

The Human Right to Reproductive Justice: A Feminist Theo-Ethical Perspective

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ABSTRACT

Women right to reproductive justice is increasingly being advocated in progressive circles. Achieving women's reproductive justice will require legal, political, and religious cooperation. This feminist theo-ethical analysis is intended to be part of that work. The author argues that many human rights advocates have been slow to incorporate women's reproductive justice; that many reproductive justice advocates ignore feminist religious perspectives which can help their case; and that renewed feminist focus on reproductive justice can lead to a more humane global community.

Keywords: Abortion, Amnesty International, Catholicism, Feminist theology, Global community, "Good Sex", Human rights, Reproductive justice, Women.

Introduction

The phrase "women's rights are human rights" was emblazoned across a banner that Catholic activists held in front of the Vatican Embassy in 1987 in Washington, DC, during a visit of John Paul II to the United States. We demonstrated in words and song to protest the role of the kyriarchal Roman Catholic Church, that is, the bishops, cardinals, Pope, and other Vatican officials, in pressuring governments to prevent women from having access to birth control and abortion. We also sought to draw attention to the lack of rights for Catholic women in the church, especially the right to make policy which could add feminist religious

weight to counter the global injustice that gets religious support from the Vatican.

One by one our group members were arrested for protesting too close to an embassy. At the end, only Frances Kissling, President of Catholics for a Free Choice, and I were left holding the banner and singing a duet. Eventually police arrested us as well. We joked that we were delighted to be arrested because neither of us was especially gifted as a singer! In the tradition of non-violent civil disobedience in the U.S., such arrests are quite standard. In fact, a judge later found all of us not guilty of trespassing on the embassy grounds because the law involved was declared unconstitutional. But the rights that we sought then are still, twenty years later, a distant hope for most women around the world. I think many of us who were arrested would do it again, and perhaps we should.

The analysis of women's rights, especially women's reproductive justice, as human rights is more necessary than ever as increased globalization, religious fundamentalism, and concentration of wealth in the hands of a few shape the lives of women worldwide. I offer a feminist theo-ethical perspective on reproductive justice as a human right because I think it adds a dimension to the discussion that heretofore has been missing. I note that (1) many human rights advocates have been slow to incorporate women's reproductive justice, that (2) many reproductive justice advocates ignore feminist religious perspectives which can bolster their case, and that (3) renewed feminist focus on reproductive justice can lead to a more humane global community. Looking briefly at each issue will add support for campaigns to assure abortion and other reproductive choices as part of women's human rights.

Amnesty International Sparks New Discussion

Amnesty International rekindled the discussion of women's reproductive justice as a human right. In 2007, Amnesty International publicly "stood by the rights of women and girls to be free from threat, force of coercion as they exercise their sexual and reproductive rights." The well respected global organization stated, "Defending the right of

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women to sexual and reproductive integrity in the face of grave human rights violations, Amnesty International recently incorporated a focus on selected aspects of abortion into its broader policy on sexual and reproductive rights. These additions do not promote abortion as a universal right and Amnesty International remains silent on the rights and wrongs of abortion. Amnesty International's position is not for abortion as a right but for women's human rights to be free of fear, threat and coercion as they manage all consequences of rape and other grave human rights violations."¹

Predictably, Vatican opposition was rapid and rabid as Renato Cardinal Martino, head of the Pontifical Council for Justice and Peace, protested that Amnesty International was "promoting abortion rights." AI leaders affirmed once again so as to leave no ambiguity for the Vatican to instrumentalize: "Amnesty International's actual policy, however, standing alongside its long-standing opposition to forced abortion, is to support the decriminalisation of abortion, to ensure women have access to health care when complications arise from abortion and to defend women's access to abortion, within reasonable gestational limits, when their health or human rights are in danger."²

It is clear from AI's carefully nuanced statement that what is at stake here is not so much women's right to abortion but women's right to reproductive justice. This is a marked change in approach from what the Vatican is used to debating and invites theo-ethical reflection. Understood in its totality, even the Vatican might reasonably be expected to sign on.

