

## Catholic, Pro-Choice, and Optimistic

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My topic this evening is meant to express who I am and what I believe: Catholic, pro-choice, and optimistic. You may have met Catholics who are pro-choice; I know some are with us here tonight. But optimistic? How can one be Catholic and pro-choice and optimistic? Am I mad, delusional, uninformed, or otherwise off the mark? Are there really signs that the walls are cracking and good sense will prevail? You be the judge. I will articulate three Catholic views on abortion and then conclude by naming the reasons for my optimism.

Even though RCRC is an interreligious organization, perhaps **because** it is an interreligious organization, I want to focus on Catholicism. In addition to being my religious tradition of birth, Catholicism is arguably the lynchpin in the efforts to bring about reproductive justice, what I take to be our common goal. I want to clearly identify myself as a Catholic in the women-church tradition, that is, the feminist strand of Catholicism that seeks to be a “discipleship of equals” and to live in harmony and solidarity with people of many religious traditions. As a woman, indeed as a theologian I have no official Catholic title or position, but my views are those of a Catholic and that is part of the current struggle we face in terms of defining who/what is Catholic. Perhaps you have seen the recent statement by the U.S. Catholic bishops accusing Marquette University Professor of Moral Theology Daniel C. Maguire of “false teaching.” His book *Sacred Choices* is a marvelous exposition of many moderate religious views on abortion that in fact are pro-choice, including a Catholic one.<sup>1</sup>

On January 22 of this year, I was on Capital Hill during the so-called pro-life march. Last year on the same day my friend Mari Castellanos, a Cuban-American Catholic turned United Church of Christ minister, called me from her office across from the Supreme Court during the rally. She carried on about the people and the rosaries and the statues of the saints that were carried through the streets of Washington, DC to reinforce the religious nature of the anti-abortion sentiment that is expressed annually on the anniversary of the 1973 *Roe v. Wade* decision. I promised her that this year I would join her for lunch in her office and together we would view the spectacle.

View we did from her window facing 1st Street NW as the parade of people streamed by. I was struck by how many of them looked like me—white, Catholic, middle and upper middle class, educated in Catholic schools,

ethnic Irish, German, Polish, Italian, and other European American, with the more recently arrived among them coming from Latin America. I knew some young people who were there had come from Catholic schools in Indianapolis on what amounted to class trips to DC. One mother whose daughter was there said she was not entirely opposed to choice but it was a good way for her daughter to see the nation’s capital. Well, I can think of better ways. I do not think for a moment that everyone marching was so cavalier. Still, I think it is important to note that Catholic institutions, including parishes and schools, provide an enormous amount of the infrastructure for the grassroots efforts that perpetuate reproductive injustice. The institutional Catholic Church also provides a great deal of money for legislative and public relations efforts to outlaw abortion, just as it is now adding its considerable financial weight to efforts to prevent same-sex marriage.

On that January day I was persuaded yet again how important a role Catholicism plays in efforts to outlaw abortion. I was reminded that Catholic women have among the highest rates of abortion in the country, perhaps because the same church considers effective contraception other than the so-called rhythm method to be sinful. In fact, on most Catholic college campuses, as student from Boston College recently told me, there is not a condom or other form of birth control to be had from the campus health services for which students pay. There are many cases of young women who wish to discuss unwanted pregnancies with the staff doctors only to be sent to clinics that pretend to be abortion clinics. Instead, on arrival, the young women learn they are clinics where staff members inform them that abortion is sinful and they should maintain their pregnancy.

I believe Catholic colleges can and should do better than that. I believe Catholic women deserve better. I believe that the women of the world who are denied reproductive justice because of Catholic teaching and actions are due reparations. I think the least I can do as a Catholic feminist is to be publicly and proudly pro-choice so as begin to erode the institutional church’s influence and demonstrate that there are many ways to be Catholic. It is not unlike being an American citizen these days and having to deal with friends from other countries who are scandalized by the war in Iraq and by our government’s failure to take seriously global warming. One has to go to great lengths to explain that the Bush government, though

elected (duly or not we won't labor over tonight), does not represent the will of most Americans who oppose the war. Likewise, as a Catholic it takes some explaining to show that Pope and Vatican officials, who I can assure you are not elected duly or otherwise by any representative constituency, do not speak for all Catholics. We are more than a billion Catholics worldwide with no democratic processes. But this does not prevent us from holding a variety of Catholic positions, including my own pro-sex, pro-choice Catholic position.

