

Empirically-Informed Sexual Ethics of Solidarity: Interdisciplinary Ethical Reflections on Pre- Marital Sex / Sexual Debut among the Youth

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Abstract: To better understand the young's pre-marital/non-marital sexual experiences, this article enlists some underlying sociological factors that either act as triggers of misbehavior or shapers of appropriate behavior. The quantitative/experiential aspect of the article, including some cross-cultural examples, will lend support to its arguments and toward the adoption of a form of sexual ethics of solidarity. Thus, it discusses how immersion in varied socio-cultural contexts could explain or shape moral agency; that wholesome environments and spaces could raise the ethical principles of solidarity, and; that norms may be derived from the lessons of stories and spaces. The overall method of this article shows a more respectful, well-researched, and well-contextualized arguments that can actually help teachers, parents, and the youth in dealing concretely with sexual intimacy issues like those that trouble and destabilize the most vulnerable.

Keywords: Premarital / Non-marital Sex • Sex and Society • Behavior Trigger • *Persona Humana* • Agency • Solidarity Ethics

Introduction

The Vatican document *Persona humana (PH)* laments over today's "concepts and modes of behavior" which allegedly are signs of a moral disorder and falsehood—a disorder and falsehood that oppose *PH*'s brand of "true morals".¹ The document adds that the

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Catholic Church's "true moral" ground is threatened by the opposing "morals of the world" exemplified by the three modes of sexual behavior that no longer keep the "true moral exigencies of the human person": premarital sex, homosexuality, and masturbation.

For *PH*, the "morals of the world" (*PH IX*) bring about disorder and falsehood. It mentions "contemporary scientific research" (*PH I*) to back up this claim, but it does not cite those scientific studies that illustrate the nature or character of the alleged "disorder and falsehood." *PH* merely mentions that "sexual matters...today constitute a theme frequently and openly dealt with in books, reviews, magazines and other means of social communication" (*PH I*). It does not, however, cite any books, articles, or conference papers; one could only guess what *PH* is referring to when it further adds that "sociological surveys are able to show" the prevalence of a moral disorder (*PH IX*). By the mere mention of "contemporary scientific research" without proper references to sources, we could presume that *PH* has no intention to enter into the rigors of research and scholarship. It seems enough for *PH*, as a hortatory document filled with axiomatic "immutable principles," to refer to an alleged bulk of research on the "morals of the world" and then impose upon such morals the Catholic Church's "true" moral standards.

Communities: An Evaluation of the Implementation of PCP II in Ten Parishes was released in 2015.

¹ "Declaration on Certain Questions Concerning Sexual Ethics," issued in 1975 by the Sacred Congregation for the Doctrine and Faith.

Using *Persona humana* to illustrate a conservative teaching regarding sexual matters does not mean to claim that *PH* represents the whole teaching of the Catholic Church regarding sexual matters. Nevertheless, *Persona humana* is a direct descendant of Pope Paul VI's *Humanae vitae* (1968) that follows a certain interpretation of natural law theory in explaining the official Church's position regarding marriage and artificial contraceptives.

As a magisterial and hortatory document, *PH* assumes an inflexible doctrinal stance rooted in its espousal of the natural law principle. It has entered into an ethical argumentation which is grounded in what it calls as “precepts of the natural law as having an absolute and immutable value, and in their transgression she [the Church] has seen a contradiction of the teaching and spirit of the Gospel” (*PH* IV). In its exercise of ethical reflection it merely mentions the unspecified scientific data to show the presence of moral deviations and proceeds immediately in its task as a judge. *PH*, thus, clearly states its magisterial position as it lays down the purpose of the document:

It is not the purpose of the present Declaration to deal with all the abuses of the sexual faculty, nor with all the elements involved in the practice of chastity. Its object is rather to repeat the Church's doctrine on certain particular points, in view of the urgent need to oppose serious errors and widespread aberrant modes of behavior. (*PH* VI)

PH further insists that it possesses the only true and acceptable position. “But all evolution of morals and every type of life must be kept within the limits imposed by the immutable principles based upon every human person's constitutive elements and essential relations—elements and relations which transcend historical contingency” (*PH* III). With this categorical claim, *PH* speaks authoritatively (presumably because it claims to keep “immutable principles”) from a high moral ground which is, seemingly, beyond challenge.

Since *PH* is not interested in studying the details of “contemporary scientific research,” it does not deliver a *sociologically-informed ethical argumentation*. It merely judges a world supposedly littered with moral deviations. In *PH* there is no concern for cases, notwithstanding their

variations and complexities—that every case may be different and thus needing special attention. It also does not show some understanding about “serious errors and widespread aberrant modes of behavior” as indicators (or effects) of the presence of a menacing malaise in society (deeper causes). It even assumes that readers would know what it is talking about when it refers to deviations and disorder. It does not bother to show what would constitute those alleged deviations. The primary interest of *PH* is in repeating “the Church's doctrine”.

Viewed from the perspective of academic/scholarly discussion, *PH* is a problematic document. It can be observed that *PH* delivers generalizations, oversimplification of issues, and a sweeping deductive judgment—its ethical reflection is a “once-and-for-all” sentence which is unable to respect specific scenarios/cases or narratives with their distinctive socio-cultural frames and the special issues that these may raise against pre-established doctrines. In other words, *PH* assumes an axiomatic and doctrinaire stance which cannot entertain a process of dialogue or open discussion—principles considered as foundations of academic institutions.

This paper distances itself from the way *PH* applies pre-established principles to judge the so-called observable moral deviations. It will not be armed with an axiomatic morality but will try to undergo a process of analysis which hopes to generate a different kind of reflection/argumentation—one which listens to contexts and perspectives or journeys and narratives.

This study also construes the word “sexual” not just coming from a genital-biological-physiological perspective but from an understanding about every person's fundamental dispositional desire to complete and fulfill oneself through relationships and other forms of connection with the world. This is a recognition of every person's

deep-seated need to find unity and wholeness in a sexual relationship—involving scenarios of encounters that reflect longing to be united with one’s soulmate.² While this shows the basic need for human affection, touch, and intimacy, it is also understood as a way to complete one’s partner. In sexual matters, the give-and-take process cannot be avoided—something true in every search and journey toward human fulfillment; and as a “search and journey” process, a more gradualist approach to ethics is appropriate.³

Thus, “sexual” should be broadly understood to express this shared desire for wholeness through erotic, emotional, physical, social, or spiritual feelings and behaviors. Of course, there are sexual pursuits and journeys that may cause disappointment, frustration, and pain; but it is also disappointing and frustrating when one would simply call PMS as a sign of “moral disorder.” It would be difficult to find some hint of concern for the vulnerable youth in this kind of approach.

In its process of analysis, this study will rely on some data made available through several behavioral/sociological sciences. It will make sense of such data against the background of themes which have kept ethical theories busy for centuries: 1) the edifying virtues that people must acquire [or vices to avoid], 2) the

² In *Symposium*, Plato has Aristophanes present a story about soulmates. “This is the origin of our desire for other human beings. Those of us who desire members of the opposite sex were previously androgynous, whereas men who desire men and women who desire women were previously male or female. When we find our other half, we are ‘lost in an amazement of love and friendship and intimacy’ that cannot be accounted for by a simple appetite for sex, but rather by a desire to be whole again, and restored to our original nature.,” “Platonic myths: The Myth of Aristophanes,” <https://neelburton.com/2010/09/25/platonic-myths-the-myth-of-aristophanes/>

³ Ronald D. Francis, *Ethics for Psychologists*, 2nd ed. (Oxford: BPS Blackwell, 2009), 49ff.

appropriate and humanizing norms that societies should promote [or oppressive customs and traditions to condemn], and 3) the best state of affairs that people should foster [or dehumanizing situations to abandon]. With these themes that inform data gathering, this paper will not only look into some cases of “deviations” but also cases that illustrate “exemplary” behavior, appropriate norms, and ideal settings which, if present, would hope to bring into surface some principles for ethical argumentation.

A basic stance of this study is respect 1) for the autonomy of sociological research (and other disciplines) and 2) for a reflection process which allows persons and contexts to contribute toward a search for life’s flourishing or fulfillment. This posture hopes to allow Others to shed light on the complex nature of reality and acknowledge the contributions of well-meaning moral agents in paving the way toward the common good. We will limit this exercise of analysis to studies dealing with premarital or non-marital sex (NMS) among the youth. Premarital sex, along with the “concepts” used by people to justify it, is one of the modes of sexual behavior lambasted by *PH*.

Morals and Moral Disorder

The use of the word “morals” attributed to the superior position of *PH* and to its sets of standards is a source of confusion. In the first instance, *PH* uses the word morals to speak of a “preserved” moral criteria (natural law principle) and modes of living (chastity, continence, self-control) which it attributes to itself. It claims it has in its possession the “true morals” when it refers to the increasing “corruption” and “relaxation” of morals by “concepts and modes of behavior which are contrary to the true moral exigencies of the human

person.” Second, *PH* also refers to “opinions and morals of the world” (*PHV*) which it claims are false and opposed to its “true morals.” *PH*, in raising itself to an elevated position, calls the opposing morals of the world as sources of corruption and threat to its own brand of morality. It does not say that the “opposing morals” could also be expressions of other people’s alternative morals.

It would be helpful to bring into our discussion the distinction between morals and ethics. For precision, the term morals refers to what is deemed as acceptable behavior or custom while ethics refers to the process of reflection or to a reflexivity evoked by the imagination being informed by some sets of standards of behavior. When *PH* speaks of morals or true morality it refers to 1) modes of living and 2) teachings or moral criteria which are also the standards of modes of living or behavior. This is morals—it refers to the acceptable behavior *and* to the standards that measure, validate, or reinforce it. These two elements are correlates and function seamlessly within a particular community whose members are glued together by a common culture with shared practices and morals. In other words, *PH* is paying attention to a certain Catholic mode of living and the standards that support or affirm such a mode of living. If *PH* reflects on other morals or alternative modes of living and judges these *with its own standards* then it is in the realm of a one-sided ethical reflection—being guided by its own “preserved” and “true” moral principles as it reflects upon modes of behavior which are presumably “outside” its own alleged Christian community. In that instance, there is no assurance that *PH* will be able to deliver an appropriate dialogue-driven and context-sensitive ethical reflection.

Let us give flesh to the so-called “deviations” raised by *PH*. Let us begin with some data—indispensable to any process of reflection.

Sociological Studies of Premarital Sex in the Philippines

Persona humana condemns the practice of PMS, even in cases where PMS is really pre-ceremonial sex (PCS), that is, sexual intercourse before the wedding ceremony is formalized.

Today there are many who vindicate the right to sexual union before marriage, at least in those cases where a firm intention to marry and an affection which is already in some way conjugal in the psychology of the subjects require this completion, which they judge to be connatural. This is especially the case when the celebration of the marriage is impeded by circumstances or when this intimate relationship seems necessary in order for love to be preserved.

This opinion is contrary to Christian doctrine, which states that every genital act must be within the framework of marriage. (*PH VII*)

PH is clear: all kinds of PMS or NMS are “contrary to Christian doctrine,” pre-ceremonial sex included.

The problem with this position is that it is not facing the differences between PMS engaged by partners who have no intention to marry and pre-ceremonial sex done by those who have decided to tie the knot. We may assume that there is something wrong with PMS but for sure, PCS (celebrated by two mature, independent, in their 30s or 40s, educated individuals), when analyzed may be different from the PMS committed by, say, fifteen-year olds under the influence of alcohol or drugs. If *PH* condemns PCS the same way it condemns other kinds of PMS, including adolescents PMS, then we might lose the meaning of “evil” in the kinds of PMS that really deserved to be rebuked.

PH could no longer stop partners who engage in PCS; this is a practice by couples who already intend to marry

(as reported by Young Adult Fertility and Sexuality Study II, 1994).⁴ *PH*, however, could still help and prevent youngsters from engaging in risky behaviors including early entry into sexual debut. For *PH* to fix on doctrinal purity may be fine for an institutional position's "integrity," but this is missing its real mission in shepherding its flock. Those who engage in PCS are old enough to face the obligations and responsibility of married life—they need less tending in sexual matters or in facing the consequences of their behavior; but not adolescents who are still blind to the consequences that affect their overall health, their loved ones, their own future, and society as a whole—they need shepherds who could feed, tend, and carry especially the vulnerable or straying sheep.

PH does not seem to reflect the thoughts of a pastor who "smells like sheep." When the writer/s refers to people, including his flock, he brands them as people carrying falsehood and morally disordered behavior—and yet the falsehood and moral disorder he is referring to does not seem to represent what is out there in reality. The statement about falsehood and morally disordered behavior implicate people and yet it does not refer to or mention individuals who have their own stories to tell. The reader may even feel that the writer has not been among his sheep. He is too far away, talking about abstract things seemingly from the inside of an isolated villa. In the first place, is he up to the shepherd's task? If yes, then why does he not smell like those whom he castigates? Meaning, why does he not come across like

⁴ See, P. Xenos, "Survey sheds new light on marriage and sexuality in the Philippines," <https://pubmed.ncbi.nlm.nih.gov/12292761/> (accessed 11 Dec 2020); see also, Corazon M., Raymundo, Peter Xenos, and Lita J. Domingo, *Adolescent Sexuality in the Philippines* (Quezon City: Population Institute, University of the Philippines, 1999).

someone who has been with and among his flock? The writer of *PH* may not even have handled a sheep before; he may not have carried, tended, and fed one. That is the reason why *PH* carries a judgment coming from someone far from the noise, sight, touch, and “smell of sheep”.⁵ Or, the author may have thought that a sheep’s narrative (following a narrative arc) does not have a place in an axiomatic “once-and-for-all” kind of moral judgment. We may need this as a reminder: Explicit ethical norms written, printed, and disseminated by the academe, state, or ecclesiastical office may not be appropriate when directly applied to the narratives on the ground.

Let me now turn to the flock of sheep, young ones, also branded as deviants by *PH*.

Demographics: Prevalence/Incidence

The most recent 2013 Young Adult Fertility and Sexuality Study (YAFS 4)⁶ conducted by the University

⁵ The following are the words of Pope Francis: “This I ask you: Be shepherds, with the ‘odour of the sheep,’ make it real, as shepherds among your flock, fishers of men.” March 28, 2013 homily at St. Peter’s Basilica (http://www.vatican.va/holy_father/francesco/homilies/2013/documents/papa-francesco_20130328_messa-crismale_en.html) (accessed 17 March 2014).

⁶ *The 2013 Young Adult Fertility and Sexuality Study in the Philippines* (Quezon City: Demographic Research and Development Foundation Inc. and University of the Philippines Population Institute, 2016).

“The Young Adult Fertility and Sexuality (YAFS) Study is a series of national surveys on the Filipino youth, conducted since 1982 by the University of the Philippines Population Institute (UPPI) and the Demographic Research and Development Foundation. Gathering data from Filipino youth aged 15 to 24 year-olds, YAFS is one of the primary sources of information on sexual and non-sexual risk behaviors and its determinants in the Philippines, at the national and regional levels. YAFS covers a wide range of topics that are relevant to this age group such as education trajectories, labor force participation, relationships and roles in society, values and attitudes,

of the Philippines Population Institute (UPPI) and the Demographic Research and Development Foundation, Inc. (DRDF) shows that:

one in every three youth aged 15 to 24 years old has engaged in premarital sex, the number increasing by more than 14 percent from almost 20 years ago, when the second YAFS was conducted. This translates to about 6.2 million youth who have engaged in sexual intercourse before marriage...

The table below compares year 2013 with year 1994.⁷

Year	15-24 Population	Male incidence	Female incidence	Total	Difference between 2013 and 1994
2013	19,338,000 million M= 9,840,000 F = 9,449,000	35.8 % or 3,522,720	28.7% or 2,711,863	6,234,583	
					3,673,747
1994	14,076,000 million	26.1% or 1,846,836	10.2% or 714,000	2,560,836	

In 2013 we have about 19.338 million youth from the 15-24 age bracket; 9,840,000 males and 9,499,000 females. 3,522,720 males have engaged in PMS (35.8%) and 2,711,863 females (28.7%)—a total of 6,234,583.

in addition to the risk behaviors. Findings from the YAFS series have been widely used in education and health and had provided the evidence base for health programs for young people by government and non-government organizations nationwide.” <http://www.drdf.org.ph/yafs4/> (accessed 12 March 2014).

“There were 19,178 respondents, with each one interviewed by researchers for at least an hour. Each of the 17 regions had about 1,000 respondents. 78 provinces, 681 cities and municipalities, and more than 18,000 households were covered from the period of December 2012 to March 2013.” <http://www.interaksyon.com/article/80226/1-in-3-filipino-youth-aged-15-24-has-engaged-in-premarital-sex---survey/> (accessed 10 March 2014).

⁷ *The 2013 Young Adult Fertility and Sexuality Study in the Philippines*, 12.

While in 1994 26.1% males of the 15-24 years old population (around 68% of youth population from 15-30 years old) engaged in PMS and 10.2% to females (15.9% more males), in 2013 the gap is narrowed down to 35.8% males and 28.7% females—only 7.1% more males.

In a matter of 19 years we have about 2,711,863 million females who have entered into the PMS activity. This data is quite confusing; if in 1994 26.1% males within the 15-24 years old bracket engaged in PMS, we expect an equivalent figure since males would need partners to engage in PMS—thus, logically, we should also have 26.1% females engaged in PMS. There are a few possible ways to explain these confusing figures. One is to assume that several of the partners of the 26.1% males did not come from the 15-24 years old females—they could have had 25 years old or older female partners or 14 years old or younger partners. Another assumption is that some males have engaged in homosexual PMS; or we resort to the infidelity assumption, that is, some of those in the 26.1% males have 2 or 3 partners coming from the 10.2% females; or in “baptism” rituals where 2 or more males share one “baptizer” or a commercial sex worker; the reticence of females to report their sexual activity is still another factor. This discrepancy in the higher figure for males and lower figures for females is not explained in the YAFS reports and we could simply resort to the most likely scenarios.

One significant insight that we could gain from this is that as time goes by, more and more females from the 15-24 years old bracket become engaged in PMS because of the following reasons: they have become more exposed to settings where PMS becomes possible or inevitable, like more 15-24 years old females go to bars, date more frequently, seduced quicker because of the cellphone or through the internet’s social networking or dating sites, or more youngsters have become less-supervised by

elders. YAFS has pointed to the new media as one of the culprits that spiked up the trend among the female in engaging into PMS activity.⁸

The National Capital Region (NCR) and Central Luzon have the highest prevalence of premarital sex among youth with 41 percent and 39 percent respectively. The Autonomous Region in Muslim

⁸ *The 2013 Young Adult Fertility and Sexuality Study in the Philippines*, 8-10.

See also, Al Cooper, ed. *Sex and the Internet: A Guide Book for Clinicians* (London: Routledge, Taylor and Francis, 2013); K.R. Hanson, "Becoming a (Gendered) Dating App User: An Analysis of How Heterosexual College Students Navigate Deception and Interactional Ambiguity on Dating Apps," *Sexuality & Culture* 25 (2021): 75–92. <https://doi.org/10.1007/s12119-020-09758-w>; Laurie Penny, *Cybersexism: Sex, Gender and Power on the Internet* (London: Bloomsbury Publishing, 2013); Jochen, Peter, Valkenburg, Patti M., "The Influence of Sexually Explicit Internet Material on Sexual Risk Behavior: A Comparison of Adolescents and Adults," *Journal of Health Communication* 16/7 (2011), DOI: 10.1080/10810730.2011.551996; Lo, Ven-hwei, So, Clement Y.K., Zhang, Guoliang, "The Influence of Individualism and Collectivism on Internet Pornography Exposure, Sexual Attitudes, and Sexual Behavior Among College Students," *Chinese Journal of Communication* 3/1 (2010), DOI: 10.1080/17544750903528724; Dew, Brian, Michael Brubaker, Danica Hays, "From the Altar to the Internet: Married Men and their Online Sexual Behavior," *Sexual Addiction & Compulsivity* 13/2-3 (2006), DOI: 10.1080/10720160600870752; Adebayo, D.O.; Udegbe, I.B.; Sunmola, A.M., "Gender, Internet Use, and Sexual Behavior Orientation among Young Nigerians," *CyberPsychology & Behavior* 9/6 (2006), DOI: 10.1089/cpb.2006.9.742; DeLonga, Kathryn; Torres, Hector L.; Kamen, Charles; Evans, Stephanie N.; Lee, Susanne; Koopman, Cheryl; Gore-Felton, Cheryl, "Loneliness, Internalized Homophobia, and Compulsive Internet Use: Factors Associated with Sexual Risk Behavior among a Sample of Adolescent Males Seeking Services at a Community LGBT Center," *Sexual Addiction & Compulsivity* 18/2 (2011), DOI: 10.1080/10720162.2011.581897; Doornwaard, Suzan M.; Bickham, David S.; Rich, Michael; ter Bogt, Tom F. M.; van den Eijnden, Regina J. J. M., "Adolescents' Use of Sexually Explicit Internet Material and their Sexual Attitudes and Behavior: Parallel Development and Directional Effects," *Developmental Psychology* 51/10 (2015), DOI: 10.1037/dev0000040.