The "abortion wars" have exhausted most people on all sides of the issues. The complexity alone of the technical aspects of reproductive choices means that discussions will inevitably be difficult. Add to this the variety of women's life situations—economics, age, race, nationality—and it is clear that choices are so conditioned as to present differences of quality rather than of quantity for women around the world. For example, a white, thirty-year-old

U.S. woman with access to medical care faces a very different situation when she is pregnant than a black, sixteen-year-old South African who is HIV positive when she is pregnant. But what they share, as AI perceived, is the same right to health care unfettered by religious or other prejudices so as to make their own decisions with regard to carrying their pregnancies to term. This is reproductive justice, made all too obvious in the breach.

The Vatican zeroed in on what may be the most obvious implication of AI's claim to "the rights of women and girls to be free from threat, force of coercion as they exercise their sexual and reproductive rights," namely, the right to abortion. But that is to miss the theo-ethical boat here. What AI has done is to contextualize abortion in the much larger picture of women's well being. By so doing they have followed the lead of many feminists who have found human rights language wanting but still useful as women's lives remain in danger because they do not have access to sex education, contraception, and abortion, not to mention jobs, income, and other support to take care of a child. AI stated: "Amnesty International's actual policy, however, standing alongside its long-standing opposition to forced abortion, is to support the decriminalisation of abortion, to ensure women have access to health care when complications arise from abortion and to defend women's access to abortion, within reasonable gestational limits, when their health or human rights are in danger."³

1) Human rights efforts slow to incorporate women's reproductive justice

In the history of human rights, women's issues, especially reproductive justice, have been included only very recently. The early language in the 1948 "Universal Declaration of Human Rights" adopted by the General Assembly of the United Nations included mention of motherhood and childhood warranting special concern, but it did not deal with women's rights in any more specifics. Women's human rights were spelled out at subsequent UN-

¹ See: (News Service No: 110, June 14, 2007 AI Index: POL 30/012/2007).

² See: (News Service No: 110, June 14, 2007 AI Index: POL 30/012/2007).

³ See: (News Service No: 110, June 14, 2007 AI Index: POL 30/012/2007).

sponsored meetings, in particular the women's conferences in Mexico City (1975), Copenhagen (1980), Nairobi (1985), and especially in Beijing (1995), and at the International Conference on Population and Development in Cairo (1994). Women and their supporters, led in large measure by women from the developing south, have gone to great lengths to amplify the initial language so as to move women's reproductive issues into the ethical spotlight. As a result of such pressure, many countries have made progress. This can be monitored against the benchmarks set up by the meeting documents so that it is possible to gauge progress.

The Vatican, several Latin American nations, and several Islamic fundamentalist countries presented enormous opposition both at the meetings and in the subsequent efforts to implement the action plans that included planks relating to women's reproductive justice.⁴ The role of religion, whether fundamentalist Christianity led by the Vatican or fundamentalist Islam, was key in the work that went into changing hearts and minds. Due to the efforts of Catholics for a Free Choice and its sister groups around the world, it was impossible for the Vatican to claim to be the exclusive voice of the Catholic community. Feminist theologians and ethicists offered religious arguments in favor of reproductive choice, prominently the notion that women are moral agents with the right to bodily integrity, the formulation of Presbyterian theo-ethicist Beverly Wildung Harrison (1984).

Nonetheless, ten years later women's human rights, especially in the reproductive justice arena, remain a low priority in most international discussions on human rights. Rare is the mention of reproductive justice in the morass of torture, war, poverty, and ecocide that dominate the conversation. In fact, it is my observation that most contemporary conversations on human rights focus on

Abu Ghraib, what degree of force investigators can use to coerce testimony from would-be terrorists, and the like. As a result, most people do not imagine that the same struggles for international standards of conduct in war are at play in the efforts to bring about women's reproductive justice. Rather, reproductive issues are still relegated to the domestic sphere (except to outlaw them), with women left to fend for themselves. This is unjust.

One strategy to overcome this limit is the rhetorical claim and strategic commitment that women's reproduction is a matter of justice, not choice. This change has taken hold slowly as women's groups have begun to recognize the potentially privatized, atomized way in which "choice" and "freedom" can be construed as bourgeois and elitist, available to so few women in the world as to be unhelpful to all. In the U.S., it is women of color, especially in the organizations working to keep abortion legal, who have perceived and highlighted the need to move beyond such narrow ways of construing the issues of access to birth control, comprehensive sex education, and legal, safe, economical abortion. Their insistence on tying reproductive health issues to the larger problems of racism, economic disparity, and colonialism have begun to reshape the reproductive health agenda.