Let me lay out three major strands of thinking on Catholicism and reproductive justice and then say why I am optimistic about change. They are: (1) the institutional church's anti-abortion position, (2) the moderate pro-choice strand which runs throughout the tradition, and (3) the progressive contextualizing approach that is pro-sex and pro-choice. They are all Catholic positions albeit with differing relationships to the centralized leadership. It is important to know them because Catholics bring them to bear variously in the public arena, not just on abortion but on stem cell research, end of life decisions, and same-sex marriage.

The first is well known. That is the unyielding anti-abortion position of the institutional hierarchical church, or what Harvard scholar Elisabeth Schüssler Fiorenza has so helpfully labeled the "kyriarchal" church.<sup>2</sup> Think of "Kyrie eleison," "Lord have mercy" from the Greek. The term "kyriarchy" captures the interstructured forms of lordship, oppression, domination—especially racism, sexism, and heterosexism—that result in a small number of mostly white, all male, sexually indeterminate groups issuing positions to and expecting adherence from millions of people. This small sector of the Catholic population has long claimed, and is now being challenged beyond its capacity to resist, that its position is the one and only Catholic position. I understand and respectfully disagree with this position. More important, it is but one of many Catholic positions.

The Vatican claims that abortion is immoral under all circumstances and that any other position allowing for abortion under certain conditions, favoring women's right to exercise reproductive justice, is not Catholic. But increasingly large numbers of Catholics are pro-choice and see Catholic social teaching as the basis for arguing for and bringing about women's well being. Let me explore two such positions, one that argues that there is a long-term moderate pro-choice strand in Catholicism and the other that argues that contextualizing the issues of reproductive choice in a much wider framework of justice-seeking will result in a pro-sex, pro-choice Catholic position that goes well beyond abortion.

(2) The kyriarchal Catholic Church claims against

scientific evidence that human life, by which it mistakenly means personhood, begins at the moment of conception. Since we now know from biology that conception is a process, not a moment, and since ultrasound and other scientific advances clarify that fetal matter is an important form of human life but not a person per se, this position requires revision.

Theologian Daniel C. Maguire, in his pamphlet *A Moderate Roman Catholic Position on Contraception and Abortion*, sent personally to all U.S. Catholic bishops, writes: "The Roman Catholic position on abortion is pluralistic. It has a strong 'pro-choice' tradition and a conservative anti-choice tradition...to portray the Catholic position as univocal, an unchanging negative wafted through twenty centuries of untroubled consensus, is untrue...The bible does not condemn abortion. The closest it gets to it is in Exodus 21:22 which speaks of accidental abortion. ...Following on the silence of scripture on abortion, the early church history treats it only incidentally and sporadically. Indeed, there is no systematic study of the question until the fifteenth century."<sup>3</sup>

Dr. Maguire clarifies: "One thing that develops early on and becomes the dominant tradition in Christianity is the theory of delayed animation or ensoulment. Borrowed from the Greeks, this taught that the spiritual human soul did not arrive in the fetus until as late as three months into the pregnancy. Prior to that time, whatever life was there was not human. They opined that the conceptum was enlivened first by a vegetative soul, then an animal soul, and only when formed sufficiently by a human spiritual soul. Though sexist efforts were made to say the male soul arrived sooner—maybe a month and a half into the pregnancy—the rule of thumb for when a fetus reached the status of 'baby' was three months or even later."<sup>4</sup> Maguire quotes theologian Christine Gudorf who wrote that "ensoulment occurred at quickening, when the fetus could first be felt moving in the mother's womb, usually early in the fifth month. Before ensoulment the fetus was not understood as a human person. This was the reason the Catholic Church did not baptize miscarriages or stillbirths," a position Maguire observes that carried right through Thomas Aquinas.<sup>5</sup>

This clear rendition of an important part of the Catholic tradition has recently earned Professor Maguire the wrath of the U.S. Roman Catholic Bishops who have declared his "false teaching" despite the fact that they cannot refute what he says. It is this failure to engage, this lack of answering serious intellectual challenges, that is so frustrating for pro-choice Catholics.

Former president of Catholics for a Free Choice Frances Kissling takes an approach similar to Professor

Maguire's when she claims that there is a great deal of ambiguity within Catholic teaching on when the fetus becomes a person.<sup>6</sup> There must be because Catholics see things so differently. To take the absurd example, the Catholic bishops of Connecticut recently pushed, unsuccessfully I am happy to report, not just for pregnancy tests but for ovulation tests for women who go to Connecticut hospitals for Emergency Contraception after rape or sexual assault. Apparently those bishops imagine that life begins when you think about having a child!