Mindanao (ARMM), meanwhile, has the lowest prevalence with 6.7 percent. In ARMM, only 1 out of 2 youths own a cellular phone compared to the 9 out of 10 in CALABARZON (or in the NCR).⁹

Region	Prevalence
NCR	41%
Central Luzon	39%
ARMM	6.7%

In a traditional society like ARMM, one rationale given by parents for encouraging a daughter’s early marriage is to preserve her virginity before the wedding date. The longer the interval between the onset of menstruation and first union, the more time a young woman has in which she may bring “dishonor” to the family name. Indeed, in settings where arranged marriage is still common, parental involvement in spouse selection is justified by a concern that premarital sex is more likely to occur when the young woman is free to select potential partners for herself.¹⁰

⁹ *The 2013 Young Adult Fertility and Sexuality Study in the Philippines*, 8.

¹⁰ United Nations Children's Fund [UNICEF], *Early Marriage: Child Spouses. Innocenti Digest 7* (Florence: UNICEF Innocenti Research Center, 2001).

Some Reasons why 15-24 Youth Engage in PMS and their Associated Social and Cultural Triggers

Need for intimacy, affection, or affirmation

The search to gain affection and affirmation is more complex than what it seems to most of us. Children naturally cling to parents for approval and affection. As they grow older, this need is expressed through other people. Many teenagers, especially girls, express their need for affection through friends (boys do seek affection from friends but they are not as expressive in this area—one could find them exchanging warm and affectionate expressions while playing and competing with friends; thus, winning in competitions is *one* of the male's sources of affirmation and a way to his heart). At times, this particular need is conveyed through the boyfriend-girlfriend relationship and may lead to early sexual debut or awakening. However, we do not say that this need will always lead to PMS or will always be expressed through PMS.

Females may be more vulnerable because males are more open to PMS.¹¹ Males, it must be said, are driven by testosterone—a hormone that drives adventure or propels aggressiveness which, in turn, further increases testosterone levels. In many PMS cases, therefore, male

¹¹ I am aware that some readers may view this reiteration of “men as promiscuous and of women as submissive” as perpetuating stereotypes or misogynistic misconceptions. This is not the case if we look at cases as observable data which are not presented in this article to promote stereotyping but to mention how behaviors could *also* tend toward the paths sensitized by internal factors (instincts [despite being culturally conditioned], hormones, genetic dispositions, epigenetics, etc.) and external factors (beliefs, rituals, roles, social organizations, patterned practices, technologies, etc.).

For a more nuanced presentation of female and male sexuality, see, Anthony Giddens, *The Transformation of Intimacy: Sexuality, Love and Eroticism in Modern Societies* (Stanford, CA: Stanford University Press, 1992), 37ff.

initiative and aggressiveness or male–female sex roles¹² may have to be taken for granted. In many PMS encounters, the desire of the male to win the female could not be denied.¹³ Against this background, PMS may be viewed as *generally* male-driven and the female’s participation could be based on her preference for a competitive and dominant male; or it is a reaction response, taking a more receptive mode of behavior compared to the male’s more aggressive and compulsive moves.¹⁴ When male compulsion (desiring agent) is thus taken into account, PMS from the female perspective is a participation of a stimulated partner (desired agent) who may only have brought into the scene her need for affection or curiosity or flirtations. In this sense, the need for affection is therefore not an agent’s *chosen* path for sexual union—PMS merely follows as a next scenario. This confession from a female comes from a 1958 US data: “What motivated me was what I thought was love. Also curiosity and desire were runner-ups. After two and

¹² See, Edward K. Sadalla, Douglas T. Kenrick, and Beth Vershur, “Dominance and Heterosexual Attraction,” *Journal of Personality and Social Psychology* 52/4 (1987): 730-738. See also, Arlene Stein, “Three Models of Sexuality: Drives, Identities and Practices,” *Sociological Theory* 7/1 (Spring 1989): 1-13.

¹³ See, Pierre Bourdieu, *Masculine Domination*, trans. Richard Nice (Stanford, California: Stanford California Press, 2001); John H. Gagnon, and William Simon, *Sexual Conduct: The Social Sources of Human Sexuality*, second edition (London/New Brunswick: Aldine Transaction, 2005); Michael Gurian, *The Wonder of Girls: Understanding the Hidden Nature of Our Daughters* (New York: Pocket Books, 2002); Michael Gurian, *The Wonder of Boys: What Parents, Mentors and Educators Can Do to Shape Boys into Exceptional Men* (New York: Penguin Group, 1997); David M. Buss and Neil Malamuth, eds., *Sex, Power, Conflict: Evolutionary and Feminist Perspectives* (Oxford: Oxford University Press, 1996).

See also, Ishaq Tijani, *Male Domination, Female Revolt: Race, Class, and Gender in Kuwaiti Women’s Fiction* (Leiden/Boston: Brill, 2009).

¹⁴ See, Giddens, *The Transformation of Intimacy*, 115ff.

a half years, your steady gets sick and tired of hearing you say no, and you get kind of tired of refusing.”

In a sexual activity, the female’s receptive or pressured posture may really be the more traditional script; or it could be her more exciting role to take. Her body being explored and caressed by the male may respond openly to the male’s assertiveness. An appreciative female would thus embrace this male initiative and hold on to his grip, taking the role of an active receptive participant in the intimate drama of sexual exchange. The search for affection and warmth, which are many times external to PMS (meaning=one can experience these from family bonding or friends’ reunion, etc.), is thus submerged in the most complex act of love-making or PMS which cannot always compensate for any affection deficit. It thus could be stated that search for affection is *the mere jump* into the ocean of intimacy where PMS lurks as a whale that swallows individuals searching for themselves in affection-seeking. Once partners are inside the PMS whale, the broader contours and connections of life are somehow lost from one’s sight and forgotten so that PMS would become a real intimate or private experience. Reason and judgment about social norms or responsibilities become momentarily external to the actual PMS act which could be regarded as a consequence of “search for affection or affirmation” (not to mention desire for pleasure and release of sexual tension).

If partners thought of getting something from PMS, like affection and affirmation, they could have experienced this from other sources like parents, siblings, and friends. But if PMS offers the additional erotic pleasure dividends, the less dramatic and less exciting sources of affection and affirmation may be momentarily forgotten.

PMS, however, could not solve the need for affection; it provides excitement and experience of extraordinary sensations but not necessarily a warmth that consistently stays and lingers for a long time like the heat given off by a natural hot spring or the mother's care for her child. For a while, the PMS experience may afford an amount of affection, but it will naturally dissipate in the midst of life and chores, and will have to be renewed through more re-enactments of PMS. Every now and then, in order to recapture those familiar sensations that captivate sexual beings, PMS must be played again and again just like a beautiful poem or music that sweetly caresses the sensitive senses of lovers—until the ears are fed up with the sounds that have become predictable. In this case, another partner could be the answer to a newer and another kind of exciting PMS. PMS is thus a trap for those who seek affection and affirmation. Many of the 15-24 years old PMS partners could not have predicted this since every PMS act provide moments of tenderness or measures of passion that excite instincts and cloud reason. PMS, while being enjoyed, could not be immediately assessed as to its fulfilling quality. It is only after some time that PMS is seen for its significance in the longer life narratives of partners.

Interestingly, geographical instability or mobility is also seen to bring about early entry into PMS.

Data from almost 5,000 adolescent respondents to the National Longitudinal Study of Adolescent Health (Add Health)¹⁵ are used to examine the mechanisms that transmit the facilitative effect of residential mobility on the timing of the transition to first premarital sexual intercourse. Adolescents who have recently moved are

¹⁵ This is the United States' 1997 National Longitudinal Study of Adolescent Health, or the "Add Health Study," funded by the National Institute of Child Health and Human Development; <https://addhealth.cpc.unc.edu> (accessed 19 December 2020).

approximately one third more likely than non-mobile adolescents to experience first premarital intercourse between the first two waves of Add Health. We find that much of the difference between adolescent movers and stayers in the onset of sexual activity is attributable to the greater propensity for delinquency and the weaker academic performance among members of movers' school-based friendship networks. Adolescents' own delinquent behavior and academic performance also help to mediate the association between residential mobility and the transition to first intercourse.¹⁶

What this tells us, among other things, is about young people's vulnerability to new and strange surroundings where familiarity and intimacy could be scarce. Parents, in all their efforts to improve their lives, could not keep up with their children's emotional needs because, in most probability, they are very busy with other concerns or priorities. New neighborhood and school would put great strain on children's sense of integration and belongingness. Adolescents, suffering from some degree of breakdown in their family, neighborhood, and friendly networks, are less capable of easy adjustment toward newer social settings. In this particular study, one of the links of entrance into early sexual activity by movers is their entry into networks of low performing peers who would fill the void left by lost friends. Moreover, their overall unsupervised conduct (less parental presence, contact, communication, and availability during key times of the day) would also bring them nearer and freer to get involved in what is considered as a prevalent practice

¹⁶ Scott J. South, Dana L. Haynie and Sunita Bose, "Residential Mobility and the Onset of Adolescent Sexual Activity," *Journal of Marriage and Family*, Vol. 67, No. 2 (May, 2005): 499-514; see also, Élise Marsicano, et al., "Gender and Migration: The Sexual Debut of Sub-Saharan African Migrants in France," *Population-E* 66/2 (April-June 2011): 275-301.

among delinquent American youth.¹⁷ In more likelihood, moving adolescents would readily grab available sources of affection, identity-affirming or stimulating relations in their new network. This is when PMS would become one of those routes to escape the burden (of loneliness, depression, anxiety, etc.)¹⁸ brought about by mobility or separations.¹⁹

Afraid that she/he will lose the relationship

It may be likely that some males also hesitate to give in to the aggressiveness of a female, but eventually surrender for fear of losing her. This is actually a more usual reaction for a girl who is pushed by her partner to agree to a sexual debut. The guy may be an extremely rare catch or he is such a gorgeous hunk who deserves every pampering including a PMS. However, it could be a female's expression of commitment and the fear of losing her partner is another way of saying that she has already bound herself for him—the fear must give in to a committed surrender, no matter how premature it is. True, she could be exploited by the male if she easily gives in. But even in the midst of apprehensions, PMS becomes necessary for the girl to give her committed self-giving.²⁰

¹⁷ See also, M.MM. Mintogbé, Amadou Sanni, M., Ahoussinou, C., et al. "First Early Pregnancy and Associated Factors Among Adolescent Girls in Benin," *Sexuality & Culture* 25 (2021): 117–139. <https://doi.org/10.1007/s12119-020-09761-1>.

¹⁸ See also, Elizabeth Rink, Ray Tricker, and S. Marie Harvey, "Onset of Sexual Intercourse among Female Adolescents: The Influence of Perceptions, Depression, and Ecological Factors," *Journal of Adolescent Health* 41 (2007): 398–406.

¹⁹ See, Nanlesta A. Pilgrim, et al., "Family Structure Effects on Early Sexual Debut among Adolescent Girls in Rakai, Uganda," *Vulnerable Children and Youth Studies* 9/3 (2014): 193–205.

²⁰ See, Eva Elmerstig, Barbro Wijma, and Carina Berterö, "Why Do Young Women Continue to Have Sexual Intercourse Despite Pain?," *Journal of Adolescent Health* 43 (2008): 357–363.

Thinks that he/she “owes” it to the person

Bonds between young lovers are also experiments or journeys in love. The problem with love experiments, like deep kissing and PMS, is that these are sources of agitating and troubling sensations which even the more emotionally mature individuals would find difficult to “manage.” Giving one’s whole body and soul may be a logical move after a sizzling exchange of kisses and fondling; it could be logical but not necessarily sound and wholesome. The problem, again, is that the adolescent partners are alone and could not (may not) consult anybody about the propriety of their behavior. They simply are operating in their own narrow context of deeply “disturbing” sexual exchange (a privacy that necessarily forgets the broader demands of life and relations)—a scenario which does not provide a proper context for making a sound judgment which is possible only, in the case of adolescents, if they are in the presence of a supervising elder. But then how can PMS be consummated if elders are present?²¹ This is precisely the root of the problem: youngsters beyond the supervision of elders could really fall into a trap—using reasons like PMS is an obligation that one owes to one’s partner or that it is the next step in the relationship.

Need to keep up with peers or Does not want to appear old-fashioned

If the Philippine 2013 statistics on PMS only matches, more or less, the 1960’s US statistics on PMS, then

²¹ See however, Amy T. Schalet, *Not Under My Roof: Parents, Teens, and the Culture of Sex* (Chicago and London: University of Chicago Press, 2011), where the author shows the difference between the American and Dutch parents’ approach to sexual debut. Based on interviews conducted, the author documents the Dutch family’s approach in allowing and “supervising” their children’s sexual debut at home.

adolescents and young adults in the Philippines are still “old-fashioned” as regards their sexual attitudes and behavior. But then, even if this old-fashioned scenario could be the up-to-date benchmark for Filipino teenagers, especially in the NCR, CALABARZON, and Eastern Visayas which registered the higher incidence of 15-24 PMS. Being pressured to appear in-fashion and eventually succumb to it may indicate several things: greater weight may be given by the teenagers to their peers’ opinion; a decrease of parental influence on sexual matters; lack of personal strength to go against the tide; being surrounded by a milieu of liberal ideas or permissive attitudes/behavior; unsupervised exposure to media/new media; absence of traditional institutions; absence of elders/authorities; decrease in religiosity, or; all of the above.²²

Some other factors that further qualify this “standardized” behavior are the male’s status-seeking behavior and a female’s need for approval through PMS.²³ It may be more difficult to reject PMS in the US (where most students would have engaged in PMS after graduating in high school than in the Philippines because of the normative nature of PMS (in the US)).²⁴ When “everyone is doing it,” PMS would take the appearance of a pervasive “true value” system among the young. PMS

²² See, Pilgrim, et al., “Family Structure Effects on Early Sexual Debut among Adolescent Girls in Rakai, Uganda”; see also, Yeshalem Mulugeta and Yemane Berhane, “Factors Associated with Pre-marital Sexual Debut among Unmarried High School Female Students in Bahir Dar Town, Ethiopia: Cross-sectional Study,” *Reproductive Health* 11:40 (2014): 1-6.

²³ See, Craig B. Little and Andrea Rankin, “Why Do They Start It? Explaining Reported Early-Teen Sexual Activity,” *Sociological Forum*, Vol. 16, No. 4 (Dec. 2001): 703-729.

²⁴ Susheela Singh and Jacqueline E. Darroch, “Trends in Sexual Activity among Adolescent American Women: 1982-1995,” *Family Planning Perspectives* 31/5 (1999): 212-19.

in the United States has become a normative behavior and has become a power by itself if considered in its collective dimension.²⁵ This would mean not to have engaged in PMS is a deviation that disturbs youngsters and drives them to enter into the collective.²⁶

The need for belongingness especially among friends²⁷ / Feels pressured or intimidated

“Parental absenteeism and the diminishing influence of parental authority on the youth was noted in the McCann-Erikson report along with the significant drop in Family Life satisfaction vs. 1987 data. The report concluded that the lessening family authority, the search for identity, independence, intimate relations and tangible role models make the youth vulnerable to the influence of their peer groups and the mass media.”²⁸ When premarital sex becomes a “highly normative

²⁵ See, Sharon Thompson, “Putting a Big Thing into a Little Hole: Teenage Girls' Accounts of Sexual Initiation,” *The Journal of Sex Research* 27/3, Feminist Perspectives on Sexuality, Part 2 (Aug., 1990): 341-361; see also, Laura M. Carpenter, *Virginity Lost: An Intimate Portrait of First Sexual Experiences* (New York: New York University Press, 2005), 101ff.

²⁶ See, Schalet, *Not Under My Roof*, where the author shows that the behaviors of teenagers in the US and Netherlands regarding sexual debut are quite similar. As an example, American and Dutch teenagers start sexual debut at around the same age. The author also documents the Dutch family's approach as being consistent with the cultural values of self-control, respect, gender equality, and family togetherness, while that of the US family's follow the more adversarial and individualist dynamics.

²⁷ Renee E. Sieving, Marla E. Eisenberg, Sandra Pettingell and Carol Skay, “Friends' Influence on Adolescents' First Sexual Intercourse,” *Perspectives on Sexual and Reproductive Health*, Vol. 38, No. 1 (Mar., 2006): 13-19.

²⁸ Nimfa B. Ogena, “How are the Filipino Youth Changing?,” *Philippine Social Science Review* 56/1-4 (Jan-Dec 1999): 93.

behaviour”, what can the young do but follow the “order” or “call”.²⁹

Curiosity

Experimentation—idle youth are more prone to experiments in sexual activities and thus more disposed to early sexual initiation—especially when this is prompted by triggers from the new media and video streaming.³⁰

Several insights may be derived from the above cases: decisions to enter into PMS are done without parental presence (something logical for PMS to be consummated); prevalence of personal-normative frames being generated within the narrow PMS scenarios; vulnerability of agents—male’s weakness surrenders to pressure

²⁹ The following study provides relevant resources dealing with theoretical frameworks and employing empirical data: Patricia Goodson, Alexandra Evans, and Elizabeth Edmundson, “Female Adolescents and Onset of Sexual Intercourse: A Theory-Based Review of Research From 1984 to 1994,” *Journal of Adolescent Health* 21 (1997): 147-15.

³⁰ See, Ross E. O’Hara, et al., “Greater Exposure to Sexual Content in Popular Movies Predicts Earlier Sexual Debut and Increased Sexual Risk Taking,” *Psychological Science* 23(9) (2012): 984–993; Catherine Cubbin, John Santelli, Claire D. Brindis and Paula Braveman, “Neighborhood Context and Sexual Behaviors Among Adolescents: Findings from the National Longitudinal Study of Adolescent Health,” *Perspectives on Sexual and Reproductive Health* 37/3 (Sep., 2005): 125-134; see also, Milly Marston, Donatien Beguy, Caroline Kabiru and John Cleland, “Predictors of Sexual Debut Among Young Adolescents In Nairobi’s Informal Settlements,” *International Perspectives on Sexual and Reproductive Health* 39/1 (March 2013): 22-31.

See also, Travis Gayles, Robert Garofalo, Lisa Kuhns, Soyang Kwon, and Brian Mustanski, “Idleness as a Risk Factor for Increased HIV Infection in Young Men Who Have Sex With Men (YMSM),” *Journal of Adolescent Health* 54/2 (2014): S3–S4.

of hormones or social circle or female's surrender to male's drive or friends' acceptance.

What *PH* calls as indicators of moral disorder are actually indicators of weaker family support systems; decreasing parent/children solidarity; breakdown of neighborhood solidarities; lack of alternative activities which are more meaningful than PMS; prevalence of technologies which assist in bringing together young individuals or help in fostering a "popular" image of PMS; and the inappropriateness and impracticality of the Catholic Church's norms (which, incidentally, have been formulated by celibate males who may share some amount of sexual hang-ups)—also triggers of inappropriate behavior.

Also, hidden in every PMS scenario is the power dynamics between the male and female partners. This could be reinforced by the culture's sexual division of labor as well as society's primary regard for the public realm (which is male dominated) and secondary regard for the private realm (the woman's domain). Apart from her feminine physical constitution, the female would also be in a disadvantageous position to resist male advances because of the social scripts that inscribe male dominance which tends to pressure every woman to submission. If this is beyond the conscious regard of *PH*, then it is also blind to some disorders which it could unwittingly reinforce by virtue of its masculine-dominated hierarchy. Viewed this way, PMS also implicates some authorities in the Vatican.

We now move to a more positive side of encounters and decisions among the young: postponement of early sexual debut.

Some Reasons why 15-24 Youth Postpone Early Sexual Debut and some of the Associated External Shapers of Postponement

There are scenarios or contexts that make PMS plausible or implausible; possible or not possible. Meaning, there are various conditions that make PMS significant, less significant, or not significant part of one's life; or conditions that make PMS possible or not possible.

Plausibility refers more to the favorable meaning of the act if seen against a certain cultural context or normative frame. If in some areas of the world PMS is considered as a rite of initiation for males, then PMS (at least among males) is plausible—that is, PMS is made “reasonable” by the male's cultural background; if among girls, *hiya* (shame, embarrassment, or propriety) is the primary reason to refrain from early sexual debut, this is because PMS has been made a “shameless act” by the culture.³¹

Possibility refers more to the presence of various factors that favor or induce people to engage in PMS, whether this is reasonable or unreasonable. If, for instance, a teenager visits his young girlfriend who happens to be alone at the latter's home, this could bring about a behavior that takes advantage of the absence of supervision, leading to actual PMS. Other conditions for possibility or non-possibility may be the past histories of actors or their broader environments like their

³¹ The Shangaans of Africa have a long history of permissiveness with regard to premarital sex. Thus, young people who gather together are expected to have engaged in youngsters' sexual activities. Society and culture have not treated it as taboo, thereby offering some plausibility for PMS. See, T. Dunbar Moodie, Vivienne Ndatshe and British Sibuyi, “Migrancy and Male Sexuality on the South African Gold Mines,” *Journal of Southern African Studies* 14/2, Special Issue on Culture and Consciousness in Southern Africa (Jan., 1988): 228-256.

neighborhood, school, religion, State's health programs, or availability or non-availability of new media.

