated with the Schmitt critic Johann Baptist Metz. After the Shoah, the "German" relationship to Judaism, and non-Jewish Germans' relationship to Jews is fraught with historical baggage and the decade-long almost complete absence of Jewish life in German society. My very Catholic hometown, for instance, had a small Jewish community since the early 19th century. There was a synagogue since 1866, which was destroyed in the pogrom night of November 8/9, 1938. Yet, during my childhood, even the prior *existence* of the synagogue was mostly unknown, because no memorial reminded of it. Quite to the contrary: in the 1950s, the hospital morgue (!) was built exactly at the spot where the synagogue had been. Only in 1983, a sign was installed that explained the history, and in 2018, it was finally decided to build a memorial site – after a major reconstruction of the hospital area.[30]

The case of Cardinal von Galen who was the patron of my high school and bishop of my diocese during the war, is exemplary for the German way of *Vergangenheitsbewältigung* (coming to terms with the past) during the Cold War. I remember the shame and even shock when in a church history course during my undergraduate studies in Catholic Theology I learned the true story of Cardinal von

30 M. Rottmann, *Cloppenburg: Leichenhalle auf Synagogen-Gelände verschwindet*, in: Kirche und Leben July 1, 2018. https://www.kirche-und-leben.de/artikel/cloppenburg-leichenhalle-auf-synagogen-gelaende-verschwindet/.

Galen – since my hometown was only a few miles away from his birthplace, where he was famous and had always been held up as a role model of resistance to Hitler's euthanasia program.[31] It taught me an important lesson that I simply had never come across a critical interpretation and had trusted the narrative I heard.[32] I had been content to know about his sermons, and it felt good to know that they had inspired the young students' Nazi resistance group around Sophie and Hans Scholl and Christoph Probst, which became known under the name "The White Rose"[33]. A more critical analysis of the postwar glorification of the "German resistance" was not foreseen, neither in my hometown nor in the general public in West Germany. However, like many others of the German nobility class, von Galen despised modernity as much as the Weimar parliamentary democracy. He vigorously fought for the privileges that the Catholic Church had negotiated for by then nuncio Eugenio Pacelli, later Pope Pius XII, resulting in the 1933 Concordat between the Catholic Church and Hitler, valid up to today. While von Galen did indeed criticize the eugenic ideology and the underlying race laws, he also believed that Jews had to come around and believe in Jesus Christ for their own salvation.[34]

> Von Galen, winner of international acclaim for his very public denunciations of euthanasia and Nazi neopaganism, like so many of his colleagues, maintained his silence concerning the fate of the Jews, even when he had verifiable proof that deportation meant death. Even before the deportations began, von Galen did not protest the April 1933 boycotts, the September 1935 Nuremberg Laws, the pogrom of 1938, or the countless other discriminations and acts of violence perpetrated against men and women who had lived in his diocese for years.[35]

Germany's wrestling with its own past was and is slow, troublesome, and painful. And though certainly not the only ones in this respect, many Germans have long been trained in keeping the silence of uncomfortable truths. I believe I had to go to the Netherlands to understand the depth of the wounds that the war had left in other countries, and to understand what it means to be identified with the "wrong side" of history. Nijmegen sits at the border of the Netherlands and Germany. It had been almost completely destroyed – not by the Germans but by the allied forces who had mistakenly bombed it. Here, I was confronted with the resent-

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31 Cf. for an overview and reprint of three of von Galen's sermons in English translation in: B. A. Griech-Polelle, *Bishop von Galen: German Catholicism and National Socialism*, Yale 2008, 171–196.

32 Cf. for an overview and reprint of three of von Galen's sermons in English translation in: ibid.

33 C. A. Pierach, *Hans Scholl and the Weisse Rose: An Aspect of Medical Resistance During the Third Reich*, in: Perspectives in biology and medicine 40/2 (1997), 274–279.

