Opinion

Guest Voices



Young activists prepare placards for a demonstration in Lakeland, Florida, on June 30, 2022, protesting the U.S. Supreme Court's June 24 ruling in *Dobbs* v. *Jackson Women's Health Organization*, which overturned *Roe* v. *Wade*'s protection of abortion rights. (Dreamstime/Marcello Sgarlato)



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In my days in the Right to Life Party in the 1980s, I had no doubt that the post-*Roe* v. *Wade* Catholic effort to pass laws in the United States prohibiting abortion was the modern equivalent of the 19th-century abolitionist drive to end slavery.

Now, in a post-*Dobbs* world, I find the comparison flawed and a reminder of how my mind has changed on law and abortion.

Today, I think the post-*Roe* Catholic effort to pass laws focused on the dignity of the unborn faltered in its engagement with the reality of pregnant women. Today, I also find it disingenuous to compare the Catholic campaign against abortion to abolition, since Catholics in the 19th century in the U.S. by and large supported slavery and opposed abolition.

Moreover, instead of the easy certainty of my past, a hard question lingers today: Is a similar conceptual problem — the neglect of the right to bodily integrity — that was partially complicit in the failure of American Catholicism to oppose slavery in the 19th century also now at work in the refusal of American Catholic leadership to acknowledge the injustice of using coercive law to compel women to give birth no matter the circumstances of their pregnancy?

I am referring to the way that American Catholic arguments about slavery and abortion had then and have now little to no place for the right to bodily integrity. The encyclical *Pacem in Terris* in 1963 affirmed this as an essential human right.

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The U.S. Supreme Court's jurisprudence noted in the late 19th century: "No right is held more sacred, or is more carefully guarded ... than the right of every individual to the possession and control of his own person." The dissent in *Dobbs* v. *Jackson Women's Health Organization* that was decided June 24, 2022, described the right to

mean: "Everyone, including women, owns their own bodies."

To be sure, the 19th-century American Catholic failure to oppose slavery had numerous causes, such as racism, fear over competition for jobs, and the anti-Catholicism of many abolitionists. But historian John McGreevy in *Catholicism and American Freedom* has also shown how any possible Catholic moral concern for the violent, physical bondage of enslaved persons was displaced by a moralizing fear of abolition as liberal freedom run amok.

At the time, the Jesuits in Rome at Civilta Cattolica articulated this logic when they said that the drive for abolition reflected a "mania for liberty and disrespect for authority endemic in liberal political culture."

By contrast, as McGreevy notes, the almost singular 19th century American episcopal voice against slavery — John Baptist Purcell of Cincinnati — refused to dismiss the moral significance of physical bondage. His diocese's Catholic newspaper wrote that "supernatural and moral freedom will never take place without the natural and physical."

We can see in Catholic writing on abortion an analogous diminishment of the moral significance of the physical, bodily constraint of women that is necessarily an aspect of the use of law to restrict abortion.

In a post-*Dobbs* talk on the issues of slavery and abortion, Vice President Kamala Harris said that the United States has a regrettable history of "claiming ownership over human bodies." Carl Olson responded in Catholic World Report not by directly engaging Harris' claim but instead, as Catholics responded to slavery in the 19th century, by seeing in her argument about ownership a transparent excuse to abort consistent with 21st-century liberalism run amok.

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In my own case, two reasons have kept me from engaging the right to bodily integrity in the context of law and abortion. One is the obvious moral urgency of

abortion. But it's also the case that moral urgency can obscure moral complexity — especially in the context of law. Thus the rightful focus on the fetus became for me the *exclusive* focus on the fetus — blocking out any competing moral concerns other than compassion for pregnant women.

Theologian Kathleen Bonnette has articulated another reason: the way that Catholic thought has emphasized the sacrificial, maternal nature of women's bodies. Given such a presumed nature, self-sacrifice seems contrary to the idea of self-possession implicit in the concept of owning one's body. Moreover, given a presumed self-sacrificial nature, a woman's embodied burdens of pregnancy — however extreme they may be — can seem like the inevitable price to pay for the vocation of giving birth.

It's important to be clear about the meaning of the body at stake in recognizing a right to bodily integrity as a matter of law and abortion. Catholicism is a religion that prizes the body — from its created goodness to its resurrected destiny. But how the body is understood at any given time in the history of the church has varied widely.

For centuries, historian John Noonan has noted, slavery was accepted within Catholicism because of a "residual Platonism" in which the soul was considered to be "unaffected by the body's servile state." So long as the soul could be saved, it didn't matter if the body was enslaved.

More recently, Catholics influenced by Pope John Paul II's "theology of the body" have battled what they regard as materialist assumptions about the manipulability of gender and sexuality by insisting that the body is constituted by self-evident natural laws and clear sexual differentiation.

But the notion of the body at stake in the right to bodily integrity is more elemental than the regrettably idealized theology of the body that is the stuff of wine and cigars at Napa Institute gatherings. Instead, what is at stake is the concrete body understood in terms of need, singularity and contingency in which pregnancy increases the risk of serious harm and death; no pregnancy is exactly like another; and no one can predict for certain how a pregnancy will proceed.

> Self-possession of the body, it turns out, is an indispensable aspect of community.
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It is the body of vulnerability subject to what theologian Meghan Clark has called "histories of power dynamics," ranging from poverty to racism to sexual violence.

In her contemporary classic *Enfleshing Freedom: Body, Race, and Being*, theologian M. Shawn Copeland articulates the theological and philosophical depths behind such an elemental meaning of the body that, she says, is an "essential quality of the soul" that can never as a matter of right be owned by another. Moreover, it is through the self-possession of embodiment, she argues, that "persons grasp and realize our essential freedom through engagement and communion with other embodied selves."

Self-possession of the body, it turns out, is an indispensable aspect of community.

Sociologist Orlando Patterson has argued that throughout Western history there has been a constant effort to define freedom in abstraction from the embodied and constricted experience of the vulnerable and poor. I think of the accuracy of Patterson's claim when I think of the American Catholic failure in the 19th century to support abolition and of the American Catholic failure today to engage the right to bodily integrity of women in the debate over law and abortion. Both failures are examples of abstraction from embodied and vulnerable experience.

I also think of Patterson's claim when I consider the central role of the concept of the body in how my mind has changed on law and abortion. I accept the moral teaching of the church about abortion. I also recognize many problematic moral justifications for abortion. And I recognize that the right to bodily integrity may legitimately be restricted for reasons ranging from public health to life.

But it is a failure of moral truth not to recognize the injustice of using coercive law to compel women to give birth no matter the circumstances of their pregnancy. Catholicism failed fully to recognize the bodies of enslaved persons in the 19th century.

In the post-*Dobbs* world, we are failing fully to recognize pregnant women's bodies not simply as objects of compassion but as dignified subjects of justice.