A community-based study done in Cebu, involving the data provided by the *Cebu Longitudinal Health and Nutrition Survey*, has reported that *young men* whose parents make more household decisions together would delay first sex; and that the mothers' higher marital status (high degree of power in household decision-making, higher education, works outside the home, contributes more or less 50 percent of household income, husband turns over all income to wife) would similarly work regarding the daughter's decision to postpone sexual debut. This study explains that the "boys who come from families in which greater joint decision-making occurs may be better able than others to transfer the equitable relationship values they see at home to their own relationships."³² Brought up within a more cooperative upbringing, males may construe PMS with their partners as another thing to be mutually negotiated and thus they are less persistent in asking for sex in their relationships if the girl does not agree or is less ready for the act. If the initiator of sex is the girl, the PMS scenario may be consummated since the boy is no longer in a position to negotiate—and probably because males, in many societies/cultures, are biologically wired for erotic unions. Nevertheless, even if the boy is the initiator who is also ready for negotiation, a PMS scenario could still take place if the girl offers no initial resistance. The study suggests that a boy could expect some resistance from the girl if she comes from a family whose mother possesses a high status. "A mother's high status as measured by her having attained more education than her counterparts,

³² Ushma D. Upadhyay and Michelle J. Hindin, "The Influence of Parents' Marital Relationship and Women's Status on Children's Age at First Sex in Cebu," *Studies in Family Planning* 38/3 (Sep., 2007): 181.

by her husband's turning over all of his income to her, and by the rating the interviewer gave her as a measure of her higher status—was found to be protective against her daughter's experiencing first sex at a young age.”³³ The authors speculate that this may indicate a better-developed self-esteem or sense of personal worth; thus, they are in possession of power (defined as having self-confidence when interacting with members of the opposite sex, popularity, opposite-sex friends, and egalitarian gender-role attitudes) which enables them to avoid sexual behaviors, including participation in unwanted sex. They claim that those who are less dependent upon and feel less discomfort with their physical appearance have less need for physical or emotional gratification in sex. These young girls, therefore, do not fear to reject the sexual advances of their partners. The ability to resist, if valued for its wholesomeness/soundness, must therefore start from one's relationship with a mother who possesses a high status in the family. This could be fostered not only by the mother but also through the respectful regard of the husband. Norms, no matter how punitive, could be less powerful than this path offered via the attachment to the mother's influence.

Another instance where PMS is less reported is membership in a religion which strictly prohibits it. In the ARMM region in the Philippines, where PMS incidence is 6.7%, religiosity may be one of the factors for less report on PMS. This is corroborated by other studies about Islam's influence on early sexual debut.³⁴ This is

³³ Ibid.

³⁴ Amy Adameczyk and Brittany E. Hayes, “Religion and Sexual Behaviors: Understanding the Influence of Islamic Cultures and Religious Affiliation for Explaining Sex Outside of Marriage,” *American Sociological Review* 77(5) (2012): 723–746; Amy Adameczyk, “The Indirect Result of Religious Norms and Practices: Explaining

especially true for adult cases since among the youth various factors, like attachment to parents, poverty, and strict parental supervision, could work together to make PMS dip lowest in ARMM. Poverty in ARMM is a factor for non PMS because of people's low access to technology and new media. The poor of ARMM are also known for their closer ties and they become more glued together to ensure survival.³⁵ This greater solidarity among themselves also covers closer mutual supervision of sexual behaviors of the young.

Peer pressure in ARMM could be the inverse version of the USA experience where virginity may be considered an "unendurable stigma"³⁶—the pervasiveness of PMS abstinence/prevention is actually also contagious. Culture in that part of the Philippines, where virginity is valued and the honor of the family is at stake in the case of its loss, would expect elders/parents to see to it that their daughters' marriages are arranged and done at an early age. This would ensure that there are lesser time and opportunity for them to enter into PMS.³⁷

Children who grew up in a more stable family environment—that is, where parents are intact and available, where caregivers (parents or guardian) are

Islam's Role in Limiting the Spread of HIV/AIDS," pp. 15–31 in *Religion and Social Problems*, edited by T. Hjelm (New York: Routledge, 2010); see also, Lemessa Oljira, Yemane Berhane and Alemayehu Worku, "Pre-marital Sexual Debut and its Associated Factors Among In-school Adolescents in Eastern Ethiopia," *BMC Public Health* 12:375 (2012): 1-5.

³⁵ See, however, a different effect of poverty on American youth's PMS behavior. Veronique Dupéré, Éric Lacourse, Tama Leventhal, J. Douglas Willms and Richard E. Tremblay, "Neighborhood Poverty and Early Transition to Sexual Activity in Young Adolescents: A Developmental Ecological Approach," *Child Development* 79/5 (Sep. - Oct., 2008): 1463-1476.

³⁶ Carpenter, *Virginity Lost*, 101ff.

³⁷ See, "Philippines: Early marriage puts girls at risk," <http://www.irinnews.org/printreport.aspx?reportid=87873>.

consistently present and not regularly missing from their children because of waged work, and where supervision is closely tied to one's work or where children also share in the work of their elders—have lower levels of premarital sexual intercourse and older age at first intercourse.³⁸ The absence of both parents because of work increases the opportunity of adolescents for more private-autonomous and less-restrictive forms of sexual behavior and further expands their inner space for individualistic/customized attitudes that could lead them to more risky situations.

Mothers who are more permissive produce in their daughters a more permissive attitude toward sexual intercourse.³⁹ (But who are those mothers that would tend to be more permissive?) Mothers who were pregnant before marriage are more likely to produce daughters who are sexually experienced as well. Factors, such as mothers' sexual practices, their jobs, their religious affiliations, which inhere in their character and everyday projection to others, are significant in the formation of sexual attitudes and behavior in children. In single-parent households, the frequency of dating among single mothers is related to less restrictive sexual attitudes and behavior of their children. The sexual activity of parents may directly influence the sexual behavior of children. Cohabitation by parents may encourage children to

³⁸ D.P. Hogan and E.M. Kitagawa, "The Impact of Social Status, Family Structure, and Neighborhood on the Fertility of Black Adolescents," *American Journal of Sociology* 90 (1985): 825-855; M. Zelnik, J.F. Kantner and K. Ford, *Sex and Pregnancy in Adolescents* (Beverly Hill: Sage, 1981).

³⁹ Alan Thornton and Donald Camburn, "The Influence of the Family on Premarital Sexual Attitudes and Behavior," *Demography* 24/3 (August 1987): 323-340.

engage actively in sexual intercourse, which may lead to unwanted pregnancies or abortions.⁴⁰

How great is the influence of peer group over that of the family on the sexual activity of adolescents? The adolescents' sustained exposure to places (school) and to sources (media) where their parents are less prominent exert great influence on their attitudes and behavior toward sexuality.⁴¹ If these places and sources bombard children with less-restrictive sexual attitudes and behavior, then the tendency of transmission and influence of similar attitudes or behavior is more likely to occur.⁴² Many parents today can no longer compete with peer influence in school and the permissive culture projected in media/new media. The effective presence of parents in the other areas of adolescents' activities and interests is, however, an enormous balancing factor in creating more parent-favorable—that is, more restrictive—sexual attitudes and behavior. This “effective presence” is, however, compromised by the 8-5 or 9-6 work schedules, 5-6 times (sometimes 7 times) a week (excluding travel time and rest time). The “quality time” argument may have to qualify its claimed “quality” against the work-travel-rest cycles.

The frequency of attendance in religious functions⁴³ and the influence of highly educated parents on the

⁴⁰ J.K. Inazu and G.L. Fox, “Maternal Influence on the Sexual Behavior of Teenage Daughters,” *Journal of Family Issues* 1 (1980): 81-102.

⁴¹ See Erin Calhoun Davis and Lisa V. Friel, “Adolescent Sexuality: Disentangling the Effects of Family Structure and Family Context,” *Journal of Marriage and Family* 63/3 (Aug., 2001): 669-681.

⁴² Meg Meeker, *Epidemic: How Teen Sex is Killing our Kids* (Washington, D.C.: Lifeline Press, 2002), 143ff.

⁴³ M.J. Donahue and P.L. Benson, “Religion and the Well Being of Adolescents,” *Journal of Social Issues* 51/2 (1995):145-160; J. DeLamater and P. MacCorquodale, *Premarital Sexuality* (Madison: University of Wisconsin Press, 1979).

development of their children's high educational aspirations⁴⁴ are some approaches to an upbringing far from the risks of unwanted pregnancies and abortions. Attendance in religious rituals does not assure a greater obedience to traditional norms, but it places children in environments where there is greater exposure to restrictive values.⁴⁵

Children with high educational aspirations are less experienced in sexual matters, and their parents who are usually highly educated have greater skills and resources in supervising their children. Thus, the focus on building and enhancing broader and more opportunity-promoting contexts of education, especially for higher academic goals, could be more effective in the long run in preventing teenage pregnancy than prescriptions against premarital sex. More educational opportunities offered to the laboring class will probably pull them out of a situation where early marriage is the only option. This strategy could in effect prevent more cases of early entry into adult sexual behavior. A similar conclusion is found in a study: "...public health interventions should consider the broader determinants of premarital sexual debut, including the ecological factors in which the behavior occurs."⁴⁶

Empirically-Informed Sexual Ethics of Solidarity

The promotion of wholesome environments, nourishing activities and life-styles that foster or do not hinder the presence of parents plus other relatives and concerned neighbors will necessarily (1) promote virtues or capacities that do not just focus on the development of cognitive or academic powers but primarily on capacities

⁴⁴ Zelnik, Kantner and Ford, 1981.

⁴⁵ Thornton and Camburn, 324.

⁴⁶ Oljira, et al., 1.

for doing and expressing care, respect, kindness, mutual support, and the like; (2) shape a more capacity-heightened moral agents, in terms of having a more enhanced sensitivity to shared norms that promote humanizing responsibilities and the common good; and (3) forge or dovetail with ethical principles that have broad environmental or communitarian dimensions, like a solidarity ethics founded on care and mutual support, especially directed toward the most vulnerable.

Every situation in which decisions are marked by harm and injury to oneself or to others does not only speak about non-compliance to norms, but also about the context's tendency to act as trigger to unwholesome behavior. Every behavior takes its cue from what is suggested, encouraged, or allowed by the social setting. If ethics provides the direction and impulse toward building a setting or conditions favorable for the shaping of wholesome habits and the formation of responsible persons, then such an ethics must be sound. The sociological sciences (plus other disciplines) may help verify the attainability of this communitarian and person-building project.

Pre-marital sex has been a sensitive issue that frequently divides the elders and the youth. While it is true that the practice of PMS has reached an alarming percentage among the younger population (cf. teen pregnancies), some reasons or factors behind the practice should also be unearthed. As the youth becomes increasingly exposed to the new media and its more extravagantly-streamed permissive content, together with the presence of unstable family conditions and other negative factors, the younger generation is usually inclined to seek intimacy and validation from other sources, like friends or intimate partners or providers for sensation-seeking consumers. This occurrence leads to a higher probability to engage in PMS, which could result

in early pregnancy. The best way to address this is not through the strict imposition of rules, but through the improvement of the basic units of society—the family, neighborhood, and the workplace. But even addressing the problems within these spaces, such as insufficient income, lack of neighborly solidarity, and excessive work hours that foster more alienation than mutuality, the issue of PMS will instead direct us to deal with the deeper ills of our societal and cultural structures and contexts. In other words, PMS, especially among the young, is not to be immediately judged as a sign of deviation from doctrines but one that should challenge adults to action—mainly because they are also implicated in the surfacing of conditions that have triggered the youth's early entry into sexual encounters.

If we take the Biblical community values of sharing and service (cf. Acts 4: 32-37) as paradigmatic, the appropriation of these values is thus paramount. But, we know this cannot be done without the practices (and other conditions like rituals of solidarity and memories of narratives of service) that assure internalization and imprinting of such values in people's hearts and minds. The process of appropriation of biblical values and the assurance of internalization and imprinting actually require the "re-production" of the "form and content" of the Biblical community—the concrete platform of practice and the condition for the feasibility and possibility of internalization of values. The flourishing of the Basic Ecclesial Communities could be, after all, also sexual ethics' concern.

Thus, promotion of settings that foster and encourage exposure to social awareness, cooperation, and altruism should be a greater focus of an ethics that promotes the dignity of individuals and groups. We certainly are exposed to the individualistic and competitive spirit of

the liberal-capitalist setup.⁴⁷ To be critical against this spirit; to be emancipated from its ambit of influence, is to be more attuned to the sources of enlightened and altruistic orientation. This may also mean taking up another form of spirituality emphasizing spaces; that is, a conscious effort to pursue the development of spaces that promote more noble and higher end—transcending survival, necessity, utility, or individualistic fulfillment.

Ethical reflections on sexual behavior may have to bear in mind the nature of choice and action as reflecting embodied reactions to relationships, social contexts, and spaces. This way, choices and action may no longer be excessively viewed as stuff to be isolated and placed in compartments designed to repair or rehabilitate behavior toward better use or function. They may also be regarded as choices and actions which reveal context-bound longings, interests, and loyalties. PMS encounters may happen to be conditioned by factors that precisely need to be criticized and opened up toward other conditions of possibility for a better life. To bring about such social conditions will demand a resolute social engagement in solidarity-work.

Solidarity should happen when people get together to lessen the effects of lack of money and lack of skills, and loss of employment because they band together for sharing or cooperative work. Then solidarity enables people to find more ways to lessen troubles and thus avoid the causes (alienating waged work; monetarized consumption; profit-making transactions; absence at home and the neighborhood brought about by adult priorities) of breakdown of solidarities and partaking of unwholesome sexual encounters.

A distinguishing character of an ethics constitutive of

⁴⁷ See, Ferdinand D. Dagmang, *The Predicaments of Intimacy and Solidarity: Capitalism and Impingements* (Quezon City: Central Books, 2010).

solidarity is its praxis-rooted and anticipatory nature. It will decisively put hope on projects that are not just correct but, in the short run, feasible and, in the long run, realizable as well as fruitful and fulfilling in many positive senses other than instrumental or productivity sense.

A sexual ethics of solidarity is hoped to bring about background coordinates pregnant with opportunities (or contexts) that would make people in sync with their lifeworlds and not just with the formal requirements of the market or ambitions based on narrow market principles. It invites to put one's stakes on practices that promise remote but undeniable positive effects even if their exact shapes are still something uncertain and hidden in a pack of manifold gifts.⁴⁸ We do not have to be so worried about the exact outcome of our otherwise wholesome project of promoting solidarity, when in fact this project could also produce preponderance of greater intimacy and mutual help. In this regard, it would be pointless to raise questions about the Good Samaritan's helping behavior (about his overly-generous acts of compassion toward someone who was foolish enough to travel alone through an isolated road full of robbers). Questioning the constricting conditions that push many people to steal or seek refuge in sex is more relevant.

Solidarity will have to be the ground of a sexual ethics that has its primary concern in the promotion of nurturing environments and mature persons. Thus, the soundness of ethics will have to be judged according to how it contributes to community building, virtue formation, and formulation of socially-appropriate norms even if these norms are not contemplated by *PH*.

⁴⁸ See, Pope Francis, *Evangelii gaudium*. Apostolic Exhortation on the Proclamation of the Gospel in Today's World, # 222-225.

Conclusion

As young people seek for greater meaning and control in their lives, we may observe the acceleration of traditionalist's imposition of norms which are not necessarily appropriate in dealing with the youth's narratives that exhibit varying degrees of moral capacity and development. One person's ideal of abstinence may not be welcome to another's practice of physical intimacy as means of coping from a lack of belongingness and other neglected personal needs. However, when the latter is heavily adopted along with the widespread permissive culture in media, the vulnerable individuals risk being dehumanized through health dangers or trauma. Sometimes, they become danger to themselves and to others. This should invite us toward a more empirically-guided reflection on their behavior. Some of us may be more enlightened than those who cling to the past, but that also gives us a great responsibility to be care-giving in our intentions and actions.

Today's youth need adults who could dine with them, listen to their stories, heal their traumas, exorcise their demons, and forgive their failings. Jesus of Nazareth's stance of solidarity with the outcasts of his time—a stance toward redemption from alienating situations and dispositions that distort the image of human persons—is our foundational ethical stance.

In our moral evaluation of behavior, we have long been dictated by some abstract moral principles—and the historical journeys of individuals did not seem to matter as sources of grounded ethical principles. In this study, we have learned to notice that every person's immersion in varied socio-cultural contexts could explain or shape moral agency; that wholesome environments and spaces could raise the principles of solidarity, and; that norms may be derived from the lessons of stories and spaces.

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The Contemporary Philippine Church's Engagement in Ecological Advocacy (1988-2019)

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Abstract: This article documents the historical roots and progress of the Philippine Church's engagement in ecological advocacy from 1988-2019, highlighting especially the pioneering role of the Mindanao Church. It concludes with the account of the deepened and expanded engagement as the official teachings (Catholic Bishops Conference of the Philippines documents and Pope Francis' *Laudato Si'*) journeyed with the worldwide campaign toward ecological integrity.

Keywords: Ecological Advocacy • *Laudato Si'* • Catholic Bishops Conference of the Philippines • Mindanao-Sulu Pastoral Conference • Mining • Human Rights Violations

Introduction

The day came when we gathered on the road where the logging trucks pass. There were several hundred of us – men, women, children and old people We barricaded the road with our bodies and the logging trucks could no longer pass. It was like a fiesta; we sang and danced, we shared our food with one another and with the

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loggers who were stranded. It was a real communion. The priests, the brothers, sisters and lay missionaries were with us. Even the Bishop came one night to pray with us. They listened to our reflections on the Word of God and on the unfolding event. It was our turn to proclaim and give witness to the Gospel.¹

Thus was born the first grass-based ecological action in the Philippines at a time when only very few Filipinos had heard about global warming or climate change. Reports from various sources in the West in the 1970s began circulating as to the findings of scientists regarding the earth's weather patterns. Some were predicting that there will be a cooling, others a warming. A few years later, the theory that became more acceptable was that of global warming. By the mid-1970s, there were more scientific evidences pointing to a climate change involving the rise in global temperature and international-level conferences were soon convened.²

Due to the oppressive and repressive martial rule under the dictatorial regime of Marcos, the politically-

¹ See Amado Picardal, *Being Sent, Redemptorist Missions in Mindanao (1975-2005)* (Quezon City: Claretian Publications, 2006), 104. See also, Karl M. Gaspar, *A People's Option, To Struggle for Creation* (Quezon City: Claretian Publications, 1989).

² In 1975, Manabe and Wetherald developed a three-dimensional global climate model which provided a rough representation of the rise in global temperature. See, S. Manabe and R.T. Wetherald, "Thermal Equilibrium of the Atmosphere with a Given Distribution of Relative Humidity," *Journal of the Atmospheric Sciences* 24/3 (1967): 241-259. In 1979, the World Climate Conference of the World Meteorological Organization concluded "it appears plausible that an increased amount of carbon dioxide in the atmosphere can contribute to a gradual warming of the lower atmosphere, especially at higher latitudes....It is possible that some effects on a regional and global scale may be detectable before the end of this century and become significant before the middle of the next century." See, "Declaration of the World Climate Conference" (pdf document), World Meteorological Organization (Retrieved 28 June 2009).

mindful and critically-oriented citizens were intensely focused on the issues of militarization, human rights abuses, government corruption, landlessness, the scandalous inequality between the elite and the majority poor, and the worsening poverty situation. The more militant ones were denouncing U.S. imperialism owing to the presence of their military bases and the US government's expression of support for the dictatorship.

In Mindanao, the war between government forces and the Moro rebels dislocated communities and caused tremendous suffering for both Muslims and Christians. Protests were taking place in the streets, not just in Metro Manila but in other urban centers as more groups (especially among the workers, peasants, urban poor communities, students and even church people and the middle class) were denouncing these social ills, conscientizing the citizenry and organizing the different sectors.

The early actions to defend the environment

At the height of martial rule, Marcos and his cronies became even more aggressive in securing contracts that would provide greater possibilities for them to pursue their corrupt deals. In the guise of needing more electricity as well as to solve the problem of the continuing oil crisis, Marcos secured a loan from foreign sources to build a nuclear power plant in Morong, Bataan which was constructed at a cost of over US\$ 2.3 billion. Construction began in 1976 and was supposed to begin operating by 1984.

In 1979, a major accident involving the melting down of a commercial nuclear power plant in the Three Mile Island Unit 2 reactor, near Middletown, Philadelphia, U.S.A. hit the headlines across the world. This made many Filipinos wary as to the safety of the Morong power

plant still under construction. These worries spread across the citizenry and before long there were all kinds of protests demanding the closure of the plant. The authoritarian government resisted the protest for a while, but as it got stronger the resistance succeeded and the plant had to be abandoned.³³ The ensuing Aquino administration that followed the 1986 People Power made sure it would not operate at all.

As martial rule worsened, there arose a growing concern for the plight of indigenous peoples. A few cases became popular causes among various groups to defend the rights of the IPs. In the Cordillera area in the north in the late 1970s, the Kalingas opposed the government's expensive plan to build a gigantic dam to secure the waters of Chico River for hydro purposes.⁴ As the ecological movement would only arise a full decade later, this issue was not seen as "environmental" but one involving justice and peace.