34 B. A. Griech-Polelle, *Bishop von Galen*, 98.

35 Ibid. 97.

ment towards Germans that I had never experienced before in this form. I rejected the sentiment of "every German is guilty and evil", and I was shocked to see the steady rise of xenophobia towards the immigrants coming to the Netherlands from the former colonies, especially from Surinam. Surinamese migrated in large numbers to the Netherlands in the mid 1980s because the former colony was governed under military rule, ending only in 1987. At this time, colonialization was still mostly a non-German concept for me, and I saw the German disavowal of their atrocities during the World War II echoed in the Dutch disavowal of their history of colonialism. I knew little about German colonial history and had never even heard about the early 20th century genocide of the Nama and Herero.[36]

I began to study the concept of history and memory – or remembrance (*Eingedenken*) – through the lens of the Jewish concept, taken up by Walter Benjamin and transformed into the central concept of his philosophy of history. For Judaism as for Benjamin's critical theory, remembrance is an *ethical* concept that is deeply embedded in practical reasoning. While in Judaism it points to the moral responsibility of individuals and collectives, Benjamin sharpens it as a political-ethical concept. Furthermore, he held that literature and poetry could be expressions of political-theological subversion, but it could also be used for propaganda, which I explored in the works of Eastern Germany's author Heiner Müller.[37]

Johann Baptist Metz, among others, argued for a renewal of Catholic and Christian theology, taking Benjamin's concept of critical remembrance as key. Like liberation theologians at the same time, Metz insisted that theological inquiry and political praxis must go together. Metz especially turned to narrative theology as one element of his "new political theology"[38]. Dietmar Mieth, social ethicist in Tübingen, had responded to this turn in theology from his own disciplinary perspective, developing a narrative ethics that is rooted in experiential insights. Mieth examined the relevance of experiences for moral reasoning and moral judgment,[39] complementing the predominant normative ethics with a histo-

36 Cf. my account of this genocide through the lens of a literary ethics, H. Haker, *Towards a Decolonial Narrative Ethics*, in: Humanities 8/3 (2019), 1–31.

37 H. Haker, *Gedenken und Geschichte. Zur Theorie der Erinnerung bei Walter Benjamin*, unpublished manuscript 1989.

38 J. B. Metz, *Kleine Apologie des Erzählens*, in: Concilium 9 (1973), 334–342; Cf. also J. B. Metz, *Faith in History and Society (Glaube in Geschichte und Gesellschaft*, 1977), New York 2007; J. B. Metz (in Zusammenarbeit Mit Johan Reikerstorfer, ⁴2011. For an overview oft he early debate cf. A. Mauz, *Theology and Narration. Reflections on the "Narrative Theology"-Debate and Beyond*, in: S. Heinen/R. Sommer (ed.), *Narratology in the Age of Cross-Disciplinary Narrative*, Berlin 2009, 261–285.

39 D. Mieth, *Moral und Erfahrung II. Entfaltung einer theologisch-ethischen Hermeneutik*, Fribourg i. Ue. 1998; D. Mieth, *Moral und Erfahrung I. Grundlagen einer theologisch-ethischen Hermeneutik*, Freiburg i. Ue. 1999.

ry-sensitive hermeneutical ethics. Mieth was as influenced by Adorno's *Negative Dialectic* as Metz' political theology was by Walter Benjamin's retrieval of Jewish narrative theology.[40] Mieth envisioned "new virtues" as dispositions to act, which may guide moral actions through experiential insight rather than discipline, rendering his *Modellethik* an alternative to the normative ethics mostly represented by the scholastic tradition, and alternative to an authoritarian ethics of obedience and submission.[41]

With regard to identity concepts, the early Frankfurt School was interested in the understanding of social mediations of a person's self-identity. Adorno, Horkheimer, Löwenthal, Fromm, and others researched already in the 1930s the factors that played into authoritarianism and what they called an "authoritarian character" or "authoritarian personality".[42] Over against an existentialist reading that has its roots in the modern turn to the self, especially in Kierkegaard's project of "becoming oneself" and Heidegger's existential ontology, early critical theory attended to the violence and ideological outlook of social norms.[43] I took away some important insights that I want to stress here, too: *First*, to "naturalize" moral truth claims means to transform them into unquestionable myths, which is just another name for ideologies.[44] *Second*, critical theory provided me with a method of discernment and judgment, attending to empirical research as well as to conceptual analyses. *Third*, I depart from Habermas in his politically liberal approach to ethics. Like John Rawls, Habermas juxtaposed and strived to separate values and norms, or "comprehensive views of the good" and "normative claims of justice". Regarding the moral identity of a person, it would have meant to dismiss the normative relevance of personal experiences in public-ethical discourses and instead relegate them to the background, as the bedrock of one's moral reasoning. In contrast, Mieth, whom I followed in this respect, *elevated* personal experiences as relevant for the discernment of moral injustice (contrast experiences), for the motivation to act (motivational experiences), and for giving meaning to one's life (experience of *Sinn* or existential meaningfulness). To neglect these experiences

40 D. Mieth, *Die Relevanz der Geschichte für eine ethische Theorie der Praxis: zur Vermittlung der historischen zur normativen Vernunft*, Freiburg i. Br. 1975.