Ms. Kissling points to the principle of probabalism in Roman Catholicism which affirms that conscience trumps where the church cannot speak definitively on facts. For example, while she claims that the fetus is morally important, when it becomes a person is in doubt and in dispute. Some religious traditions, like Orthodox Judaism, teach it becomes a person when it is born. So while Catholics are free to believe what they wish, in a pluralistic society they do well to trust their well informed consciences to decide how to act themselves but not compel others to agree by law.

Frances Kissling observes that the prohibition on abortion has never been declared an infallible teaching, thus it is open to the kind of speculative disagreement that is the proper subject of moral theology. She concludes, and I agree, that a Catholic pro-choice position is founded on the premise that only a woman herself can make the abortion decision since it is her body, her conscience, and her life.<sup>7</sup> Of course medical professionals, partner, and family considerations matter, but in the end the decision remains with the woman who is a moral agent with bodily integrity, as Presbyterian feminist ethicist Beverly Harrison established in her landmark book *Our Right to Choose* several decades ago.<sup>8</sup>

A third Catholic approach to reproductive justice, the one that I favor, is what I label a progressive approach that contextualizes contraception and abortion in a wide framework of social justice and women's well being. As a Catholic, I can say I am far more concerned about poverty, racism, lack of health care, about war and ecocide than I am about abortion. Of course I understand that they are linked intimately and that justice is of a piece. For example, the *Financial Times* ran an article recently on plans by the World Bank "to remove all references to family planning from a proposal to fund efforts to combat disease and fight poverty in Madagascar."<sup>9</sup> Family planning efforts have been proven to prevent disease, especially HIV/AIDS, to stem the tide of poverty and to advance the well being of women and children, so crucial to development. So the links between and among the issues are crucial.

I want to underscore how the overemphasis on the part of the kyriarchal Catholic Church on abortion, and to a certain degree our response to it in kind, is problematic and counterproductive if it is divorced from other injustices in this increasingly polarized world where rich and poor live almost as different species. I do not want to fall into the trap of reinscribing and reinforcing the importance of abortion by simply refuting one position. Rather, I want to de-center it by looking at a bigger picture.

The kyriarchal Catholic Church opposes the use of contraceptives other than methods of so-called natural family planning. It also opposes masturbation, same-sex relationships, and remarriage after a divorce. It pushes an anti-sex theology that in my judgment contributes to criminal and immoral behavior on the part of some of its leaders, both priest pedophiles and bishops who protect them from the law. The deplorable decision made by Catholic Charities of the Archdiocese of Boston to cease doing adoptions (after a century) rather than let same-sex couples adopt. The law in the Commonwealth of Massachusetts requires that all citizens, including lesbian, gay, and bisexual people, be treated equally. This scandalous decision is yet more evidence of an institution in decline because of its anti-sex teaching.

Common to all of these ethical positions is the Catholic teaching that sexual expression is restricted to those who are heterosexually married and then only for procreation and building up of the spousal relationship, with women's well being getting little if any attention. Is it any wonder that millions of Catholics disagree? Let me be clear: we are no less Catholic for doing so. History suggests we will be read as those who uphold and extend a rich and varied tradition at a time when the institution is unable to do so.

I detail a Catholic pro-sex view in my chapter "Just Good Sex" in the book entitled *Good Sex: Feminist Perspectives from the World's Religions* which Nancy Patchen so kindly reviewed for your newsletter "Faith and Freedom."<sup>10</sup> Such a view brings the richness of Catholic teaching to bear rather than closing the door with a resounding NO before all of the questions have been asked. It is not an "anything goes" approach but has as its ethical criteria for good sex: safety, pleasures, justice-seeking, and community building.

Pro-sex Catholics live in the 21st century in a world where sexuality is a many splendored thing about which good people need more conversation, not more laws. In fact, gone are the days when most women in our culture have "as many children as the Lord sends" as my mother and grandmother did. Rather, we live at a time most women, especially in affluent nations and those in

development that recognize the needs of women and girls as important, have heterosex with the intention of having a child once or twice in a lifetime. Contracepted sex is now the default assumption for a heterosexually active woman. In my view, the morally significant matter is the state of the world into which new persons arrive. This world now fraught with war and destruction needs religious attention, moral scrutiny far more than a single woman facing a hard choice.