The project would bury their villages under water, including sacred sites, destroy the people's livelihood without any assurance for relocation. With martial rule in place, there was hardly any consultation with the people. Once the plan was hatched, government bureaucrats and technocrats descended on the area to pursue the project which could have pushed through if not for the militant action of the Kalingas and their

³ See Hannah Lehmann, "Filipinos protest against Bataan Nuclear Power Plant and U.S. military bases, 1983-1986," <https://nvdatabase.swarthmore.edu/content/filipinos-protest-against-bataan-nuclear-power-plant-and-us-military-bases-1983-1986> (accessed 09 Dec 2020). See also, Patricio N. Abinales and Donna J. Amoroso, *State and Society in the Philippines* (Oxford: Rowman & Littlefield Publishers, Inc., 2005); Kathleen M. Nadeau, *Liberation Theology in the Philippines: Faith in a Revolution* (Westport, CT: Praeger Publishers, 2002).

⁴ See Ceres Doyo, *Macli-ing Dulag: Kalinga Chief, Defender of the Cordillera* (Quezon City: UP Press, 2015).

widespread support from across the country. But a high price was paid for the struggle: their leader Macliing Dulag was assassinated in the process.⁵

Another case involved also constructing a dam in Lake Sebu, South Cotabato that would also be used for a hydro project. The Tboli people, with the support of the Passionist missionaries assigned in this locality, opposed this project as it would dislocate them from their ancestral territory and destroy the rich biodiversity of this area. Their resistance succeeded so the State gave up on this project.⁶

Across the archipelago, there was a growing concern on how mining and logging as promoted by the dictator Marcos and his cronies became money-making ventures for them. In fact, the government agency that served the IPs known as the Presidential Assistant for National Minorities (PANAMIN) was nicknamed PANA-*MINING* as the head of this agency belonged to a crony family engaged in mining. However, as ecological advocacy was still a movement that would only arise in the future, and there were far too many other justice and peace issues, there were not many actions to protest the expansion of mining and logging.

The Role of the Mindanao Church in the early Ecological Advocacy Movement

One of the church bodies that seriously followed the mandates of Vatican II was the Mindanao-Sulu Pastoral Conference (MSPC) constituted by dioceses of Mindanao-

⁵ See, “Chico hydro project opposed,” <https://web.archive.org/web/20170422143113/http://www.sunstar.com.ph/baguio/local-news/2017/04/22/chico-hydro-project-opposed-537853> (accessed 11 Dec 2020).

⁶ See, Karl M. Gaspar, “*Lumad* Social Movement,” *Aninawon* 1 (January 2019): 37.

Sulu, meeting once in three years. It was founded by the bishops to develop a local church's strong sense of urgency and concern in the context of the unique realities of southern Philippines with its diverse ethnic, religious, and cultural diversity.⁷ It was the Mindanao-Sulu church that pioneered the setting up of Base Christian Communities (BCCs), the grassroots communities through which the exhortations of Vatican II would be provided concrete action. The name would later be changed to Base Ecclesial Communities (BEC) especially after the Second Plenary Council of the Philippines (PCP II).

As with the BEC and other recent pastoral thrusts, it was the Mindanao Church that pioneered the Church's engagement in ecological advocacy. The Church only began to be interested in ecological issues—not just as aspects of its justice and peace program but as a result of her growing consciousness regarding the impact of global warming and climate justice—in the late 1980s. As usual, it did not arise from the center of hierarchical power, but instead at the periphery. In Mindanao, thick forests still dominated its mountain ranges up to the 1950s. The next few decades would see massive deforestation and denudation of the wilderness. Thus, it was the logging

⁷ See Karl M. Gaspar, "Basic Ecclesial Communities in Mindanao: A Call to Continuing Missiological Relevance," *MST Review* 19/1 (2017): 36-65.

The first three Conferences took place just before and after the declaration of martial law in 1971, 1974 and 1976. Agenda discussed involved the problems confronting the people in Mindanao-Sulu. Setting up a Secretariat, its staff members were tasked to implement the recommendations of the conferences. The BCC later was renamed BEC – Basic Ecclesial Communities after the convening of the Plenary Council of the Philippines II in the 1990s; see, *Acts and Decrees of the Second Plenary Council of the Philippines* (Pasay City: St Paul Publications, 1992).

issue that provoked the first stirrings of ecological awareness and action.

Consequently, disasters after disasters have occurred in its various locations whether landslides or floods. And yet, the denudation of Mindanao's forests only took place within a short period of time which started with the American regime's push to convert Mindanao's political-economy into one dependent on cash-crop plantations. The case of Mindanao's forests followed the fate of the earlier massive deforestation that took place in many parts of Luzon and Visayas.

From the time of the American occupation to the contemporary period, there had been no let-up in logging operations and deforestation.

The destruction of forest in the country resulted in the decline of the 17.8 million hectares (43.98 million acres) of forest cover reported in 1934 to only about 5.4 million ha. (13.34 million acres) in 2000. However, the forest assessment study conducted by the Forest Management Bureau (FMB) and the National Mapping and Resources Information Authority (NAMRIA) in 2003 showed that the total forest cover was actually 7.17 million hectares. Since the early 1990s when plantation development reached more than 100,000 ha./year the total area of plantation developed has been steadily decreasing. Before 1990, most of the logs harvested came from the natural forest.⁸

Mindanao has perhaps suffered the most extensive impact of deforestation owing to logging operations especially after the WW II. "Although the remaining forest is found in isolated patches, most forest remaining on the island of Mindanao is contained in this upland

⁸ Asia-Pacific Forestry Sector Outlook Study II: Working Paper Series Working Paper No. APFSOS II/WP/2009/10 Philippines Forestry Outlook Study by Forest Management Bureau <http://www.fao.org/3/am255e/am255e00.pdf>.

ecoregion. This is in contrast to the largely deforested lowlands of Mindanao... By 1988, approximately 29 percent of Mindanao's forest, including both primary and secondary forests, remained.”⁹ There is much less today despite some factors that have discouraged logging including political instability, lack of access, and poor commercial values. However, even as a number of timber license agreements have been suspended, the remaining forests are threatened by encroaching agriculture and occasional forests fires.

Nevertheless, for a long while, massive deforestation and the expansion of agri-business plantations were not a major concern of the Church of Mindanao. Even at the height of its militant stance against plantations (e.g., the days of organizing the Federation of Free Farmers in the late 1960s-70s), churchpeople in solidarity with peasant groups were more interested in campaigns for land reform and/or payment of just wages for agricultural workers. The first stirrings that would lead to a nascent Church movement to be engaged in ecological issues arose in two areas: San Fernando (in Bukidnon) and Midsalip (in Zamboanga del Sur).

What provoked this pastoral engagement included the peasants' concerns about the impact of logging operations in limiting water that can be tapped for their irrigated ricefields and landgrabbing issues. The fact that the peasant communities were organized in vibrant BECs and they had the support of their missionaries (the Scarboros in San Fernando and Columbans in Midsalip) made possible anti-mining mass actions. Their anti-mining stance succeeded in terminating the logging companies operating in the area. The mass actions in Bukidnon expanded to other areas and involved more

⁹ WWF – Tropical and Subtropical Moist Broadleaf Forests, Mindanao Montane Rain Forests. <https://www.worldwildlife.org/ecoregions/im0128>.

churchpeople including Fr. Satur Neri who was martyred in 1991 for his militant ecological advocacy.¹⁰

These grassroots-based ecological action influenced the CBCP to issue a Pastoral Letter: “What is Happening to Our Beautiful Land”.¹¹ In a context when 29 out of the 30 million hectares of primary forests have been destroyed, the bishops claimed that awareness of the relationship of people to the environment had continued to grow and that destroying the forests was sinful. They posited that “(a)s people of the covenant we are called to protect endangered ecosystems like the forests, mangroves and coral reefs and to establish just human communities in our land.”¹² Henceforth, the concern for ecological advocacy within the church network began to slowly expand from diocese to diocese. By the time there were available resource persons and reading materials parish groups began to organize environmental seminars that dealt with global warming and eventually climate change. The Columbans were at the forefront of producing materials (including video productions, comic books, theological articles, and the like) and their network provided resource persons.

As there arose a greater commitment to justice and peace and the integrity of creation (JPIC), the Association of Major Religious Superiors of the Philippines (AMRSP) issued statements expressing their

¹⁰ See, Reynaldo D. Raluto, “Integral Ecology: ‘Remembering the ‘Dangerous Memory’ of Fr. Nery Lito Satur,” <https://www.mindanews.com/mindaviews/2020/10/integral-ecology-remembering-the-dangerous-memory-of-fr-nery-lito-satur/> (accessed 11 Dec 2020).

¹¹ The CBCP approved this statement in a meeting in Tagaytay City on 29 January 1988. This statement mainly exhorted the faithful to protect the forests and the seas. As the mining problem had not become urgent, the statement hardly referred to this issue. However, it exhorted “the government not to pursue short term economic gains at the expense of long-term ecological damager.” Ibid, no. 33c.

¹² Ibid., no. 26.

environmental concern. A JPIC desk was established to coordinate efforts on the part of the religious congregations in this ministry as well as provide resources to those pursuing such a commitment. At the forefront were those within the Franciscan family. A few congregations also established eco farms toward developing a greater awareness for reforestation and organic farming. In seminaries and formation houses, the formands were provided orientations on ecological advocacy as a theology of creation began to be taught.

In many dioceses, parish groups organized tree planting and garbage collecting activities. Catholic schools followed suit and teachers helped produce modules for use of various groups. In many cases, civil society organizations and/or NGOs assisted them. The one that was most active in the southern Mindanao area was the Kinaiyahan Foundation and later the Interfacing Development Initiatives for Sustainability (IDIS). Various church groups supported IDIS' campaign to end the aerial spraying in banana plantations;[♦] unfortunately, this campaign did not succeed.

♦ A very destructive practice that benefits Banana Corporations but results in the over-killing of other forms of life: eliminating not only the pests that infect bananas but also people (who develop various kinds of respiratory and dermatological problems; not to mention social displacements and alienations) and diverse life forms. Before the coming of the banana plantations, the local inhabitants were still able to gather and harvest various kinds of fish, crustaceans, snails, etc., from the wetlands and rivers. Today, locals who used to enjoy their meals with grilled or fried mudfish, catfish, tilapia, eels, snails, shrimps, frogs, etc., harvested from the area can only mutter the words: "those were the days". [Ed.]

A similar scenario is reported here: "We always used to have a pharmacy in the jungle. But now we can't find the trees and animals that we need. The animals and fish have disappeared. The birds, too. We have never seen anything like this before. It has to be the result of the spraying. We notice the effects immediately after the area is sprayed. Birds, animals, and fish begin to disappear within a few

A major ecological concern arose that galvanized Church's response to care for the earth, long before Pope Francis issued "*Laudato Si': On Care for our Common Home*" in 2015. First was on the contentious issue of mining, especially open pit mining following the Congress' approval of the Philippine Mining Act in 1995 (R.A. 7942), which "liberalized the legal framework for mining, making it far less restrictive"... as it "allows greater foreign ownership, full repatriation of profits, tax breaks and tax holidays for 5-10 years, and lower duties and tariffs."¹³ The Act provides for a Mineral Production Sharing Agreement (MPSA) to be signed by the government and the mining firm which then grants the mining proponent exclusive rights to conduct mining operation within the prescribed area.

Consequently, there arose a strong interest on the part of mining firms to expand on their present operations and/or explore new territories where huge deposits of mineral resources have been identified. As soon as the Mining Act was passed, there was a huge rush of mining applications. At that time, the nation had only a few existing MPSAs...two Financial and Technical Assistance Agreement (FTAAS) which cover 447,308.26 has....with 54 more FTAA applications targeting 2,350,643.34 has."¹⁴

But the Act has not gone uncontested. A few quarters within the government bureaucracy and civil society organizations (CSOs) questioned the unconstitutionality

weeks. The health effects linger for weeks, and even longer." – Indigenous Shuar leader from Sucumbíos, Ecuador; "Spraying Crops, Eradicating People," <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/spraying-crops-eradicating-people> (accessed 11 Dec 2020); see also, Rachel Carson, *Silent Spring* (Boston: Houghton Mifflin, 1962; New York: Mariner Books, 2002).

¹³ Robert Goodland and Clive Wicks, *Philippines: Mining or Food?* (London: Working Group for Mining in the Philippines, 2008), 23.

¹⁴ *Ibid.*, no. 25.

of the Act since the 1987 Constitution's provision—that “all lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all sources of potential energy, fisheries, forests, timber, wildlife, flora and fauna and other natural resources are owned by the state”—was violated by this Act. One of CSOs, La Bugal–Blaan Tribal Association of Mindanao filed a case with the Supreme Court which ruled on 27 January 2004 that, indeed, some of the provisions of the Act were unconstitutional and void.

The CBCP came up with their own statement stating their concern regarding this Act.⁴⁴ They claimed that they “have seen the devastating effects of some of the mining operations, e.g. spillages of mine tailings” and that “the adverse social impact on the affected communities, especially on our indigenous brothers and sisters far outweighs the gains promised by large-scale mining corporations” (“A Statement of Concern on the Mining Act of 1995,” signed by Archbishop Oscar V. Cruz on 28 February 1998). They then proposed that the government repeal the Act and to recall all approved FTAAS and other mineral agreements and disapprove the pending ones. Other local bishops where mining firms were already operating or in the process of exploration also wrote to the President expressing their concern.

The State did not give up so easily and used all its power to pressure the Supreme Court to reverse their ruling. Ten months after they had declared the Act unconstitutional, they changed their mind on 10 December 2004 indicating the Act was constitutional after all. Pres. Macapagal-Arroyo immediately issued EO 270-A known as the National Policy Agenda on Revitalizing Mining. This only provoked more protests as this contentious decision impacted various stakeholders,

municipal and provincial authorities, the Church and others CSOs that all continued to urge that the Act be revised. They posited that “both the act itself and the supporting order establishing the FTAA’s usurp legislative power and nullify the Philippine State’s role as owner-in-trust and investor in the country’s minerals.”¹⁵ Two petitions were then sent to the Supreme Court: first by Congress that asked the Court to issue a temporary restraining order to stop the DENR from granting any MPSAs, and second, by the citizens of Davao Oriental that asked the Court in 2008 to nullify seven MPSAs covering 17,215 hectares that the DENR had issued to two mining firms to mine nickel and cobalt.

Once more in 2006, the CBCP expressed their support for the many local petitions against mining operations and re-affirmed their stand for the repeal of the Mining Act of 1995, believing that the Mining Act destroys life. The Bishops stated that by allowing the interests of big mining corporations to prevail over people’s right to these sources was tantamount to violating their right to life as well as threatened their health and environmental safety as wastes and tailings are dumped in the seas and rivers near their homes.

In the next few years, the CBCP continued its advocacy to oppose mining. A letter sent by the CBCP President to Pres. Benigno Aquino III, reiterated their decade-old stance to ask “the government to put a stop to large-scale mining since this not only permanently damages the delicate balance of the natural environment, but it also makes our small farmers, fisher folks and IPs suffer.”¹⁶ They indicated that EO 270A has made the mining issue even more contentious and thus they demanded that this be revoked and called for a review of all anomalous and controversial mining contracts. They

¹⁵ Goodland and Wicks, 27.

¹⁶ Letter signed by Bishop Nerio Odchimar on 12 July 2010.

then proposed “to rectify previous contentious contracts the state has entered into....to make public all existing mining applications and contracts and... to reform the DENR bureaucracy and weed the corrupt officials in its national and local agencies.”¹⁷

What finally brought the resistance to a standstill was when the DENR issued Administrative Order No. 2010-21 on 28 June 2010, providing for a consolidated DENR Administrative Order for the Implementing Rules and Regulations of R.A. No. 7942 and which listed the revised rules and regulations. Today, the State can claim that the principal laws that regulate the mining industry are R.A. 7942, otherwise known as the Philippine Mining Act of 1995. ..(and the) DENR Administrative Order No. 2010-21 (Mining Act IRR), both of which have not been amended in the past year.

In 2012, Executive Order No. (EO) 79 was issued as the policy of the Aquino administration which instituted reforms such as a review of the performance of existing mining operations and cleansing of non-moving mining rights holders, imposed a moratorium against the issuance of mineral agreements (MAs) until the enactment of legislation rationalising existing revenue sharing schemes and mechanisms, and constituted the Mining Industry Coordinating Council (MICC), among others.

The Church's advocacy against mining persisted. In 2013 the AMRSP issued a joint statement indicating that dealt with the issues of mining and how the religious can be in greater solidarity with the poor. Claiming that as stewards of the environment and as shepherds to the indigenous peoples, they continued to lobby for policies for the protection of our common home and supported advocacies against activities that are destructive to the

¹⁷ Ibid.

environment.¹⁸ The visit of Pope Francis in Manila on 15-19 January 2015 provided an opportunity for the CBCP's NASSA office to issue a joint letter co-signed by *Alyansa Tigil Mina* (Alliance of Mining).¹⁹ The letter referred to a message of Pope Francis during a Day of Reflection between the Vatican and the mining industry which was read by Tarcisio Cardinal Bertone that reminded everyone that “the great challenge of business leaders is to create a harmony of interests, involving investors, managers, workers, their families, the future of their children, the preservation of the environment on both a regional and international scale, and a contribution to world peace.”

The letter was then addressed to Pope Francis urging him to: 1) support the call of Philippine Bishops and the mining-affected communities to repeal the Philippine Mining Act (RA 7942) and the clamor for a new mining law that recognizes the environment and ecology, respects human rights and ensures that negative impacts of mining are completely addressed and avoided; 2) ensure that the voices of the marginalized and the poor are heard and given space in any dialogue or interaction between the Church and the mining industry, from the local up to the global levels; 3) encourage the Catholic leadership as well as other religious leaders, to practice their stewardship role in facilitating harmony, peace and social justice to address the issues brought by mining and other extractive industries.

As of 2019, the current administration of Pres. Duterte has not issued any order repealing, amending or

¹⁸ AMRSP Joint Biennial Convention 2013, held on 1-5 July 2013 at the Rivier Retreat House Seminary Road, Catalunan Grande, Davao City.

¹⁹ CBCP-NASSA and ATM Joint Statement on the Mining Issue During the Visit of Pope Francis in Manila on 15-19 January 2015, Issued on 16 January 2015.

replacing EO 79. Based on government statistics, the updated report indicates the following: a) Mineral Exports of metallic, non-metallic minerals and mineral products (especially gold and nickel) in 2018 amounted to US\$44.26 Billion with the bulk of exports going to Japan, Australia, Canada and China; 2) the industry employed 212,000 workers; 3) land area and mineral potential covers 30 million hectares with 9 million identified as having high mineral potential; 4) As of January 2019, only 2.34% or 702,715.39 has. are now covered by mining tenements.²⁰

Today, if one were to check out the listing of the mining firms operating, developing and exploring in the country, one would come up with the following tables:²¹

²⁰ MININGfacts/figures 2019. See <http://mgb.gov.ph/attachments/article/162/mining%20facts%20and%20figures%20updated%20March%202019.pdf>.

²¹ Source of Data: MRMS Report No. 002A: "List of Mineral Production Sharing Agreement (MPSA), Department of Environment and Natural Resources, Mines and Geosciences Bureau, Mining Tenements Management Division. Published on 31 July 2017. See http://www.mgb.gov.ph/attachments/article/50/JUL_2017_MPSA_2.pdf.

Table 1: Status of MPSA: More than half (58%) are still on exploratory stage while almost one-third of total are already in commercial operation.

CLASSIFICATION	Nos.	Percent
1. Commercial Operation	94	28.4
2. Under Care & Maintenance	10	3.0
3. Exploration	192	58.0
4. Development	12	3.7
5. Suspended	6	1.8
6. Expired	7	2.1
7. Cancelled	10	3.0
TOTAL	331	100.0

Table 2: Location of MPSA (only those who are in 1-4 category seen in Table 1): One could see below that mining is taking place in practically all regions across the country with the most number in South Luzon and in Agusan–Surigao.

REGIONS IN THE COUNTRY	Nos.	Percent
1. North Luzon	24	7.8
2. Central Luzon	45	14.6
3. South Luzon (including Rizal, Palawan, Mindoro)	74	24.0
4. East Visayas	19	6.2
5. Central Visayas	36	11.7
6. West Visayas	17	4.5
7. Zamboanga/Misamis	20	6.5
8. BARMM (Cotabato, Lanao)	8	2.6
9. Central Mindanao (Bukidnon)	0	0
10. Davao	15	4.9
11. Agusan-Surigao	50	16.3
TOTAL	308	100.00

Table 3: Total No. of Hectares Covered: Close to ten percent among the mining firms are able to cover 5,000 hectares and more, with five firms covering more than 10,000 hectares. Close to one-half have been able to secure more than a thousand hectares.

RANGE OF HECTARES	Nos.	Percent
1. Above 10,000	5	1.6
2. 7,500 - 9,999	12	4.0
3. 5,000 - 7,499	13	4.2
4. 2,500 – 4,999	51	16.5
5. 1,000 – 1,499	56	18.2
6. 750 - 999	21	6.9
7. 500 - 749	32	10.4
8. 250 - 499	47	15.3
9. 100 - 249	36	11.6
10. Below 100	35	11.3
TOTAL	308	100.0

Table 4 – Year when MPSA was granted: One could tell from the table below that a big majority of the firms (93.4%) that are now actively involved (from operations to exploration) set up their firms after the passage of the Mining Act in 1995. Compare to the figure before 1995 when only 17 were in operation (with 5 of these having to be amended after 1995).