A leader in this effort is Andrea Smith, co-founder of Incite! Women of Color against Violence. She tells the story of a woman who asked why care about reproductive rights when many women have no rights at all. Dr. Smith insists "that the reproductive justice agenda must make the dismantling of capitalism, white supremacy, and colonialism central to its agenda, and not just principles added to originations' promotional material designed to appeal to women of color, with no budget to support making these principles a reality" (SMITH, 2005: p. 135). Slowly the larger movement has caught up with this wisdom, all of which points in the direction of reproductive justice as a human right and reproductive justice as a constitutive part of any social change agenda.

Human rights discourse has its own problems. For some, it is too universalizing a form of essentializing that loses the richness of individual

⁴ For an excellent summary of this history see "Women Redrawing the Map: The World After the Beijing and Cairo Conferences," by Joan Dunlop, Rachel Kyte, and Mia MacDonald, SAIS Review, Vol. XVI, No. 1, Winter-Spring, 1998, Washington: Johns Hopkins Foreign Policy Institute, Paul H. Nitze School of Advanced International Studies. <http://www.iwhc.org/resources/womenredrawing.cfm> accessed 10/09/07.

differences and national variety. For others, it is too anthropomorphic, leaving aside animals and the rest of creation in an overemphasis on human beings. But for the vast majority of the world, human rights language, while admittedly not perfect, holds a great deal of promise for finding ways to live together on the planet without allowing unchecked market forces to determine everything.

2) Many reproductive justice advocates ignore feminist religious perspectives which can bolster their case

Justice in the legal sense is understood as fairness. But discerning what is fair often involves recourse to cultural and especially religiously derived norms. Thus feminist work in religion can be a resource for understanding reproductive justice, just as patriarchal religious claims, for example, that abortion is sinful, have contributed to the lack of it.

Lawyers Freedman & Isaacs (1993) noted this need in an important article in which they laid out a comprehensive strategy for achieving human rights in the reproductive area. They noted correctly that setting international standards can be helpful but that "when the specific conditions of an individual woman's reproductive life are examined, a complex intertwining of state, religious, and customary law and practice are almost inevitably confronted (FREEDMAN & ISAACS, 1993: 26). They note that in many countries colonialism resulted in imposing new legal systems but that those usually did not cover what was thought to be private conduct. Hence religion and other customs play a large role in governing behavior. This is especially true in Islam where *Sharia*, Islamic law, has been used albeit selectively to enforce women's subordination. They concluded that "how those committed to the protection of women's reproductive rights should deal with the influence of religious fundamentalism of any kind—Muslim, Hindu, Christian, or Jewish—is obviously a central questions in the development of a reproductive health strategy that views the promotion of women's reproductive autonomy as a central value (FREEDMAN & ISAACS, 1993: 28).

Feminist religious resources for rethinking reproductive justice come from many religious tradi-

tions. I cite several Catholic contributions (my own tradition) to demonstrate how this might work constructively. Of course feminists of other faiths are also involved in this work. But the particularly egregious approach of the Catholic Church makes it an important locus of concern.

Feminist theologian Rosemary Radford Ruether makes the case for universal rights in her defense of the natural law tradition over against its misuse by those who oppose contraception. She clarifies: "This tradition assumes that the cosmos is a unified ontological whole whose nature implies ethical norms of right relationship...The Greek philosophical tradition developed this concept of natural law precisely to argue for universal norms that transcend and can be used in judging particularity of cultures...in this natural law tradition, each culture can be seen as a partial version of this common whole, one which must constantly seek to test and enlarge its particular customs by its discernment of the universals of human nature...." (RUETHER, 1995/1996: 15). She admits that this approach requires a "leap of faith," but she claims that it "is necessary to build a global society that can live together on one planet without disintegrating unto warring ethnicities and religions that reject the very possibility of human community" (IDEM).

There is abundant evidence that we have arrived at that state. But Ruether's point is that feminist work in religion can be an antidote to the postmodern positivism that leaves the world without any common commitments. One such commitment is to women's well being, for which reproductive justice is essential.