The Catholic Church wields moral and political power around the world sufficient to keep abortion illegal in many countries, for example in most of Latin America. It also works hard to keep marriage between a man and a woman in many countries, unsuccessfully in Spain, rather successfully here thus far as the large sums of money spent by Catholic dioceses in California to prevent same-sex marriage attest. Catholicism is both a religious and ethical system as well as a powerful political player. What is most problematic in my view is not the Catholic anti-abortion teaching per se—which any religious group has the right to—but the virulence with which it is promulgated as *the only* Catholic position. Moreover, the resources that belong to the whole community are used to promote one view that does not in any way reflect the majority. Would that those Catholic moral and financial resources were trained on preventing sexual and domestic violence, for example, or eliminating the death penalty, or opposing the war in Iraq.

Catholic social teachings on economic justice and against war in my view should logically extend to and be interwoven with accessible abortion as a human right that coheres with other human rights to food, clean water, and the like. Those social justice teachings compel millions of Catholics to work for comprehensive and inclusive sex education as well as affordable, effective birth control and abortion, to struggle against racism and economic injustice that impede women from making real choices about when and whether to have children, indeed that involve men in taking on reproductive responsibility including using condoms and having vasectomies. Catholics for a Free Choice is the premier group promoting this Catholic approach. Their Condoms 4 Life campaign at a time of a global HIV/AIDS pandemic is a necessary antidote to kyriarchal Catholic teaching against the obvious good of and need for condoms.

Think of these three approaches: (1) the anti-choice blanket No of the kyriarchy, (2) the moderate position of rich and varied strands of a tradition including a pro-choice strand and (3) the contextualizing Catholic pro-sex approach I outlined with its concern for the common good which includes the human right to “good sex.” These three views are relevant as other moral issues arise.

Which Catholic approach would you prefer on stem cell research, for example? The Vatican has long used the same line of reasoning as on abortion. Human life begins with conception so the use of stem cells even for research violates the sanctity of life. A moderate approach is that Catholics can and should affirm the importance of life and of life-saving research via stem cells. A contextualizing approach would raise ethical issues not so much about the cells in question as it would agree with the moderate view about saving lives. But issues about the commercial aspects of such research, who profits and who loses in the use of stem cells are of a moral concern.

The three approaches differ on end of life issues as well. The same arguments and some of the same Vatican players are at work on these as on beginning of life issues. The same absolutizing of biological life without respect for quality of life is obvious in some of the Catholic-inspired efforts to change laws regarding end-of-life medical treatment. Heavy lobbying especially in state legislatures would make the views of a small minority of Catholics look again like the whole communion. Cases of advance directives being disregarded at Catholic hospitals are chilling and in need of remedy. Moderate Catholics couple common sense with human dignity to conclude that in many instances last minute heroics are not necessarily the just and loving approach to someone who is dying. Contextualizing Catholics go another step and emphasize human agency operative until death, justifying assisted suicide in some few cases, a person’s wishes not to expend the community’s resources to prolong life for a few days or months. These issues deserve serious discussion. They illustrate how these three Catholic positions generate different results, all played out in the political arena.

Reproductive justice is far more than keeping abortion safe and legal. It includes not only what we think of the beginning of life, but how we encourage life through technology, and how we deal with the end of life. In a religiously and ethically diverse country like ours, these issues invite and require careful, probing questions, not ready, open/shut answers. As a pro-sex, pro-choice Catholic I stand ready to bring the best of my tradition in all its diversity to the discussion, persuaded that human well being deserves no less.

But how can I be optimistic in the face of Cardinal Ratzinger, now Pope Benedict XVI, in the wake of the U.S. Catholic bishops’ harsh accusations of “false teaching” against Dan Maguire whose person and work I admire, and in the midst of a world in which women, especially poor women and women of color, are routinely degraded far more viciously and with deeper impact than

even the reprehensible words of Don Imus. Three things give me hope, make me an optimist, turn me into a virtual theological Pollyanna in all of this.

First, church history is written in centuries, not decades or years, much less in the time span of a sound bite. I see a growing and deepening consensus among progressive Catholics, many of whom used to sidestep the issue of reproductive justice so as to keep their own touchstone with orthodoxy but are now dealing with it. I also see growing awareness of how deeply connected reproductive justice is with other social change efforts, for example condoms and HIV/AIDS prevention. Catholics as a whole are not stupid. Sophia Wisdom is our God. Good sense will prevail.