YEAR RANGES	No.	Percent
1.. Before 1995	12	3.3
2. Before 1995 & amended after 1995	5	1.6
3. 1995 - 1999	94	30.5
4. 2000 - 2004	47	15.3
5. 2005 - 2009	88	29.0
6. 2010	39	12.8
7. Approved after 1995 & amended later	18	5.8
8. No information	5	1.6
TOTAL	308	100.0

Table 5 – Minerals Involved: There is a variety of mineral products that have been identified in the actual and potential mining sites. The most common are gold, copper, nickel, chromite and limestone.

MINERALS	Nos.	Percent
1. Mixed (gold, copper, nickel, chromite and other minerals)	53	17.2
2. Limestone	49	16.0
3. Copper & Gold	45	14.6
4. Chromite & other minerals	24	8.0
5. Sand & Gravel	25	8.2
6. Limestone & Shake	14	4.7
7. Nickel	13	4.2
8. Gold	12	3.9
9. Basalt with Andesite, Diorite, Tuff	8	2.6
10. Basalt & rock aggregates	7	2.3
11. Chromite	6	2.0
12. Silica	5	1.6
13. Limestone & Silica	5	1.6
14. Gold, silver & copper	3	1.0
15. Others (marble, silver, bauxite, bentonite clay, dimension stone, etc.)	39	12.7
TOTAL	308	100.0

Human Rights and Mining

One of the unintended consequences—but have proven to be one of the most important reasons to oppose mining—has been the extent that human rights violations (HRVs) are committed against those who resist the entrance of mining into their localities. This has been

especially true for the IPs.²² Especially since the passage of the Mining Act, HRVs have been reported by Indigenous Peoples Organizations (IPOs), CSOs (especially church and NGOs advocating for HRs and media outlets) especially when there is an aggressive resistance to the mining operations & explorations. These have included reports on “beatings, maiming, intimidation, torture, extra-judicial killings or summary executions, abductions, and enforced disappearances in what is widely viewed as state-sponsored or state-protected terrorism.”²³ Within the country's impunity context, State agencies assigned to look into these matters hardly move to investigate that would lead to the arrest of the perpetrators.

Human Rights Watch identified anti-mining activists as having been victimized along with other groups active in the resistance movement including political and student activists, journalists and churchworkers. Among the cases, HRW investigated in 2006, two were killed in the Bicol region, namely, Pastor Isias de Leon Sta. Rosa and Manuel Balani. In the past decade, Indigenous Peoples (IPs) villages in the Andap Valley of Surigao del Sur were continuously subjected to dislocations first owing to the operations of the Lianga Bay Logging Company and later with the entry of Chinese mining firms (e.g. Great Wall Mining and Abacus Exploration and Development Corp.). Entire villages were harassed by both paid guards and the military forcing them to evacuate their homes. A massacre took place in 2015

²² See the following as reference material on HRVs: Proceedings of the International Conference on Mining in Mindanao held at the Ateneo de Davao University on 26-27 January 2012; Goodland and Wicks, *Philippines: Mining or Food?*; Human Rights watch Report at hrw.org/reports/2007/philippines0607.htm www.miningewatch.ca/index.php?/.

²³ Goodman and Wicke, *Philippines: Mining or Food?*, 44.

where three of the IP leaders were killed by para-military agents.²⁴

For years, many of the advocates against mining had warned that the influx of mining firms in the isolated upland villages where mostly IPs reside or in the rural areas inhabited by rural peasants are most vulnerable to human rights violations. It is a known fact that in a setting such as the Philippines, the military and the police are oftentimes encouraged to take the side of mining firms through various pressures or incentives. Many mining firms also employ their own armed guards who can tend to be undisciplined if strict codes of behavior are not imposed. Thus, since mining expanded, there have also been greater reports of human rights violations especially in highly militarized zones (made more complicated because of the presence of New People's Army [NPA] guerillas).

During the time of Pres. Aquino, when a more-involved and committed Chairperson was head of the State's Commission on Human Rights (CHR), CSOs and church personnel could seek her assistance in following-up reports of HRVs.²⁵ One such case took place in the village of Didipio, Kasibu, Nueva Viscaya on 5-6 November 2009.²⁶ Chairperson De Lima, staff of the local

²⁴ Raymond Ambray, "The Practice of Critical Pedagogy as Collective Frame in the Alternative Center for Agriculture and Livelihood Development," M.A. Anthropology thesis, Ateneo de Davao University, 2018. See also, the case of the Panay Tumandok community, <https://www.rappler.com/nation/tumandok-killed-nabbed-police-panay-island> (accessed 9 January 2021).

²⁵ We refer to Atty. Leila de Lima who was later assigned by Pres. Aquino to be Secretary of Justice. But when Pres. Duterte took over, he and his allies in Congress linked her to the drug menace and consequently was jailed. As of this writing, she remains in prison.

²⁶ Jonal Javier CHR Investigates Alleged Human Rights Violations in Mining Area, 12 January 2012. See <https://tfdp.net/publications/phru/36-volume-23-number-1/302-chr-investigates-alleged-human-rights-violations-in-a-mining-area>

CHR, the Mayor and his councilors, media personnel and CSO HR advocates joined the fact-finding mission for an ocular inspection following the alleged incidents. This location was where the mining operations of Oceana God Philippines, Inc. (OGPI) took place.

The victims were the IP residents and their spokespersons were their leaders. A hundred of them had earlier picketed the Provincial Capitol building. They alleged that their houses were burned and/or demolished (with the PNP assisting the firm) and questioned the existence of a checkpoint. They also called for the cancellation of the mining permit. At a subsequent investigation held at the Provincial Capitol of Nueva Viscaya attended by the representatives from OGPI, the Mines and Geosciences Bureau (MGB), the DENR and PNP the cases that were reported to the cases that were reported to the commission were verified. However, the CHR can only stop the HRVs but not the mining operations.

Further south in the territory of the Subanens (the IPs in the Zamboanga area) of Mindanao, came the report on how the IPs' rights were being violated owing to the mining operations.²⁷ A 2005 report was issued by a collation of researchers who conducted a human rights impact assessment of the TVI Resources' Canatuan mine especially as these impacted on the lives of the Subanens by looking into six core human rights principles: the right to self-determination, to security, to an adequate standard of living, to adequate housing, to work and to education. The assessment involved the Subanens in the locality, staff of government agencies

²⁷ Business and Human Rights Resource Center, Philippine Fact-Finding Mission Report, "Philippines: Mining impacts on Subanon indigenous peoples' rights." See, <https://www.business-humanrights.org/en/philippines-mining-impacts-on-subanon-indigenous-peoples%E2%80%99-rights>

such as the NCIP and MGB of the DENR, as well officials from the Canadian embassy.

The report indicated that “the mine had a negative impact on their right to self-determination and on their system of governance...(a)dditionally, forced evictions and militarization of the area surrounding the Canatuan mine has had a negative impact on the ability of the Subanon peoples to enjoy the right to security and housing, while mining activity appears to have increased the levels of sediment and metals in some local waterways, threatening human right to an adequate standard of living.”²⁸ The assessment’s concluding recommendations were to: 1) encourage the Government of the Philippines to assume responsibility for investigating the current conflict in Canatuan and for adopting procedures that would ensure such examples do not reoccur in future; and 2) give local communities capacity training on human rights so that they can identify abuses and assert their rights; and 3) require companies to make all efforts to resolve the many issues and conflicts in Canatuan before proceeding with expansion of its operations in adjacent areas.²⁹

In the wake of the massive HRVs committed by the Marcos regime throughout the martial law period (1972-1986), the government of Mrs. Aquino amended the Constitution to clearly provide provisions where the State bureaucracy protects and respects the citizens’ HRs and established the Commission on Human Rights to implement laws for this purpose. Thus the state embraces a mandate that would cover three essential types of rights obligations including: “the state abstaining from doing anything violative of the integrity of the individual and his/her freedom of action and to refrain from interfering with the enjoyment of the right

²⁸ Ibid.

²⁹ Ibid.

(e.g. provision of budget for social services); to protect its people from activities or actions that may be taken by third parties (e.g. non-state actors or entities) have negative impact on the citizens; and to take appropriate legislative, administrative, budgetary, judicial and other measures toward the realization of human rights.”²⁹

Unfortunately, despite what is provided for by the laws of the Republic, weak States do not have the political will to implement these laws when faced with the market's vagaries. With the “developments in the global sphere... (related to) globalization of capital or cross-border operations of TNCs, global open markets, implementation of trade liberalization where the country is experiencing this resulting to the undermining of our agricultural production, privatization and deregulation,” there is the concomitant weakening of state-based system of governance.³⁰ Oftentimes, the people's interests are secondary to those of the mining companies as the State aims to attract more foreign investments. Where IP communities have a right to be consulted especially where they have titles to their ancestral domain and the law provides for a free, prior and informed consent (FPIC), there have been cases when their voices are not given any importance and the State's agency that is supposed to take their side either turns silent or outright supportive of the mining firms. In the process, the people are not provided all the information they need to make a wise decision. In some cases they strongly influence, manipulate or harass the IP chieftains into submitting to the wishes of the company (thus the monicker that they have become dealers rather

²⁹ Dr. Nymia Pimentel-Simbulan, “Mining and Human Rights: Issues and Challenges,” *Proceedings of International Conference on Mining in Mindanao*, Ateneo de Davao University, 26-27 January 2012, pp. 66-67.

³⁰ *Ibid.*, 69.

than leaders). In the end, their right to self-determination is violated when their opposition to the entry of the mining firm is totally disregarded to the point where they are then subjected to all kinds of abuses. In many instances, the tactic of divide-and-rule is adopted, by pitting IP leaders against the others through the provision of material benefits and even weapons. There are cases e.g. like among the Blaans of Tampakan, South Cotabato where the IPs themselves are now at war with each other.

Case Study: Diocese of Marbel

Tampakan is the IP area where a people's resistance against a mining firm has taken place in the past two decades, perhaps one the longest that have taken place in the country. The initiative of exploring a mining operation here was first considered by the Western Mining Corporation but which was later taken over by the Sagitarrius, an XStrata company based in Switzerland and partly in London with Indophil of Australia and the Tampakan Associates of the Philippines. Recently, however, it has been reported that a consortium of Filipino and Chinese businessmen have acquired ownership of the firm. It was one of the six FTAA's issued and the first in Mindanao after the Mining Act was passed in 1995. "It was going to cost six billion" and is believed to be "the biggest in the world at par with the Mongolian mines ... with 17 to 20 years of mine life, covering 10,000 hectares and which would destroy 4,000 hectares of catchment forests on which the irrigation downstream totally depends."³¹

³¹ Robert Goodland, "Cotabato's Tampakan Mine Project," *Proceedings of the International Conference on Mining*, Ateneo de Davao University, 26-27 January 2012, p. 59-65.

How huge this mining firm was projected could be gleaned from more information: it is the largest undeveloped copper-gold resource in Southeast Asia Western-Pacific Region, Its projected capital investment was to involve US\$ 5.9 Billion, the largest foreign direct investment then as it was projected to produce up to 160 million tons of gold and copper per annum over a period of 20 years from the one reserve alone of 1.1 B tons.³² Seventy percent of the project areas had been classified as ancestral domain of the Blaans, the local IPs who were able to acquire Certificates for Ancestral Domain Titles (CADTs). An estimated thousand households (roughly involving more than 5,000 individuals) would be displaced once the project takes off while the remaining forests ("fifty percent of the final mining area consist of closed and open canopy forests, and the thirty-six percent are woodlands which are used for swidden farming) would be wiped out).³³ Watersheds and rivers would also be affected and tailings would drain downstream toward the Davao Gulf, which is barely 50 kms. from the project site.

As soon as they began to realize the consequences of this massive mining project, the stakeholders (the IPs, the local government units, farmers/irrigators, church, NGOs and schools) began to study and discuss these implications, they eventually raised these issues: ancestral domain rights, food security, biodiversity loss, health hazards, water contamination and scarcity, flooding and landslides, royalty share, compensation, livelihoods and employment, social services, relocation and resettlement, overlapping land claims, human rights violations, peace and order as well as the capacity of the

³² Research Brief, "Mining and Water Governance," Ateneo Institute of Anthropology and Ateneo Tropics, August 2013, p. 3.

³³ *Ibid.*, 4.

LGUs to do risk management and to monitor compliance of Environment Impact Assessment.³⁴

Tampakan is a town in South Cotabato which is under the Diocese of Marbel. But the proposed mining site and its impact would extend to the adjacent Diocese of Digos and the Archdiocese of Cotabato. The late Bishop Romualdo Gutierrez and a number of clergy and religious working in the various ministries of the Diocese began to deal with the issue at hand by coming together to reflect on the challenges they faced. Reviewing the provisions of various Magisterium documents (e.g. *Rerum novarum*, *Mater et magistra*, *Pacem in terris*, *Gaudium et spes*, *Sollicitudo rei socialis*), they agreed on upholding the following general principles that would guide their response: responsible stewardship, the universal destination of goods, integrity of creation, human dignity, preferential option for the poor and subsidiarity and people's participation.³⁵

They also studied the pros and cons of this project and concluded that its negative impact more than outweigh the possible benefits. Among these: this project would deprive the people of access to land and other natural resources, it has led to the fragmentation among the IPs, most of them would be dislocated which would affect their sustainable livelihoods, leaders could turn corrupt with bribes to pay for their cooperation, it would lead to soil erosion, siltation and pollution with the use of chemicals thus affecting the irrigation fields, watersheds would be affected, biodiversity would be threatened, could lead to disasters like flooding and only the elite would benefit. Ultimately, they proposed the repeal of the Mining Act

³⁴ Ibid., 6.

³⁵ Rosalinda C. Tomas and Donnabelle G. Celebrado, "A Case Study (Working Paper): Contestations in the Mountain of Gold—Digging the Cracks in the Tampakan Copper-Gold Project, The South Cotabato Experience," January 2008.

and proposed for the formulation of an alternative mining policy that protects the poor and the environment.³⁶

On the basis of these principles, they agreed that their task is to promote the total well-being of the present and future generations and the environment. Therefore, they opposed aggressive and liberalized mining whether small or large-scale. What followed were various forms of protests: mass mobilizations such as rallies and caravans around the city, fact-finding missions in the project site, sectoral advocacy campaigns to reach out to the youth, press and media releases to expose the issues, education and awareness building sessions as well as local and international lobbying and solidarity work.

With all these ground-level movement that was gaining strength, the Provincial Local Government officials were encouraged to share their ecological advocacy and they saw a way to oppose the start of the operations despite their approved MPSA. While the Mining Act was passed in 1995, the Local Government Code was passed by Congress in 1988 which empowered the LGU to pass a local ordinance that asserts its right over its territory. Appropriating this law, the LGU passed a law banning specifically open pit mining which was to be what the firm was going to undertake. It did stop the firm's operations as there was need for the Supreme Court to review this impasse.

The impasse provided the stakeholders with more time to do more education and organization to strengthen their ranks. The Diocese mobilized its BEC network to bring the issue down to the level of the grassroots. Occasionally, the three Bishops came out with pastoral statements encouraging the faithful to sustain their anti-mining stance, as well as attended mass actions where citizens from various sectors marched and held rallies.

³⁶ Ibid., 53-55.

The most consistent of them was Bishop Gutierrez who issued a good number of pastoral statements. One of these came out in 2008 where he posited that:

(T)he clergy of Marbel would like to pose some questions regarding the present government's trend of natural resources' utilization. Is large scale mining, especially the employment of open pit mining method, a moral, fair and just utilization in the inhabited and agricultural area? Is to oppose large scale mining presence in our area for environmental, social and even long term economic reasons anti-development?...

As experienced in areas where mining has been done, it has depleted water supply, whether for residential or agricultural use. Toxic waste and dusts produced during processing of mineral ores cause havoc to marine and human lives...Mining would not have been a hard pill to swallow for the poor communities in mining areas if history has shown these communities to have attained real development: peace and order maintained, communities economically secure and empowered and not mere subordinates of mining companies, human health robust and environment clean... Unfortunately, these never happened in Surigao, Benguet, Marinduque and Samar after years of mining history. Only the mining companies run off with their profits benefited. At present, government records show that more than thirty mining sites have been abandoned by companies and need rehabilitation.

The clergy will continue to be determined and united in its stand against any undertaking that promotes only corporate greed like large scale open pit mining, undermining environmental, social and economic justice,

ecological balance, and cultural legacy for the present and future generations.³⁷

At present, however, there is a shadow hanging over this issue which could overturn the gains of the protest movement. In the past year, the signs are pointing to the mining firm being able to flex its muscles to gain an upper hand. From reliable government sources, there is fear that the administration of Pres. Duterte would be swayed to favor the interests of the mining company. First, the company is re-designing the entire project plan to make it less intimidating by scaling down its operations and downplaying the open-pit method. This could make the DENR more supportive of allowing the firm to start operations as Pres. Duterte himself is expected not to take an opposite view. In the recent local elections, those who had opposed open-pit mining lost to those in favor of revising the LGU's legal stance. This only means that the anti-mining network will need to further consolidate to sustain their resistance.

This kind of mass action also took place in other dioceses where other mining firms were expanding operations or exploring new mining sites which almost always are in upland areas where most of the inhabitants are indigenous. These took place in the Dioceses of Dipolog, Ozamis, Butuan and Tandag. The outcome have been mixed, but mostly the mining corporate interests have been more successful in their business ventures despite the people's resistance. Various reasons accounted for this, including the weak resistance of communities who are not so united and militant with their struggles, the vulnerability of their leaders to be bought or manipulated by the firms and lastly the extent

³⁷ Bishop Dinauldo D. Gutierrez, "Large Scale Mining is Not Moral, Fair and Just," Statement by Catholic Clergy of the Diocese of Marbel, 4 June 2008.

of the military's intervention to protect the miners rather than defend the interests of the ordinary citizens.

The Bishops continue to provide moral support to all those who continue opposing mining. In their most recent statement, they once more called the faithful's attention to the threat of extractive mining operations and the building of dams" and reiterated that "social justice is not served when only the few mining companies, many of which are also owned by political leaders, reap the benefits from mineral extraction... (while) the rural poor remain poor as mining only contributes less than one percent to our GDP, employs less than 0.4% of our labor force and directly threatens agriculture, forestry, watersheds and fisheries resources that are essential for the survival of the rural poor."³⁸

One specific area of mining that the State has taken a strong drive to promote is that of extracting coal because it is relying more and more from energy generated by coal-fired power plants. Across the country, these plants have sprouted in various parts. There are now at least 23 existing plants with 28 more to be operational by 2020. This has led to an increase in coal mining projects now totaling 186 which unfortunately are located in areas mostly inhabited by IPs and which are supported by rich ecosystems. Already in Mindanao there are existing fire-powered plants in Davao City; in Malita, Davao del Sur and Maasin, Sarangani Province. The one in Maasin is linked to coal mining in Barangay Ned and the Tampakan Mining firm. Coal extracted in Barangay Ned will help fuel the fire-powered plant which will then provide electrification to the mining in Tampakan. No wonder local government officials and Lumad leaders in all these areas are being wooed in order to fully support

³⁸ CBCP, *An Urgent Call for Ecological Conversion, Hope in the Face of Climate Emergency*," signed by Archbishop Romulo G. Valles, 16 July 2019.

the mining's firm aggressive desire to begin operations soon. Where they have resisted like what have taken place in Barangay Ned, the people have been subjected to harassment and HRVs.

The recent CBCP's statement also dealt with this issue as it stated that: "Centuries of emissions from coal have been scientifically proven to be among the lead causes of the current climate degradation... (as these) further exacerbate the vulnerability of impoverished host communities...already struggling to cope with the effects of worsening climate."³⁹

Conclusion

In 1988, the Church's ecological advocacy began with a farmers' protest action in the hinterland villages of San Fernando, Bukidnon and Midsalip, Zamboanga del Sur. These grassroots-based environmental mobilizations provoked the CBCP to issue their first pastoral statement addressing ecological issues. It would take almost 30 years before the Vatican would come out with a papal exhortation on the care of the earth.

In the past three decades, the CBCP have sustained their ecological, mainly through the issuance of statements. From 1988 to 2019, it issued nine other statements including the following: in 1998 (Concern on the Mining Act of 1995), 2000 (Water is Life), 2003 (Celebrating Creation Day and Creation Time), 2006 (Mining Issues and Concerns), 2008 (Upholding the Sanctity of Life), 2013 (Pastoral Statement on the Recent Earthquake and Typhoon that Devastated the Central Region of the Philippines), 2015 (Stewards, Not Owners) and the 2019 (An Urgent Call for Ecological Conversion, Hope in the Face of Climate Emergency).

³⁹ Ibid.

And most recently, 58 among the CBCP members including their President signed the statement—No to Kaliwa Dam, Yes to Alternative Sources of Water. The statement states that:

(a)fter listening to the strong opposition to the construction of the New Centennial Water Source Kaliwa Dam Project, we too express our opposition to the said project and strongly recommend to look for alternative sources to the Kaliwa Dam for the following reasons: It will inundate the ancestral domain of the Dumagat-Remontados, uprooting them from the Sierra Madre where their ancestors lived for centuries enjoying a symbiotic relationship with the earth like the children to their mother. Undeniably, until now the indigenous people have not given an FPIC... Kaliwa dam to be constructed over the Infanta Fault will be a “sword hanging over the head” of 100,000 people living downstream the Kaliwa River. Etched in their memory is the 2004 flash flood that left 1,000 killed and over million worth of properties destroyed.