41 D. Mieth, *Die neuen Tugenden*, Düsseldorf 1984.

42 Th. Adorno/E. Frenkel-Brunswik/D. J. Levinson/R. N. Sanford, *The Authoritarian Personality*, 2019. For a thorough analysis of the theological tradition of authority through the lens of obedience and submission cf. H. Marcuse, *A Study on Authority*, 2008.

43 Cf. also Th. Adorno, *Problems of Moral Philosophy*, 2014. These lectures in part inspired Judith Butler's Adorno Lectures, published in German, J. Butler, *Kritik der ethischen Gewalt*, Frankfurt a. M. 2003, and J. Butler, *Giving an Account of Oneself*, New York 2005.

44 Cf. R. Barthes, *Mythologies*, Paris 2015; R. Barthes, *Mythen des Alltags: Vollständige Ausgabe*, Berlin 2019.

in public discourses – or in the public sphere more generally – only reiterates the false separation of the public and the private sphere instead of reflecting on their respective correlation. Nevertheless, the studies on the authoritarian character makes it impossible to dismiss the obstacles to cooperation or social freedom, as Axel Honneth, for example, has reinterpreted the Hegelian approach.[45] Thus, I follow the early Frankfurt School in its critique of social values and norms, without stopping there. I also embrace Paul Ricœur's threefold "little ethics" that brings together the teleological, deontological, and practical-prudential dimensions as a *process* of ethical reasoning, attending to tragedy and moral dilemmas in life decisions. Ricœur elaborates on the dialectic of the self as an identifiable social character (idem identity) and the self-concepts that are, ultimately, inscrutable and tentative over time (ipse identity). Yet, despite the derivative character and the inscrutability of the self, Ricœur still insists on the "capable human" who is responsible and accountable to others. Ricœur's temporal concept of responsibility includes, in particular, the personal, social, and political accountability for past actions.[46]

Over the last years, I began to understand the ongoing racism in Germany through the lens of the USA, and I saw the structural and institutional racism in the USA through the lens of my generation's effort to "remember and respond" to the atrocities of the Shoah, often coined as the "culture of memory". Although the building blocks of my ethical reasoning remain the same, the overall picture began to look different, shifting like the patterns in a kaleidoscope. Reflecting on these two backgrounds, I have centered the chapters in the third part on two concepts, namely responsibility and justice. In the first chapter of this part, I identify the overlap and distinctions between political theology and political ethics, arguing for the necessary attention to the distinction between philosophy of law and political philosophy on the one hand, and moral philosophy and political ethics on the other (Chapter 10). I then analyze the concept of history, taking up a discussion that was much debated in the context in which the critical theory of the early Frankfurt School emerged. I show that the reception of the Jewish Messianic theology of history is complicated for Christian ethics by the gap between Judaism and Christianity regarding their distinct interpretation of the Messiah. It results in tensions that must not be brushed over in the reception of the philosophy of history (Chapter 11). The 20th century tradition of hermeneutics often centers on the ontological-existential hermeneutics promoted by Martin Heidegger, transformed by Hans-Georg Gadamer's approach to the discernment of truth in

45 Cf. A. Honneth, *Freedom's Right. The Social Foundations of Democratic Life*, New York 2014.

46 Cf. my critique of three different approaches, namely E. Levinas, J. Butler, and P. Ricœur, in: H. Haker, *The Fragility of the Moral Self*, in: Harvard Theological Review 97/4 (2005), 359–382.

history. In contrast, following the early Frankfurt School, historical justice requires a reflective, critical hermeneutics that addresses the responsibility for the past in the horizon of a "redeemed humanity" (Benjamin, Adorno). German language poet Paul Celan, who repeatedly urged Heidegger to break his silence about his position towards the Nazis *and* the Jews, took the Jewish tradition of ethical remembrance further, spelling it out as a dialogical poetics of remembrance. The poem, Celan holds, is not a the revelation of the truth of Being, as Heidegger holds, but an address. It addresses the reader that the poem hopes to reach in its own, historically concrete concern. A theological ethics that emphasizes that the self is derivative (*abkünftig*) and inscrutable (*unergründlich*), conceives of the human being as vulnerable and open to others. Akin to both literature and philosophy, theological-ethical remembrance not only *critiques* the injustices of the past but addresses moral agents as response-able and responsible agents (Chapter 12).