Some of the virulence of the response to pro-choice efforts, I believe, is recognition that certain long held teachings are simply untenable. I see this as a prelude to change. I could be wrong, but the fact that Cardinal Ratzinger, now Pope Benedict XVI, is a learned theologian who has not been quick to use his papal power to reinforce what he set in motion when he was head of the Congregation for the Doctrine of the Faith leads me to speculate that he has little stomach for pushing too hard on what is clearly absurd. Outlawing condoms during the HIV/AIDS pandemic comes again to mind. It will be hard to approve condom use, which the Vatican will have to do sooner or later, and not other forms of birth control. Then the foundation of the anti-choice position will be gone. I may be wrong, but certain papal appointments and more leeway for pro-choice politicians are all signs that things may be easing a bit. Recall that church change is measured in centuries and years. We will see.

More significantly, the growth of groups like women-church and Call to Action, the powerful work of Catholics for a Free Choice, the many house churches and base communities emerging remind me that the kyriarchy is falling under its own dead weight. With it goes such outmoded views as male-only ministers, clericalism, and anti-sex theology, or so I pray. It is being replaced by more vibrant forms of Catholicism that include pro-sex, pro-choice views.

Second, an even more powerful source of optimism for me is the witness of people of so many other faith traditions who are prayerfully and publicly pro-choice. I am edified by you and instructed by you. I only hope other Catholics are as well. That you, indeed that we, understand choices about reproduction to be sacred, fraught with complexity, vexed in a world that does not provide the conditions for most women to make free choices gives me courage. I can claim that such choice making is of the Divine, in all of her mystery, and that we can neither outlaw nor eliminate it, but are privileged and responsible to cooperate with it.

Third, women continue to supply me with the deepest

form of hope, the witness of lives well lived. Young women are increasingly realizing the threat to their reproductive choices as the Supreme Court teeters. Middle aged women in so many organizations like Indiana RCRC and the national RCRC persevere in holding the line against fierce opposition. Older women witness to the days before Roe when they and their sisters had few choices. We work together with the good men who see this issue as affecting the quality of their lives and the lives of women they love. I think women's constant, oftentimes heroic attempts to make good choices are proof that my optimism is warranted as we do Sophia Wisdom's work in the everyday care and nurture of our families and our world.

I wish you the same optimism that springs from the earth at this time of year, and whispers in our hearts because we know that the Divine lives where justice reigns. Thank you for all you do for all of us. Blessings on your wonderful, important, necessary work. ☩

- <sup>1</sup> Daniel C. Maguire, *Sacred Choices: The Right to Contraception and Abortion in Ten World Religions*. Minneapolis: Fortress Press, 2001.
- <sup>2</sup> Elisabeth Schüssler Fiorenza, describes "kyriarchy" as the "interlocking structures of domination, elite male, relations of ruling (Herr-schaft)." See her *But She Said: Feminist Practices of Biblical Interpretation*. Boston, Beacon Press, 1992, p. 8.
- <sup>3</sup> Daniel C. Maguire, "The Moderate Roman Catholic Position on Contraception and Abortion," 2007, [http://www.religiousconsultation.org/News\\_Tracker/moderate\\_RC\\_position\\_on\\_contraception\\_abortion.htm](http://www.religiousconsultation.org/News_Tracker/moderate_RC_position_on_contraception_abortion.htm), accessed April 10, 2007.
- <sup>4</sup> Maguire, "The Moderate Roman Catholic Position on Contraception and Abortion."
- <sup>5</sup> Maguire, "The Moderate Roman Catholic Position on Contraception and Abortion."
- <sup>6</sup> Frances Kissling, "The Place for Individual Conscience," *Journal of Medical Ethics* 2001; 27:ii24-ii27.
- <sup>7</sup> Frances Kissing, op cit.
- <sup>8</sup> Beverly Wildung Harrison, *Our Right to Choose: Toward a New Ethic of Abortion*, Boston: Beacon Press, 1983.
- <sup>9</sup> "World Bank faces questions on AIDS policy," can be found on the Financial Times website at <http://www.ft.com/cms/s/996ea51c-e92e-11db-a162-000b5df10621.html> accessed April 13, 2007.
- <sup>10</sup> See Mary E. Hunt, "Just Good Sex," *Good Sex: Feminist Perspectives from the World's Religions*. Edited by Patricia Beattie Jung, Mary E. Hunt and Radhika Balakrishnan. New Brunswick, New Jersey: Rutgers University Press, 2001, pp.158-173. See Nancy Patchen's review, "Faith and Freedom: Newsletter of the Indiana Religious Coalition for Reproductive Choice," Fall 2006, p. 5.

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