Meanwhile across the different dioceses and mission areas where religious missionaries are located, various programs have been initiated from making more people be aware of the impact of climate change, organizing them to reforest, oppose the widespread use of toxic chemicals, promote organic farming, tapping into the rich indigenous knowledge systems in the field of agriculture and healing diseases as well as be engaged in zero waste management. Civil society organizations committed to care for the earth have sprouted as NGOs, media and the academe came on board to promote integral ecology and climate justice. Cultural groups and artists have also produced artistic productions aimed at popularizing further the ecological agenda. Government agencies, especially the DENR, do their best to provide assistance

although in many instances their services are inadequate considering how serious the problem has become.

Pope Francis had issued the clarion call which has galvanized further awareness and action. With the issuance of *Laudato Si'* (Care for Our Common Home) on 18 June 2015, as the global leaders were preparing for the climate summit in Paris, he highlighted the adverse impacts of the climate change on the poor and most vulnerable. Here is how he articulated the scale of the climate crisis: "Climate change is a global problem with grave implications: environmental, social, economic, political and for the distribution of goods. It represents one of the principal challenges facing humanity in our day. Its worst impact will probably be felt by developing countries in coming decades."⁴⁰

And on behalf of the Filipino Catholics, the bishops in their 2019 pastoral statement stated that they are committing themselves to abide by the following ecological convictions:

- The Earth is our home. We are to care for our common home. We are to act in order to protect all life forms on Earth, from ridge to reef.
- Even while we dream of fullness of life in the hereafter, our Lord teaches us to let His kingdom come and His will be done, "on earth as it is in heaven" - meaning, already in the here and now. We are therefore duty bound to act and resist all forms of destruction damaging our people and our planet.
- We are connected to the Earth, just as our lives and the life of all other beings are interconnected with each other.
- We hear both the cry of the Earth and the cry of the Poor. We are to respond and act together in order to mitigate the ill effects of climate change on our planet

⁴⁰ *Laudato Si'*, 25.

and our communities; and in the spirit of accountability, we demand climate justice.

One can only hope and pray that this kind of talk will find its expression in a prophetic walk that will make a huge difference for future generations.

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Sorcery in Papua New Guinea A Missiological and Pastoral Challenge

Thomas Mooren ♦

Abstract: This article is a free rendering of a chapter of my book *Encounter of Religions: Faith and no-Faith in a Global World*.¹ Therein one can also find the scientific apparatus. Here, I present an account of cases of sorcery in Papua New Guinea as well as instances when Christians' views about or responses to sorcery were documented and analyzed.

Keywords: Sorcery • Papua New Guinea • Melanesian Culture • Missiology

Introduction: Sori-money

It is a widespread opinion that the compensation one has to pay in case of an accident or crime in traditional societies corresponds with the gravity of the deed. We call it pay-back killing, a basis for the execution of the *lex talionis*, the law of blood revenge. Also we know about mechanisms capable to cool down the rage of the victims

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¹ *Wenn Religionen sich begegnen. Glauben und anders glauben in einer globalen Welt* (Wien, Berlin: Lit Verlag, 2014), 41-53.

in order to avoid the worst case scenario by means of tariffs.

The ancient Germans knew such tariffs under the name of “Wergeld”, payment for a person, a price list for murder, beginning with the murder of a slave and ending with the murder of a king. Thus a freeman in the kingdom of Burgundy (~ 5th century AD) was worth 300 solidi, someone from the middle class 200 solidi, and a victim of the lower classes 150 solidi. This system was not only working for murder, but for all kinds of lethal damages. The form of payment depends on the form of the economy and of the general culture. If we take the case of a killer among the Nuer (South Sudan), there the killer pays 40 to 50 cows, if he is successful to take refuge in the house of the chief, hoping that the chief will calm down the emotions and the thirst for revenge of the victim’s party.

Tariffs are also known in the Hindu–karma–system. Thus the Garuda Purana (an ancient Hindu text) stipulates that someone who despises the teacher will be reborn as an epileptic. Someone, who, as a priest, diverts the benefice of a sacrifice in favor of those who have not paid for it, will be reborn as a pig. Someone who steals poison, as a scorpion.

With regard to tariffs it is noteworthy that they do not always correspond to the “quality” or “value” of the deed or, for example of the stolen item. Thus among the Fore (highland of PNG) the number of pigs in case of theft does not depend on the value of the stolen good but on the power relationship between the thief and the victim. Equally important: do there exist other grievances between the two parties? Or the question, whether relatives of the thief are willing, when needed, to come to the rescue of the thief. Also: the victim has to go himself to collect the compensation. There does not exist any social pressure upon the thief to give the goods back, although

stealing is not, in principle, considered to be a praiseworthy action.

On the other side, if the system of tariffs is not always built upon the equivalency deed–punishment, then what, for many indigenous peoples, is the essence of justice? What energy or matter makes justice run, if it is not even the idea of equality in or through compensation? Compensation in the sense that we all know very well that a child killed in an accident cannot be replaced, cannot be brought back to life - and this regardless of the question of guilt or non-guilt of the driver who killed that child, or eventually of the child's responsibility for the accident. In other words, what is asked for is really this: co- misery, com-compassion, which means sharing the grief! Therefore the money, eventually paid is called sori-money (Pidgin for “sorry”); money expressing the respect for the other, the victim or the ones related to the victims.

Compassion, respect-solidarity are so important, since they are the warranty of peace in the community, in particular in a “small” one. Peace reigns, when there is an equilibrium between all the members regarding the burden they all have to share, an equilibrium above all on the social and emotional level! Anybody carry the other's burden, says the Bible. Then there is peace.

Yet, sometimes the peace is not sincere but rotten; a fake peace. A peace that works on her outside, but “stinks” on the inside - a peace not based upon sori, but on sorcery!

Sorcery

The “peace” that stems from sorcery is not based upon the fact of having found the right guilty person for a fire, an accident or death in the family and so on, but rather on having “found”, meaning having named a person a “sorcerer”. Sorcery is the method of naming, based upon

the conviction that evil must necessary be in need of “transportation”, of a carrier, of a support system, be it a human being, a “spirit”, an animal or something else in nature or culture.

The naming process is a process of disenchantment. Taking away, neutralizing what is en-chanting, by tracing it back to its supposed origin - to bring the black forces that threaten the community back to where they belong, namely “in a box” away from the living. Out of reach to a place where they can no longer ignite that fear that tries to terrorize us.

This fear factor is especially strong in a society like modern PNG, where everything is in “construction”, on a breaking point in an unstable equilibrium, politics, society, economy, church, family, friendship, love and trust... Everything seems up for grasping, re-edition, re-formulation, re-invention.

However, fear is not the only motive for sorcery. Many other emotions and hard feelings can work as a threat to the peace and harmony of a community and thus become agents of sorcery. There are greed, envy, thirst for revenge and many other emotions as possible candidates. And above all, why are the victims quasi always the weak members of the society? Here some facts:

The popular PNG newspaper the *The National*² informs us under the title “Barbaric”, that O’Neill, then prime minister of PNG, condemns the “barbaric murder of a young women in Mt. Hagen.” He also asks for the full implementation of the power of the law regarding the culprits.

What was the case? A 20 years old mother of an 8-month old daughter had been tortured with a hot iron rod, was put naked and in chains and burnt alive—and this in public, people standing by. The mother’s name

² *The National*, 8-10/2/2013, pp. 1 and 3.

was Kepari Lanieta from Paiala, district Porgera Enga province. The woman was accused of having killed a boy by means of sorcery. The outcry of horror was so great that even the USA embassy in PNG sent a note of protest to the PNG government.

Prime minister O'Neill did not only condemn the action of the murderers as barbaric and horrifying. He also appealed to the conscience of the whole community - since "all of us including Kepari" belong to the same "society". O'Neill also added that the number of this kind of murder in some parts of the country was increasing. The newspaper then argued that sorcery killings had nothing to do with a legitimate legal process or the punishment of culprits, since the victims were always "women, the elderly and the weak ones", who had nothing to do whatsoever with the cases in question.

This kind of reasoning is not new. It is, indeed, well known. New, however, is the fact that the modern state of PNG tries to eradicate this kind of behavior thanks to the power of the law, that means thanks to its power of intervention through the power of the police force and the civil courts. Such a process, however, would include that the population remains calm and expresses trust in the work of the police, lets the police do "its work". In addition to this the laws concerning sorcery cases would have to be strengthened, indeed, have to become more strict.

Yet here we encounter a problem. Since the methods of the police, the state, the "law" are diametrically opposed to the methods of the witch-doctor to find the "truth". And naturally, the witch-doctor's methods seem to be more effective. When it comes to his prestige the witch-doctor still is not yet "dethroned" in the culture of the people. He still has it in his hands whom to let live and whom to kill! Furthermore among those the witch-

doctor lets die there is a high proportion of women - among 6 victims, 5 are women.³

No wonder that the case discussed above, the murder of Kepari Lanieta, has found the interest of the US embassy because of the gender problem, the gender-based violence. The Americans hoped that this gender-based violence problem could mobilize international sympathies in a kind of alliance between the PNG government and the so-called “civil society”, that is all “common citizens” of a given society.⁴ Yet, how strong is the “civil society” in PNG? And is there any hope that the PNG society will combat sorcery on the basis of “women rights”?

The *Papua New Guinea Post-Courier* informs us under the title “laws and studies on sorcery needed” that in PNG yearly 500 people lose their lives because of sorcery.⁵ The case of Kepari is far away from being a “single”, solitary happening. Sometime before Kepari’s killing, February 2008,⁶ we learn about a killing of a woman accused of sorcery, who was hanged together with her husband. The woman was pregnant, but lost her baby while trying to get free from the “gallows”,

It may be interesting here to call to mind a novel by the Portuguese Nobel prize winner José Saramago,⁷ in which he depicts all the cruelties committed by missionaries preaching Christian monotheism. The list produced by the *Papua New Guinea Post-Courier*⁸ does not differ much from the cruelties mentioned by Saramago in his book. According to a minister of the PNG

³ *Papua New Guinea Post-Courier*, 5/2/2013, p. 12.

⁴ See, *The National*, 8/2/2013, p. 3.

⁵ 15/2/2013, p. 12.

⁶ See, *ibid.*

⁷ *O Evangelho Segundo Jesus Cristo*, (Lisboa: Editorial Caminho, 1991; *The Gospel According to Jesus Christ*, trans. Giovanni Pontiero (New York: Mariner Books, 2020).

⁸ 15/2/2013, p. 12.

government “sorcery”, also called “sanguma” or “poisin” or “black magic” operated against single, helpless women “by burning them on a pole, by stoning them, raping them, butchering them with an axe, burying them alive, electrocuting them, or by forcing them to drink petrol or killing them by fixing them at the back of a car and then dragging them through the streets until they are dead.”

Yet, where were the “laws”? Where the efforts to stop this? There was something the German government in New Guinea and the Anglo-Australian authorities tried to do in the name of “civilizing” the customs and manners. There were the Native Board Regulations of 1889 of the British government, followed after World War I by the Australians, to punish the practice of sorcery with a prison sentence of 6 months. Also, customs and manners were not supposed to contradict the “principles of humanity”.

However, these “principles of humanity” were a loose cannon. Hence the practice of revenge killings could pretend to be just this: an expression of the “principles of humanity”(!), since a pay-back-killing was presented as an action of duty! In other words—and this problem exists until today—were sorcery actions really criminal actions, falling under the criminal code, or could they be “excused” while falling under a separate legislation, called the “sorcery act”? Here, clarification is still needed! So much still remains to do. Therefore we see also the Christians entering the scene!

The medical council of the Churches of PNG (CMC) has asked the government to declare illegal all killings related to sorcery: “Urgent laws on sorcery needed”.⁹ CMC criticizes that many innocent human beings, in particular women and old people are still harassed and killed because of that “outdated belief” (i.e., sorcery). To

⁹ See, *Papua New Guinea Post-Courier*, 4/3/2013, p. 2.

forbid sorcery is even more important according to Mr. Wallace Kintak, president of CMC, since sorcery is no longer a phenomenon threatening only the countryside, but invading the cities also. Again, CMC criticizes the government to have neglected the sorcery problem in the previous legislature. So the crime could continue. CMC proposes the following program in three points:

1. Each action having to do with sorcery can be treated as criminal action.
2. Any law in this matter must deal also with the “witch-doctor”. This is someone who abuses the role of the bush-doctor. For reasons of money he pretends to read the future and to be able to identify a sorcerer. Via the process of “denunciation” and because of his claim to be in possession of special knowledge, he just becomes guilty of throwing people into disaster and death. Consequently, in particular these “doctors” should be severely punished, i.e., in the harshest way possible!
3. Punishment in general for all those who cast suspicion on others to be sorcerers.

Finally, it is important to note that CMC is in particular unhappy with the fact that Christians play a role in the dark business of sorcery. Should they not know better as followers of the Gospel? It is true that the Churches try their best through preaching, but Christians simply don’t stay their ground in this matter. By showing disappointment that Christians are so “weak” in front of sorcery CMC touches an important point. The whole fight against sorcery is a fight on the spiritual level, not only on the “society” level: that is only on the level of what actually “is in”, is “sexy” and fashionable—like gender criticism, women’s rights, etc., the level on which also the US embassy tried to deal with the case of Kepari, mentioned above.

On the other hand, what CMC is asking for is a “showdown” between the values of the Gospel and the

values of “culture”. Here, each Christian, so CMC, has to make a personal decision on which path to follow, the path of Jesus or the path of the sorcerer sanctioned by “tradition”. In fact, we are touching here one of the most important problems of missiology and pastoral theology in PNG. How do we “read” the Gospel? What do we learn from the Gospel? Which are the spiritual resources the Gospel-stories offer to us, Christians of PNG, people of our country and of the Church?

How urgent and how complicated at the same time all this is in particular for Christians, can again be illustrated by another example of the *The National*, a sorcery case under the title: “Roasted alive!” with the explanation that a man affirms he and 6 women with him were burnt as Easter sacrifice (!), in order to eradicate sorcery! The “sacrifice”, (the roasting to stop any future roasting!?), is supposed to have taken place in Merep, Nipa district, Southern Highlands.¹⁰

The police of Mendi, responsible for that case, could not confirm this event, but the man, by the name Komape Lap, who contrary to the 6 women could escape, tried to corroborate the story by showing his wounds (face and back part). He told *The National* that he and the women were forced to get naked and to sit on a sheet metal roof that was heated by a fire underneath. Poles were pushed into the genitals. Komape Lap left his two wives who were part of the 6 women, behind, when he escaped. He could not say if they were still alive. He added that this was already the second attack against him and that now he was looking for justice and protection.¹¹

Already during the first attack the whole family was destroyed, houses, domestic animals, food and coffee garden. His relatives had been unable to protect him. During this first attack (last January) his wife was burnt

¹⁰ *The National*, 4/4/2013.

¹¹ *Ibid.*, 4/4/2013, p. 2.

to death, while his daughter Nongkang was put into chains and thrown into a cave. She too perished.

The second attack which took place in April, the one revealed to the newspaper, was due to the fact that his family was held responsible for the death of a Church-elder. However, the newspaper did not explain whether the name “Easter-sacrifice” had to do with the timing of the crime or whether some “spiritual” meaning laid behind it. Again the police declared its ignorance of the whole affair adding that the story still needed to be investigated.

We see immediately how difficult such an investigation would be. But that would not be anything new for the police. Take for this also the example of a case that happened the 8th of April, 4 days later than the Komape Lap roasting. Here, we are dealing with a sorcery killing in Bougainville in the village Lopele, Bana district (South Bougainville). Two elderly women were decapitated. The police called the action “barbaric and senseless”. The two women, held “responsible” for the death of a former village teacher, were tortured for 3 days (having axe and knife wounds) before being put to death.¹²

This in itself is nothing new, given what we have seen so far. However, what is especially revolting and tragic in this last case is the fact that all this happened in the presence of the police. The newspaper tells us how the policemen, supported by some Churchmen, tried everything possible to prevent the killing—but in vain. The police was in the minority and the Lopele people were armed with heavy, high-powered weapons, plus knives and axes.

The appearance of this high weapons is new. It shows that the purpose of the armed intervention is no longer the restoration of a situation of equilibrium, of peace and

¹² See, *Papua New Guinea Post-Courier*, pp 1-2.

harmony in the society, in order to make any future peace possible (as we have seen in the case of sori-money). Rather the purpose is the domination and elimination. The relatives of the victims flee to other places and the rest of the population is taken for security reasons to “safe locations”.

The situation does not change if we take into account the fact that in the case of the newspaper article the inspector Birengka was very angry with his superiors for the lack of support. Birengka also defended his position not to further interfere, arguing that his police force simply as too small to be effective, so that by not interfering he avoided a bloodbath.

In sum, the number of killings is in a steady increase in particular, thanks to the use of heavy weapons, destroying any pretense to act in the name of any future social peace. But was this not something that the “old sorcery” was supposed to do even if it killed randomly the old and the weak? The use of heavy weapons however has only one goal: to eliminate the police! Yet, how can under these circumstances democracy, how can the new state PNG inspire trust in the minds of its citizens? Trust and faith that the old sorcery mechanism can and must be stopped by new methods. Yet, again, sometimes it is the elite in economy and on the state level that benefits most from sorcery practices.

Furthermore, it is after all necessary, to see the main motive for sorcery not only in fear but also in greed, envy and a kind of “will to power”.

I was supported in this view by a group of students from the highlands with whom I discussed the question of sorcery. They all insisted on the greed and envy factor, but they added that this greed can only destroy a life and develop its nefarious dynamics, if the local community gives its assent. Without this assent of clan or tribe, or as a minimum tacit toleration, nothing can happen. It is

never a single person, but rather a group of village people, if not the village in its totality, that will enter a house, drag a person outside and put it on a pole. Then it is up to one who just likes it to put the victim into pieces. However, most people, as always in such cases, might just only act as onlookers.

However, as the students also pointed out, the most important part of the execution act happens after death has claimed its victims. Since now, the family of the victim(s) can claim “sori-money”—money, pigs, or whatever seems suitable. Once the payment has taken place, the whole thing is forgotten, “justice” has been accomplished.

In other words, sorcery as a method of systematic enrichment! We have already seen in some of the cases related by the newspapers, how the aggressors were after the possessions of the victims, but it sounds like a really perverse irony that the relatives of the victim(s) are transformed into the true beneficiaries. Thus, sorcery as a money making machine. No shame involved, no guilt. And the weaker and more helpless the victims are, the surer the gain. Gain for the others, the relatives of the victim(s). Has the jungle of PNG joined the jungle of Wall Street?

Finally, I was told that there had been one case, where a religious Brother was able to stop the tragedy of slicing a person into pieces in public, but this Brother was very strong, a true Arnold Schwarzenegger type. Obviously, courage without muscles is not enough!

In sum, what can we do? What would Jesus have done?

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The Right to Associate— on the Part of the Clergy [C.278] and of the Laity [C. 1374]

Adolfo N. Dacanáy♦

Abstract: This short study on the right to associate in canon law is divided into three unequal parts: (1) the right of clerics affirmed in C. 278; and (2) the “restriction” of this right of the Catholic laity by C. 1374 (masonry); and (3) a footnote on masonry in the Philippines.

Keywords: Code of Canon Law • Right to Associate • Clergy • Laity • Masonry

1. The Right of Clerics to Associate [C. 278]

The three paragraphs of the canon concern the right of the secular clergy to associate and the limits of this right: **(a)** the secular clerics have the right to associate with others to pursue purposes consistent with the clerical state; **(b)** in particular, associations approved by competent authority which fosters holiness in the exercise of the ministry are to be esteemed; **(c)** clerics are to refrain from establishing or participating in associations whose purposes or activities cannot be reconciled with the obligations of the clerical state.

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1.1 The right to associate is a universally recognized right, and there is no reason why clerics should be denied this right.¹ During the presentation of the final draft of the Vat II decree *Presbyterorum ordinis*, the commission rejected a proposal that associations of priests be placed under the diocesan bishop or the episcopal conference because these associations pertain to the personal life of priests and the exercise of their legitimate liberty.² This right to associate is based on the dignity of the human person; it arises from his social nature; it is not conceded by positive law.

This right to associate is recognized of the secular clergy, thereby excluding the clerics who belong to institutes of consecrated life and societies of apostolic life since they are already associated in their respective institutes. The right of religious to join such organizations is governed by C. 307, § 3, that is to say with the permission of their proper superior. The term of the canon is secular rather than diocesan because even religious may be diocesan in some sense when they are serving as pastors in the diocese.³

¹ According to the United Nations' Universal Declaration of Human Rights, no. 21 [10 Dec 1949]: Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. Pope John XXIII in *Pacem in Terris* 24 affirms this same right to association, basing this right on the social nature of man. Associations are necessary to accomplish what the individual cannot accomplish efficiently by himself. "These societies or intermediate bodies are to be regarded as an indispensable means of safeguarding the dignity and liberty of the human person without harm to his sense of responsibility.

² *Acta Synodalia* IV, pars 7, 168, *responsum ad Modum* 129, cited by J. Lynch in *The New CLSA Commentary*, 361, footnote. 86.