I close the book with a chapter that explores the interplay between three pillars of social ethics: compassion, solidarity and justice (Chapter 13). In part, I can follow Pope Francis who centers his theological approach on the concept of mercy. However, from the perspective of critical political ethics, mercy can easily be associated with the asymmetric power of a (political or theological) sovereign. As such, it may then be received as a gesture of grace and love that supersedes the law or justice.[47] Socially, mercy is often associated with pastoral works and charity, complementing – or replacing – institutional provisions. In both understandings, i. e. the merciful forgiveness of sins and mercy in charitable work, the called-for ethical practice does not entail or aim at a systemic change, and it is at risk to cement existing injustices. I therefore side with Johann Baptist Metz who proposed to spell out the concept of *misericordia* as compassion rather than mercy. Rooted in the pain regarding the pain of others, compassion means the divine pain regarding the suffering of the oppressed. The openness to the pain of others in compassion creates the conditions for solidarity and aims towards the transformation of injustices into justice. Solidarity may be the common struggle *among* those who suffer and struggle to overcome injustice, but it may also be solidarity *with* and in exceptional cases even the advocacy *for* them. Injustice creates asymmetrical positions of power in different respects, including personal relations, public visibility, socio-economic, cultural, and political rights, which in turn foster the epistemic injustice that provides the justification to keep the status quo in place.

Critical political ethics goes beyond the transcendental concept of freedom that is a condition for moral agency. It certainly embraces the necessity of existen-

47 Walter Kasper is at risk of interpreting mercy in this way, juxtaposing mercy with the law. This is problematic within Christian theology, because the juxtaposition of the Jewish religion of the law and the Christian religion of love is an old antijudaist trope. Cf. W. Kasper, *Mercy: The Essence of the Gospel and the Key to Christian Life*, New York/Mahwah, NJ 2014.

tial and social freedom, but it emphasizes that the political concept of liberation, as the freedom to come, matters most for those whose dignity and human rights are violated. Trusting the power of ethical reasoning, it departs from Levinas's ethics of responsibility as well as from a postmodern decisionism that is rooted in the "event" of experience.[48] Instead, it embraces a cognitivist ethics that is rooted in reason – though reason itself is regarded in its historical formations, which therefore are subjected to critique. Since moral truths are historically and culturally mediated, they must remain open to critique and to correction. Theory and practice are correlative to each other – ultimately, ethical reasoning emerges from moral practices, and its reflection takes a step back to orient, or reorient, practices towards their end, which is the transformation of unjust practices into more just ones.

Ethical reflection and practical reasoning require agents to discern what is at stake in their actions, what grounds their intuitions and moral emotions, how their claims can be justified or how the claims being made onto them must be responded to. Often, this reasoning will happen in conversations and informal deliberations; it is expressed in narratives, literary works, and thought experiments. Ethics as an academic discipline guides ethical reasoning by offering a critical discourse on these reflections and discourses that occur in the practices of the lifeworld. Systematically, it embraces the sources of theological reasoning, i. e. scripture, tradition, experience, and reason. It is necessarily interdisciplinary, in need to collaborate with any discipline conducive to its analyses, interpretations, and argumentations. It explicitly takes up the elements of prudential reasoning developed in the scholastic tradition, among them the consideration of foresight, imagination, and memory as well as strategic, circumstantial, and realist judgments. In its judgments of wrongdoing and/or shortcoming, it will hold agents in institutions, and institutions themselves accountable. It will, however, remember that any judgment entails an ethical violence. Ethics will therefore offer its own ethical corrective, in the name of Epikeia.[49]

Critical political ethics addresses all moral agents. It calls them to take on moral responsibility because all are response-able, albeit in different ways and positions of power. Neither the position of privilege nor that of marginalization are fixed, and different positions, especially those in the categories of class, race, and gender, intersect in multiple ways, changing one's position in one category compared to another, or increasing one's vulnerability. This volume begins the discussion how an ethics that is sensitive to the vulnerability and agency of human beings can be conceived in the multitude of practices and institutions they face.

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48 J. D. Caputo, *The Weakness of God : A Theology of the Event*, Bloomington 2006.

49 J.-P. Wils, *Nachsicht : Studien zu einer ethisch-hermeneutischen Basiskategorie*, Paderborn 2006.

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Part One

Human Dignity and Human Rights