³ When it was suggested that the word be changed from secular to diocesan, the commission answered: *maneant verbum claritatis causa quia etiam religiosi aliquot modo sunt diocesani. Communicationes* 14, no. 2 (1982), 171, re C. 252.

1.2 The second paragraph goes out of its way to recommend some associations with the following characteristics: [i] the statutes are recognized by competent authority; [ii] they foster holiness in the ministry; [iii] there is an approved rule of life; and [iv] they promote the unity of clerics among themselves and with their bishop. *Presbyterorum ordinis* 8 is the source of this canon suggesting various forms it could take, and the practical benefits that could be derived from it. Priests should foster a measure of common or shared life which could take various forms such as living together or a common table, or at least frequent and regular occasions of meeting. Such forms of common life, and associations such as mentioned in this canon, can be a source of mutual help in developing their spiritual and intellectual life, and thereby both advance their ability to work together in their ministry and be removed from the dangers that may arise from a solitary life.

The canon recommends organizations “especially those whose statutes are “recognized by the competent authority”. *PO* 8 from which the canon is derived speaks of the “competent ecclesiastical authority”.⁴ It is not entirely clear why the text of the canon would have dropped “ecclesiastical”; and what is the import of the omission of “ecclesiastical” if there is anything significant about the omission. This author however surmises that not too much should be made of this omission. The canon could hardly be understood to recommend organizations recognized by any authority (a political party, civil law, the Securities and Exchange Commission).

⁴ The original Latin text speaks of the approval of the competent ecclesiastical authority. The Flannery translation of *Presbyterorum ordinis* omits the qualifier of authority “ecclesiastical”; the Abbot translation retains the “ecclesiastical”, so does the Claretian edition which reproduces the edition copyrighted 2014 by the Libreria Editrice Vaticana.

1.3 Clerics are to refrain from joining or participating in associations whose purposes or activities cannot be reconciled with the obligations of the clerical state. Regarding the provisions of this third paragraph, the following comments are made to clarify the meaning of the law.

1.3.1 Associations which, directly or indirectly, openly or secretly, pursue goals which pertain to partisan politics, although they may externally appear to be pursuing humanitarian objectives, and fostering peace and social progress, certainly cannot be harmonized with the clerical state and as a result, are forbidden to all clerics. Associations or unions of this kind, since they stir up division and discord among the people of God obscure the priestly mission and fracture ecclesial communion.⁵

1.3.2 Associations which seek to unite deacons and priests into some form of trade union are forbidden to all clerics. Such associations reduce the sacred ministry to a kind of profession or trade, comparable to secular jobs, cannot be reconciled with the clerical state.⁶

1.3.3 At one point in the past, it was considered “not expedient” for clerics to become members or even just attend meetings of the Rotary Clubs.⁷ But in an allocution of Paul VI to the Rotary Clubs of Italy, the Holy

⁵ Certain Associations or Unions Forbidden to all Clerics III, a declaration issued by the Congregation for the Clergy dated 8 March 1982, in *CLD* 10 (1982-1983), 17.

⁶ Certain Associations or Unions Forbidden to all Clerics IV, a declaration issued by the Congregation for the Clergy dated 8 March 1982, in *CLD* 10 (1982-1983), 17.

⁷ The response of the Sacred Consistorial Congregation to a question from a number of bishops dated 4 Feb 1929, in *CLD* 1, 617; this ban is repeated in a decree of the Holy Office dated 11 Jan 1951, in *CLD* 3, 284.

Father explained that the reservations of the Church regarding Rotary Clubs were based on the fear that they might be either infiltrated by false ideologies or come to be offered as an all-sufficient guide to life to the exclusion of Christian ideal.⁸ On the basis of this, one can say that the Rotary Club has been “rehabilitated” and that clerics are not anymore forbidden to join it.

2. The Restriction of the Right of Catholic Lay to Associate [C. 1374].

The canon itself bans membership in associations which plot against the Church. The Code of 1917 made specific reference to masonry, though the new Code makes no mention of the masons. The omission of masonry in the new Code has occasioned not a small amount of controversy because it would seem to indicate a change of mind and stance of the Church toward the old adversary. The prohibition by the Church against Catholic membership in Freemasonry has evolved and flip-flopped during the long process of the revision of the Code which was promulgated in 1983.⁹

2.1 The Code of 1917, on the basis of two hundred years of anti-masonic legislation, imposed a *latae sententiae* excommunication reserved to the Holy See on a person who joins the Freemasons [C. 2335]. There are two major changes in the provision of C. 1374 of the 1983 Code: **(a)** it omits explicit mention of masons, referring

⁸ Allocution of Paul VI of 20 March 1965, in *CLD* 6 (1963-1967), 511.

⁹ We follow closely the treatment of this evolution by Ronny Jenkins, “The Evolution of the Church’s Prohibition against Catholic Membership in Freemasonry,” *The Jurist* 56 (1992), no. 2, 735-755. It is a broadly researched worked; he has treated the matter well and fairly. Renkins has led this present writer to other materials and sources that have shed light on this tangled question.

only to an association that plots against the Church; and **(b)** it does not inflict the penalty of excommunication *latae sententiae*. This led many canonists and some bishops to conclude that the centuries-old ban on membership in freemasonry has been lifted by the new Code.¹⁰ The CDF however has been quick to douse this possible confusion, as it issued a declaration affirming that the ban was still in force and that Catholic Masons continue to be excluded from receiving communion.¹¹

2.2 Commentators of the Code of 1917 understood the excommunication would be incurred *latae sententiae* when two conditions are fulfilled together: the Catholic had actually enrolled in the membership books of the organization; and the organization itself should be wholly devoted to heretical and subversive purposes.¹² Woywood also makes an important observation that various Masonic lodges themselves differed greatly in their teachings and practices. American lodges were far less subversive than most European lodges. This commentator on the Code of 1917 refers to the enactment of the Third Plenary Council of Baltimore that allowed

¹⁰ C. 1374 of the 1983 Code bans associations that plot against the Church; and the penalty that it imposes is indeterminate unlike C. 2335 of the Code of 1917 which imposed ipso facto excommunication reserved to the Apostolic See.

¹¹ The declaration also adds that local ecclesiastical authorities do not have the competence to pass judgement regarding the nature of masonic associations which would imply a derogation from the above-mentioned declaration. The declaration is dated 26 Nov 1983, in *Documenta inde a Concilio Vaticano Secundo Expleto Edita [1866-1985]* (Rome: Libreria Editrice Vaticana, 1985), 248.

¹² L. Miguelez, "Libro Quinto: De los delitos y de las penas," in *Codigo de Derecho Canonico y Legislacion Complementaria. Texto latino y version Castellana, con jurisprudencia y comentarios*, ed. L. Miguelez et al. (Madrid: BAC, 1962), 830. Cited by Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 738.

the American bishops to determine whether a particular organization is in fact forbidden.¹³

2.3 There have been tentative steps that could be understood to indicate some kind of a rapprochement between the Catholic Church and the Freemasonry¹⁴ in the recent decades.¹⁵ In view of what seemed to be a greater openness to dialogue of Vat II toward various

¹³ Woywood raises other complications and difficulties to the provision of this canon. There is considerable controversy whether enrollment in socialistic, biblical, and clerical-liberal societies is forbidden under excommunication. A further difficulty in determining whether a society is of the nature described in C. 2335 arises from the fact that many such societies bear a name or title which marks them as purely social or beneficent organization, while in fact they are allied with the masons. The practical difficulty is increased by the fact that some of these societies change their names from time to time. Probably because of these difficulties, the Third Plenary Council of Baltimore, with the approval of the Holy See, issued the practical injunction that nobody should declare a certain society as forbidden under excommunication until the case had been submitted to a committee consisting of all the archbishops which the Council established for this purpose; if this committee could not reach a unanimous verdict, the matter was to be referred to the Holy See so that complete uniformity of discipline might be had on this matter in all the American dioceses. Stanislaus Woywood, *A Practical Commentary on the Code of Canon Law* (New York: Joseph F. Wagner, 1925), II, no. 2188, 484-485.

¹⁴ Masonry and Freemasonry are terms that are used interchangeably here. In terms of origin, freemasons referred to masons who were more artistic and experienced while masons referred to those who did the ordinary and non-artistic mason's work. The term "free" probably referred to the fact that these highly talented masons usually worked on churches, and as such were exempted from paying taxes, thus free from that obligation. The terminology was carried on even when masonry did not anymore apply to the physical and artistic workers.

¹⁵ For example, in May 1962, the leader of the Grand Orient of Haiti asked the bishop of Cuernavaca, Mexico to bring the issue before the (Second Vatican) Council. He also made a request to John XXIII to amend the excommunication clause of C. 2335. Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 739.

groups that had been included among the Church's "antagonists" (non-Christians, atheists, Jews),¹⁶ the conference of Scandinavian bishops for example determined that each bishop could judge whether or not a particular lodge was acting or teaching in ways contrary to the interests of the Church; the bishops of England and Wales made a similar move.¹⁷

2.4 There were two other significant developments. One was the Lichtenau Declaration which maintained: that the Masons were not "a threat to the Catholic Church, nor did the Masons teach a common religious doctrine or claim to be a religion;" the Masons were not a political organization intent on the overthrow either of the temporal power of the Catholic Church or of civil societies in general; the declaration recommended that all canonical penalties and condemnations be abrogated. "We are of the opinion that the papal bulls concerning the Freemasons are now only historically significant and no longer relevant in our time. We are of the same opinion

¹⁶ The relation of the Catholic Church with Non-Christians was hotly debated at Vat II. "Few issues ignited such bitter controversy inside and outside the council as the relationship of the church to the Jews and then to other non-Christian religions. Few of the documents...bumped along on such a rough road as *Nostra aetate*." John O'Malley, S.J., *What Happened at Vatican II* (Cambridge, USA: Harvard University Press, 2008), 6-7. Despite the initial rough sailing suffered by this document, it was eventually approved with 243 negative votes which may appear disturbingly large but much lower than anticipated. Ibid., 275-276. On the other hand, *L'Osservatore Romano* [11 March 1985] published this reflection a year after the CDF declaration on Masonry. "...following Vat II, the Catholic Church too is pressing in the direction of collaboration between all men of good will. Nevertheless, becoming a member of Freemasonry decidedly exceeds this legitimate collaboration, and has a much more important and final significance than this. Attached as Appendix 4 to the *CBCP Primer on Freemasonry*, 31.

¹⁷ Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 739.

regarding the condemnations of ecclesiastical law since, in light of what has been said, they cannot be justified by a Church that follows God's commandment in teaching fraternal love."¹⁸

The other development was between 1974 and 1980, representatives from the German Episcopal Conference and a group representing the Grand Lodges of Germany held talks and issued separate reports of their meetings. The conclusion of the German Bishops touched on the following points: Freemasons have essentially not changed; masonic membership questions the foundations of Christian existence; masonic rituals and fundamental ideas and their current self-understanding make clear that simultaneous membership in the Catholic Church and the Freemasons is incompatible.¹⁹ This statement of

¹⁸ A commission of three Catholics and Masons met in Innsbruck in March 1969 to discuss the mutual concerns of Catholics and Freemasons. This commission met under the auspices of the Secretariat for Non-Believers and the CDF chaired by Cardinals Koenig and Seper respectively, and the meeting resulted in the declaration. Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 740.

¹⁹ Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 740-743. In this same article of Jenkins, he quotes (in English) from the document itself the various points of doctrine that the bishops found irreconcilable with Catholic doctrine: (1) the Masonic word-view; (2) their view of the truth; (3) their notion of religion; (4) the masonic notion of God; (5) the notion of God and revelation; (6) the masons promote a principle of toleration of ideas, and therefore relativism which threatens the teaching authority of the Church; (7) the rituals of the first three masonic grades have a clear sacramental character indicating that an actual transformation of some sort is undergone; (8) masonry provides all the necessary means to attain this perfection, thereby denying justification by Christ; (9) the masonic order makes a total claim on the life of the member; (10) the masonic lodges may have varying degrees of adherence to Christian teaching; but even those lodges that may be 'compatible' with Christianity, they merely seek to adapt Christianity to the over-all masonic world-view; (11) Even those Catholic-friendly lodges and which may welcome Catholic members

the German bishops has been criticized that it did not seek to clarify the divergent positions held by Catholics and Masons but “needlessly and recklessly” broke off dialogue instead.²⁰

2.5 Another point that should be taken into account in this tangled and confused development of the canonical provisions affecting Freemasonry was a letter of Cardinal Seper of the CDF, clarifying the omission of Cc. 2335 and 2336 of the Code of 1917 from the 1973 schema on the penal law, that the law had not changed but that its application might be more strictly interpreted in favor of the Catholic who may be a Masons.²¹

2.6 In the Oct 1981 meeting of the Code Commission, two questions were dealt with: (a) the matter of the penalty (interdict or excommunication, *latae sententiae*

are not compatible with catholic teaching; (12) while a 1973 meeting of Protestant Churches determined that individual Protestant could decide whether to be members of both the Protestant Church and Freemasonry, it included a caveat that those Christians must always take care not to lessen the necessity of grace in the justification of the person before God.

²⁰ Sebott has criticized the German bishops’ statement, in addition to having broken off the conversation with the Masons, that the bishops did not refer to Seper’s later of 1974 that seemed at least to tolerate membership in non-subversive lodges and for the statement’s failure to account for the opinions of other bishops’ conferences that were much more favorable toward Catholic-Mason relation. Reinhold Sebott, “Die Freimaurer und die Deutsche Bischofskonferenz,” *Stimmen der Zeit* 199 (1981), 84-85, cited by Jenkins, “The Evolution of the Church’s Prohibition against Catholic Membership in Freemasonry,” 743.

²¹ Jenkins notes that “if a particular lodge did not in fact conspire against the Church, a strict reading of the canon would indicate only one of the conditions of incurring the penalty of excommunication has been met: membership in a lodge. Thus, membership in a neutral lodge would not necessarily bring with it an *ipso jure* excommunication. Jenkins, “The Evolution of the Church’s Prohibition against Catholic Membership in Freemasonry,” 743-744.

or *ferendae sententiae*); (b) whether freemasonry should be mentioned by name.

2.6.1 C. 1374 of the present Code threatens a just penalty for a person who joins an association which plots against the Church and interdict for one who promotes or takes office in such an association. The main reasons for removing the *latae sententiae* excommunication threatened by C. 2335 of the Code of 1917 is two-fold. One is the principle laid down by the 1967 Synod of Bishops that *latae sententiae* penalties should be reduced to the minimum, especially excommunication which is the harshest penalty that the Church can impose.²² The other reason is that participation in masonic lodges is not the same, dependent as it is on the different grades. Besides, plotting against the Church is a question of fact that must be established, and establishing the fact is an essential element in penal law. It is not easily determined that this is the case for all members. The same Code Commission suggests that should it be expedient and necessary, the matter should be left to particular law; there is nothing to prevent an individual bishop or an episcopal conference to establish a *latae sententiae* penalty, even *latae sententiae* excommunication.²³ It may

²² Et praesertim quia in hoc vinculati sumus aliquo modo quodam principio inter ea quae Codicis Juris Canonici recognitionem dirigant a Synodo Episoporum anno 1967 adprobato in quo dicitur quod poenae latae sententiae ad paucissimos tantum casus reducendae sunt. Comment of Castillo Lara in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 309.

²³ Eo quod difficilime est in hoc casu constatare vel determinare, discernere ambitum ipsius delicti, imputabilitatem etc. ... quod necessarium est ad aliquam poenam latae sententiae comminandam quia ut patet ex relatione... et ex ipsa littera S. Cong. Pro Doctrina Fidei, pastores in universa Ecclesia de hac re interrogati responsa dederunt quam diversissima; quod significat quod Massoneria apud diversas nationes non eadem est...Ergo ex his rationibus,

not be altogether out of place to raise the question whether the penalty of excommunication would mean anything to a person who is already plotting against the Church, especially if they would probably be non-Catholics anyway and merely ecclesiastical laws bind only Catholics.²⁴ Regarding the matter of penalty, the Code Commission voted to remove the *latae sententiae* excommunication reserved to the Holy See from C. 2335.

2.6.2 There was also the question whether masonry should be mentioned by name, or would it suffice to refer in general to associations that plot against the Church, as there are other groups (communists, terrorists, Marxists, atheists) that also plot against the Church. The arguments in favor of retaining the explicit reference to freemasonry include the following: (1) the conclusion of the German Episcopal Conference that there is

Commissio—Consultores et Secretaria—censet quod nulla debet comminari poena latae sententiae. Si in aliquibus casibus, v.g. in quadam natione, res periculosa est, possunt et debent episcopi in lege particulari poenam etiam latae sententiae si volunt, comminare. Rogo ut non detur in lege universali, sed reliquatur juri particulari quia nihil prohibet quominus episcopus aliquis vel episcopi aliquarum nationum comminent latae sententiae. Excommunicationem etiam... Comment of Castillo Lara in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 310; cf. also the comments of Henriquez: Usque adhuc applicatio excommunicationis perdifficilis evasit. Difficulter determinantur quando et quatenus massoneria et massones individui contra ecclesias machinentur. *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 324.

²⁴ Thus Henriquez: Actualis excommunicatio inutilis evasit ad impendiendum ingressum in secta massonica. Recentissime in hac ipsa natione Italica reperta est secta massonica cui non pauci catholici...nomen dederunt. Et nescio an ipsi tamquam excommunicati se habuerint, an aliquis ipsorum sit ab aliqua auctoritate ecclesiastica ut talis declaratus. *Congregation Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 324.

incompatibility between membership in freemasonry and Catholic identity;²⁵ (2) if freemasonry is not mentioned by name, this will be interpreted to mean that freemasonry is not anymore condemned and that therefore membership in freemasonry is already allowed but it is not allowed according to the declaration of the Holy Office;²⁶ (3) the omission of the explicit reference to freemasonry can give the impression that the Church has relaxed its stance against freemasonry when as a matter of fact, it has not and this will provoke confusion and it could be misleading.²⁷

On the other hand, those who argued that the canon should refer to organizations in general which plot against the Church rather than explicitly to freemasonry proposed the following reasons among others. (1) The position of the German bishops may be valid for some regions but not necessarily for all. This is also clear from the rescript of the C.D.F. of 1974 which showed the diversity of the judgements concerning masonic lodges by episcopal conference.²⁸ (2) The phrase “those who plot

²⁵ A summary of the status quaestionis as presented by Castillo Lara. *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 309.

²⁶ Cardinal Palazzini, *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 322.

²⁷ Apud omnes enim constat quam gravia damna, etiam in societate civili, et quam dolendam confusionem attulerit inter christifideles falsa opinio, hisce postremis annis diffusa, qua putabatur ecclesiam relaxavisse suam disciplinam in hac re. Revera haec fuit ratio cur S. Congregatio pro Doctrina Fidei necessarium nuper duxerit praedictam Declarationem promulgare. The opinion of Cardinal Oddi as read by Castillo Lara. *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 327.

²⁸ Cardinal Koenig in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 316.

against the Church” is difficult to understand and interpret even among canonists. It is difficult to presuppose that all masonic lodges would fall under the category of those that plot against the Church, as there are differences for example between the members of the so-called “Grand Loge” and those of the “Grand Orient.”²⁹ This is a judgement that should be made by the episcopal conference and the faithful should be made aware of this judgement. The conclusion reached by Caprile: that masonic associations could no longer be judged on a general basis; and that a member of a masonic lodge who is convinced in conscience that such a lodge has nothing against the Church could consider himself free from excommunication and could receive the sacraments.³⁰

The text of the canon [without explicit mention of masonry and the penalty of excommunication *latae sententiae*] was approved as proposed by the Code Commission by 31 out of 59 and thus C. 1374 of the new Code: A person who joins an association which plots against the Church is to be punished with a just penalty;

²⁹ Cardinal Marty, in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 318; Arrieta Villalobos, *ibid*, 323-324; Henriquez, *ibid*, 324; Morelos, *ibid*, 326.

³⁰ G. Caprile, “Cattolici e Massoneria: Un’importante dichiarazione sulla excommunica,” *La Civiltà Cattolica* 125/IV (1974), 158-162; Caprile however was criticized by Scicluna that Caprile’s conclusion is based on a concept of *machination* limited to *machinatio data opera* which means that a member was only bound to consider the actual hostile activity of the association against the Church, without reference to the actual philosophy behind Masonry and its aims. Caprile does not consider *machinatio ex fine* and seems to imply that Freemasonry had changed in this fundamental aspect. C. Scicluna, “Canonical Discipline with regard to Membership in Freemasonry,” *Forum* 2/1 (1991), 73-74.

one who promotes or takes office in such an association is to be punished by interdict.³¹

C.1374 is therefore not to be understood as a canon directed at masonic lodges in particular but at associations which plot against the Church, freemasonry among them if indeed it plots against the Church. The canon, as the deliberations show, recognizes that there could be variations between different lodges in different countries and that individual bishops or perhaps better, episcopal conferences, are probably in a better position to legislate particular law to deal with the specific matter as many members of the Code Commission as well as the Commission's consultants have suggested.

3. A Footnote on Masonry in the Philippines.

As in the rest of the Catholic world, the perception by Catholics of Freemasonry has been frosty if not altogether antagonistic.³² One can detect two "approaches" to the question of freemasonry: (a) one may be denoted as "disciplinary" which was the approach of the Commission for the Revision of the Code of Canon Law such as we adverted above; and (b) dogmatic or doctrinal which was the approach of the CDF and the

³¹ While it is correct to say, as the CDF says, that the omission of the explicit mention of masonry from the approved text of the canon must be attributed to the criterion used in editing [*talem circumstantiam tribuendam esse criterio in redactione adhibito*], it would be an oversimplification, almost a prestidigitation, to attribute it exclusively to the application of an editorial principle. Much of the discussion in the Code Commission concerned the fact that not all masonic lodges are the same and that they could not be lumped together as though there were no differences.

³² This is certainly the impression if we take Rev. Nicolas Rosal of the Archdiocese of Nueva Segovia (Vigan, Ilocos Sur) as typical. N. Rosal, "The Growth of Philippine Masonry" in *Boletín Eclesiástico de Filipinas* 36 (1962), 416-423; N. Rosal, "The March of Philippine Masonry" also in *Boletín Eclesiástico de Filipinas* 36 (1962), 750-763.

approach of the CBCP Primer as we shall adumbrate *infra*

3.1 The Disciplinary Approach. This is the approach of the Code Commission, and the question asked was: did masonry conspire against the Church? The tenor of the various responses from individual bishops and episcopal conferences was that Masonic lodges are not the same and for that reason many of them indicated that perhaps it would be better to leave the judgement to local bishops. This was the atmosphere then.

3.1.1 A certain thawing can be discerned in a talk of Bishop Gaviola in 1974 who refers to a formal but quiet dialogue between representatives of the Catholic hierarchy and of Freemasonry. The following points are made by Bishop Gaviola who was on the Church panel: (a) the proposed revised ritual for admission to Freemasonry offered to delete any word or phrase which may be offensive to the Catholic Church; (b) admission into freemasonry was to be preceded, for the benefit of Catholic and Christian believers, with the instruction that as such they are bound to observe and practice the teachings of their faiths; (c) Masonry itself developed differently and found different expressions in different countries, although probably inspired by the same principles; (d) it must be admitted that there were excesses on both sides (“Differences of opinion, on principle, on ideas there may be—and some are perhaps inevitable; but persons at all times should be accorded the charity...that we Christians profess to be the overriding motivations...”).³³

³³ M. Gaviola, D.D., “Masons and Catholics Today” in *Boletín Eclesiástico de Filipinas* 48 (1974), 237-242.

3.1.2 The conclusion of the Catholic experts in their dialogue with the Philippine Masons may be summarized thus.³⁴

(a) The Free and Accepted Masons of the Philippines have agreed with the conditions presented by the Catholic panel, for example: they would not oppose religious instructions in schools as provided for by law, nor try to separate Catholic members from the religion of their choice, nor try to teach anything contrary to the official teachings of the Church.

(b) Freemasonry's intrinsic compatibility with Catholicism rests on the following fact. In religious matters, Freemasonry requires three things from its members: belief in God, immortality of the soul, and the moral life.

(c) The Grand Lodge of the Free and Accepted Masons³⁵ of the Philippines is not of the Grand Orient type of lodges that are known for their anticlericalism... Much of the anticlericalism, the Free and Accepted Masons of the Philippines have manifested in the past is due more to the state of friction between Masonry and the Catholic Church... These lodges are more for fraternal and social purposes.

(d) The Catholic panel is convinced that a change of the old condemnatory attitude toward the Accepted and Freemasons of the Philippines should be adopted.

3.1.3 This stance is what is reflected in the opinion of Bishop Carmelo Morelos, then Bishop of Butuan and member of the Commission for the Revision of Canon Law that an episcopal conference would be in a better position to judge for its territory whether a masonic sect

³⁴ Florencio Testera, O.P., *Canon Law Digest of the Philippine Catholic Church* (Manila: UST Press, 1995), 229-236.

³⁵ Apparently, the term "Free" refers to regular members while "Accepted" are honorary members.

as a matter of act is plotting against the Church and to make a public and clear declaration for the guidance and the good of all the faithful.³⁶ Before the revision of the Code, and as a result of the dialogue between the representatives of the CBCP and those of the Freemasons referred to supra, the CBCP made a request to the Holy See that the effects of C. 2335 of the 1917 Code should not apply to the Free and Accepted Masons of the Philippines. The CDF reply was couched in general terms.³⁷ And Testera observes that the CDF is indirectly telling the local bishops to make the determination whether Philippine masonry is in fact anti-Church or not.³⁸ From the tenor of the discussions during the revision of the Code, the letter from the CDF, and the conclusion of the Philippine bishops from their conversation with their Masonic interlocutors, it seems

³⁶ ... Ni fallor, post habitum dialogum cum massonibus, Conferentia Episcoporum Philippina, saltem quoad poenam inferendam venit ad conclusionem in sensu quod, firma prohibition nomen dandi massonicae societati, censuit aut poenam esse tollendam aut saltem diminuendam. Quod ostendit, mihi videtur, difficultatem commune habendi iudicium de quaestione massonica, praesertim quado agitur de tam gravi poena, ut est excommunication ipso facto incurrenda. Attamen pro ratione pastoralis urget ut Conferentia Episcopalis iudicium ferat utrum nempe pro suo territorio revera massonica secta contra Ecclesiam machinetur, declarationem faciens publicam, claram et explicitam pro omnium fidelium admissione et bono... Bishop C. Morelos, in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita]*, (Vatican: Typis Polyglottis Vaticanis, 1991), 326.

³⁷ In accordance with the circular letter dated 19 July 1974, which recalls a strict interpretation of C.2335, the excommunication only applies to persons who are members of associations who militate against the Church. It is on the basis of this principle that the position of the members of different groups must be judged in each particular case. Cited by Testera in *Canon Law Digest of the Philippine Catholic Church*, 235.

³⁸ Testera, *Canon Law Digest of the Philippine Catholic Church*, 235.

clear then that Freemasonry is not necessarily anti-Church, and that Philippine masonry has been determined not to be anti-Church.

3.1.4 From the discussion of the Oct 1981 Plenaria of the Commission for the Revision of the Code of Canon Law, what emerged as a clear consensus may be summarized as: **(a)** freemasonry is not the same everywhere; and **(b)** the local bishops are in a better position to make a judgement regarding the “character” of the local lodge of the freemasons (whether they are anti-Catholic Church or not, whether they plot against the Church or not).³⁹ These were also the comments of Bishop Morelos at the Plenaria. Perhaps it is this light that the comments of Bishop Gaviola may be seen.

3.2 The Doctrinal Approach.

3.2.1 In the 6 July 2002 declaration of the CBCP, the bishops stated:⁴⁰

(a) Any Catholic who is publicly known to be a member of any Masonic Association and actively participates in its program and activities, or promotes its

³⁹ Whalen would not have thought much of the ability of individual bishops or even episcopal conference to assess the “character” of a particular masonic lodge. (“Anyone professing minimum expertise in the area of Freemasonry would have studied the ritual of the lodge as well as basic Masonic sources such as Pike’s *Morals and Dogma*, *Humanum genus* of Leo XIII... One wonders how many people in a typical chancery have spent this amount of time on the question so that they could answer inquirers’ questions with confidence.”) “The Pastoral Problems of Masonic Membership” [Commissioned by the Pastoral Research and Practices Committee of the US Catholic Conference, added as Appendix 6 of the *Primer on Freemasonry* published by the CBCP, 40.

⁴⁰ Joint Declaration of the CBCP on Sanctions of Catholics who Join Freemasonry (6 July 2002), *CBCP, A Primer on Freemasonry* (2003), Question 33.

views, or holds any office therein, and refuses to renounce such membership despite at least one warning [C. 1347] is to be punished with an interdict [C. 1374]...

(b) Any Catholic who is a convinced member of Freemasonry, notoriously adhering to the Masonic vision is already considered *excommunicated latae sententiae* [C. 1364]. As such, the censure described in C. 1331 automatically takes its effects on this person.

(c) Further, all the individual bishops, in virtue of C. 455.4 decided to strictly disallow in their respective jurisdictions these Masons from being witnesses in Marriage, and as members of any association of the faithful

The CBCP Primer concludes that with the promulgation of the Code of Canon Law and the corresponding Declaration on Masonic Associations of the CDF [26 Nov 1983], it has become clear that the Church's disapproval of Freemasonry is based more on the questions of religious/doctrinal principles than on whether or not a particular Masonic lodge is anti-Catholic or not.⁴¹ The approach and treatment by the CBCP prescind from the question of the Commission for the Revision of Canon Law, as we adverted above. A big question that occupied the Code Commission during its deliberations was whether or not freemasonry in general or a particular masonic lodge [since no all masonic lodges are the same], is as a matter of fact plotting against the

⁴¹ Question 20 in *A Primer on Freemasonry* (Manila, CBCP, 2003), p. 12 This is the judgement of the Philippine bishops, and therefore as Catholics we are bound by this. "Moreover, even if the masons did not plot against the church, it might be seriously wrong to join them for other reasons. The Congregation presents as the reason for its judgement the fact that the principles of masonry are "irreconcilable" with those of the Church. *The CBCP Primer on Freemasonry*, Appendix 5 [Masonry and Naturalistic Religion. Statement of the US Bishops' Committee for Pastoral Research and Practices, 19 April 1985], p. 36

Church. For this reason, the members and consultors of the Commission thought that it would be necessary to determine the “color” of this or that lodge.⁴²

3.2.2 The principal doctrinal grounds taught and held by Freemasonry in which is rooted what is considered the irreconcilability between freemasonry and the Catholic religion are indicated by the CBCP Primer: [a] deism;⁴³ [b] naturalism;⁴⁴ [c] relativism.⁴⁵

⁴² William Whalen makes an important clarification. “If we try to make “plotting against the Church the sole criterion for allowing or disallowing membership, we in effect are saying that we do not concern ourselves with the nature of an organization or with what it teaches. By the same token we should allow membership by Catholics in organizations of spiritualists, theosophists and occultists so long as these groups do not plot against the Church. But the Church’s historic stand has not been based primarily on whether the Masonic lodges are hostile or neutral towards the Church but on the principles for which the lodge stands. “The Pastoral Problems of Masonic Membership” [Commissioned by the Pastoral Research and Practices Committee of the US Catholic Conference, added as Appendix 6 of the *Primer on Freemasonry* published by the CBCP, 45.

⁴³ After God created man and the material world, he left man to his own such that man is no longer accountable to God in all that he does in this world. Man is the master of the world in an absolute sense, so one cannot speak of God’s providence or revelation to man. God is the “architect of the universe”, a non-personal God, very different from the God revealed in the OT and the NT. In the last analysis, the God of Deism is an unknown and distant God, open to each man’s subjective interpretation. Question 27, *The CBCP Primer on Freemasonry*, p. 13.

⁴⁴ Naturalism teaches that man has no supernatural destiny. Man’s purpose is simply to cultivate his natural powers, especially his reason. Man is self-sufficient in his pursuit of happiness: his perfection is not to be found in his union with God in this life and in the next. Supernatural realities—sanctifying grace, redemption, divine mercy—have no place in naturalism. Question 28, *The CBCP Primer on Freemasonry*, p. 15.

⁴⁵ Relativism teaches that no one can claim to possess the truth in an absolute way. Applies to man’s religious life, this means that no one can say that he has the true religion. Applied to morality, this

Three observations may also be made apropos of this. First, the grounds on which freemasonry cannot be reconciled with Christianity (or at least with Catholicism) is philosophical and is at the very root of masonry; presumably therefore it would characterize all Masonic lodges. Second, this being the case, therefore the question discussed in the Code Commission (the “color” of this or that lodge since not all lodges are the same) was a red herring. Third, deism, naturalism, and relativism are highly speculative, technical and complex philosophical concepts that may not be clearly understood by ordinary members, let alone convinced by them.⁴⁶ This being the case it is not altogether unrealistic to opine that ordinary members are probably not dyed in the wool deists, relativists, and naturalists. and are probably drawn to these brotherhoods for altogether different reasons.⁴⁷

means that objective and universal moral standards do not exist. Man becomes the final arbiter of what is right and wrong (in the absence of objective moral standards, the only alternative is to fall into “subjectivism”). Consequently, relativism would not admit that the teaching authority of the Church could present an article of faith or morals as something to be firmly held by members of the Church. Question 29, *The CBCP Primer on Freemasonry*, p. 15.

⁴⁶ Whalen makes the observation that “anyone professing minimum expertise in the area of Freemasonry would have studied the ritual of the lodge as well as basic Masonic sources such as Pike’s *Morals and Dogma*, *Humanum genus* of Leo XIII... One wonders how many people in a typical chancery have spent this amount of time on the question so that they could answer inquirers’ questions with confidence.” “The Pastoral Problems of Masonic Membership” [Commissioned by by the Pastoral Research and Practices Committee of the US Catholic Conference, added as Appendix 6 of the *Primer on Freemasonry* published by the CBCP, 40. But one can also raise the same question about members of lodges, how much of it do they understand and absorb to be responsible to the degree of culpability to merit the harsh penalties threatened by the Code.

⁴⁷ The penalty of excommunication *latae sententiae* threatened by C. 1364 would then be difficult to justify.

3.3 By way of summary: if the approach were “disciplinary” (is this lodge plotting against the Church?) as was the approach of the Code Commission, it is possible to arrive at different conclusions about different lodges (that this is anti-church, and that is not). On the other hand, if the approach is theologico-philosophical, the judgement is about the foundation, inspiration, and basis of Masonry, then there can only be one judgement which would then apply to all.

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A Film Review in a Letter to Senator Manny Pacquiao

(Printed with permission from its student-authors.)

Dear Sen. Manny Pacquiao,

In today's time, we have witnessed how the world has treated the LGBTQ+ community with either discrimination or indifference. This has caused pain and divide in our world, in a time when solidarity is most crucial. We discovered your views about the community, calling them "*worse than animals*".[♦] This controversial remark has elicited an unfavorable response from many, including us. Despite your apology, we feel that you failed to sympathize with those within the community.

In this letter, allow us to offer some valuable insights from the movie entitled *Boy Erased* (a 2018 American biographical film based on Garrard Conley's 2016 memoir of the same title; Directed by Joel Edgerton). It shows the discrimination, hate, and pain that these people go through everyday. As many people look up to you and consider your morals to be valuable, we urge you to read our message with an open mind. Hopefully, you may use your influential voice to encourage compassion and acceptance.

Following on the memoir of the same title, *Boy Erased* features Jared Eamons (based on Garrard Conley), the sensitive and nuanced son of a Baptist pastor. He was being raised in a small, conservative town

[♦] Pacquiao's statement from a video interview sometime in 2016: "*Common sense lang. Makakita ka ba ng any animals na lalaki sa lalaki o babae sa babae? Mas mabuti pa 'yung hayop. Marunong kumikilala, kung lalaki o lalaki, babae babae, o di ba? Ngayon kung lalaki sa lalaki, babae sa babae, mas masahol pa sa hayop ang tao. (Rough translation: It's just common sense. Have you seen any animal [copulating] male to male and female to female? Animals are better because they know how to identify the male as male or the female as female. Now, if a male copulates with another male and female doing it with another female, then the human being is worse than an animal.)*" <https://www.wheninmanila.com/manny-pacquiao-on-same-sex-marriage-says-mas-masahol-pa-sa-hayop-ang-tao/> [Ed.]

and, later on, embarked on a heartbreaking journey toward self-acceptance and love.

A sexual assault encounter in college leaves Jared unnerved and conflicted, but unable to open up. When he is confronted by his parents, Jared admits that he is attracted to other men. His father, being a man of the cloth with traditional morals, asserts that his son will not be accepted by God and his community unless he will get rid of his homosexual urges. Jared reluctantly agrees to go to the church-supported “Love in Action” (LIA) rehabilitation institute where he undergoes conversion therapy.

Early into the movie, we are introduced to Victor Sykes, director and chief therapist at the rehabilitation center. He imposes very questionable exercises on the attendees, shaming them for their sins. As Jared and his companions work their way through the emotionally manipulative program, we see that religion has been heavily used to condemn the various forms of same-sex attraction, leading to psychological scars, loss of identity, and even death.

The movie highlights how Jared had to attend therapy as if homosexuality was an illness. Sykes proved how people have the tendency to use societal standards to guide people toward the light (cf., Dagmang 160), and this is emphasized in how the program enforces religious beliefs for the participants to change who they are. Their identities were being stripped away, not given the right to flourish as human beings.

Unlike LIA, it is our duty to bring the kingdom of God here on earth. One of the values of God’s Kingdom is the all-inclusive solidarity of humanity (Nolan 74). Everyone should be loved and accepted, regardless of who or what they are. That is why we call to you to be more accepting of the different gender identities in the world—as gender is part of sexuality, which is a gift from God.

We are to uphold the values of generosity and compassion to achieve wholeness through our human sexuality. Moreover, God also calls us to be in solidarity with people beyond ourselves, and this reminds us to be empathetic toward others through listening (Neafsey 10-11). As it is a part of our identity to be co-creators of God in “the cosmic ministry of care and healing” (Olthuis 171), we need to be open to others in order to be truly open to the Divine.

Moreover, the movie is a discovery point for those who are unacquainted with the existence of gay-conversion therapy and how it can be tormenting. The program hopes to achieve the goal of converting non-straight sexual orientations by imprinting the idea that being homosexual is a moral failing and must be remedied by “*praying the gay away*.” This convoluted way of thinking puts into question how traditional beliefs can be weaponized to oppress those who fail to conform. Undoubtedly, cultural patterns from previous generations are valued immensely. It forms the foundation of the identified heritage that comprises what we deem indispensable or meaningful (Dagmang 165). However, we discover that placing too much value on tradition has marginalized members of the community; the young participants of the program are denied compassion and understanding. Expecting teenagers to benefit from the “*treatment*” of the program, with the naïve assumption that the process does not violate and abuse their rights, signals the need to reassess what values must be upheld to become loving members of society. Nolan (65) affirms that the vision of the Kingdom of God of Jesus was a message that was both compassionate and encouraging to the poor. Gay-conversion therapy is a far cry from the salvation it hopes to bring to the young participants—it only strengthens

the societal prejudice that continues to endanger and harm the LGBTQ+ youth.

Moving on, Sykes states that having homosexual tendencies is a product of poor parenting through the program's moral inventory activity, and that the actions of their families have influenced their sexuality. Nevertheless, Jared's values and that of his parents' were contradictory. Coming from a religious family, they saw his being homosexual as sinful. This disparity shows the conflict between Jared's own values against the interpersonal and universal values. However, we learned that Jesus also struggled with pre-established mindsets during his time, and that his response was the opposite of conformity (Olthuis 158). He healed the poor, putting human relationships above labels, statuses, and traditions of the elders. Likewise, in today's Basic Ecclesial Communities, we are called to be a community that share experiences of reality, supporting, and nurturing one another and strive toward improving interpersonal relationships (Dagmang 8). Rather than turn people away due to their values being different, we must urge ourselves to see life through their eyes.

While we live in a world full of people who may be radically different, the challenge is to share our experiences and find commonalities that we may see that we are more alike than not. According to Green (273-274), a well-trained nurse can be a good nurse, but only a nurse who can create relationships with their patients can be a great one. Likewise, people like Jared's mom can choose to open their hearts and strengthen their relationship with those they initially believed to be different. Meanwhile, there are also people like his dad who fail to nurture relationships and reject the values different from his own. Even those with the hardest of hearts can come to realize that interpersonal relationships transcend their own solidified convictions.

However, for people who continue to live in an environment that is full of hate, the only way out of what seems to be a bottomless pit is to give up on their own lives. This was the case of Cameron, one of the attendees of Love in Action. Throughout the program, Cameron was shown to be the “big guy,” but it was revealed in one of the activities that all he longed for was paternal affection and to be acknowledged. As we grow up in a society with certain expectations from us, we are pressured to live a life that conforms to its standards (Dagmang 166). These expectations, if not met, can be detrimental to our relationships.

The emotional trauma that Cameron received from his father was magnified even more when Sykes held a fake funeral service for him, and he gets beaten by a bible by his family and other people in an attempt to “expel the demon” that makes him gay. The only time that Cameron chose to go against Sykes was when Jared could no longer tolerate the practices of LIA, prompting him to help Jared leave the center. It is in the scene where Jared receives news that Cameron had committed suicide where we realize the magnitude of the trauma and suffering he endured at the rehabilitation center that drove him to kill himself, revealing the disheartening predicament of people when they feel like the whole world—even God—is against them.

We hope this letter would enlighten you and help you to better understand how the scrutiny and discrimination of the Church can have grave repercussions. We would like to invite you to reevaluate your stance toward this issue and choose the more loving option. While the Church considers itself as the preserver of all unyielding doctrines in both religion and morality, Pope Francis himself admits that these teachings will always be open to discussion and even regards members of the LGBTQ+ community as part of God’s family. With

your power and prestige, we hope you can utilize your position to bring the vision of God's Kingdom here on earth. In the same way that Jared's father slowly made the effort to understand and eventually reach out to his only son, we hope you would be able to find it in your heart to do the same. Finally, we would like to thank you for taking the time to hear us out. In a world full of animosity, we hope you decide to choose and spread love.

Sincerely,

CD, PH, IO, AR & DR
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