Sociologist Susan Farrell (2005) bolsters this point in her effort to reframe Catholic discussions on abortion. She argues that too much energy has gone into refuting unsubstantiated claims made by those who oppose women's moral agency based on patriarchal assumptions that leave aside women's ability to make moral decisions. Her suggestion is to cease and desist from such arguments and instead talk about justice in the tradition of Catholic social teachings. This would mean reframing the reproductive health conversation to begin not with the fetus and the mother, but rather with the assumption that women are capable of and entitled to

make decisions about their own bodies. In that light, Catholic social teachings about the dignity of the person would be a useful resource.

Theologian Yury Puello Orozco reviews the efforts of Latin American feminists in religion to rethink the question of reproductive justice. She notes that "the Church's defense of human rights immediately suggests that we ask ourselves how this same practice bears on the defense of women's rights." (OROZCO, 2003: 76). This is, of course, an obvious question that should point to Catholic leadership on the question of women's reproductive justice. But, as the author notes, the patriarchal structure of the Catholic Church means that women and women's experiences are left aside in the configuration of justice. So it is incumbent on feminists to incorporate and highlight those experiences if there are to be any Catholic resources for reproductive justice.

3) Renewed feminist focus on reproductive justice can lead to a more humane global community

Bringing religious analysis to social problems requires a comprehensive look at the issues at hand. It is another reason why human rights activists ignore religion at their peril and why feminist religious work is key to moving the agenda. Helpful examples of this work are part of the "Good Sex Project," an international, interreligious, interdisciplinary effort to articulate women's religious perspectives on sexuality (HUNT, 2001).

In individual essays, scholar activists laid out their positions that good sex is more than private pleasure (Grace Jantzen), that capitalism is the world's common religion (Radhika Balakrishnan), that compulsory motherhood is reinforced for middle class women by new reproductive technologies (Wanda Deifelt), among others. My chapter on "Just Good Sex: Feminist Catholicism and Human Rights" was an effort to acknowledge the limits and the possibilities of the human rights framework (HUNT, 2001). I proposed that "good sex" ought to be safe, pleasurable, community building, and conducive of justice. I suggest relying not so much on Catholic teachings (which are

scant to non-existent on the topic) as on the praxis of Catholic feminists.

The most important contribution of the book as a whole, in my view, is the degree to which colleagues avoided focus on individual sexual acts as morally problematic, a patriarchal approach that results in blame, guilt, and injustice. Instead, virtually all of the writers focused on the big picture—the boardroom, not the bedroom, as it were—to understand women's sexuality in the nexus of economic, racial, colonial and other dimensions that condition it variously for women around the world. The group concluded: "For all of us sexuality is more than the private practice of individuals. It is behavior that arises within a complex set of power dynamics. In every instance, sex is intimately interwoven with the economic, social, and political possibilities of the actors. What is good about it varies widely. If there was any consensus among us, it was our commitment to transformation" (HUNT, 2001).

This feminist religious work contributes to the transformation of a world in which the human right to reproductive justice can become normative. It will require a great deal of legal, political, and religious cooperation to bring it about, but women's efforts to date prove it can be done.

Bibliography

- "Catholics for a Free Choice Urges Amnesty UK to Listen to World's Women, Vote to Support the Decriminalisation of Abortion." Press Release. 22 March 2007. <http://www.catholicsforchoice.org> accessed 8/30/2007.
- CORRÉA, Sonia. "From Reproductive Health to Sexual Rights: Achievements and Future Challenges." *Reproductive Health Matters of The International Women's Health Movement* 5.10 (Nov. 1997): 107-116.
- FARRELL, Susan A. "Reframing Social Justice, Feminism and Abortion: Isn't It Time We Combated The Bishops' Opposition To Reproductive Rights On Our Terms?" *Conscience* 26.1 (2005): 42-44.
- FREEDMAN, Lynn P. and Stephen L. Isaacs. "Human Rights and Reproductive Choice." *Studies in Family Planning* 24.1 (Jan.-Feb. 1993), 18-30.
- HARRISON, Beverly Wilding. *Our Right to Choose: Toward a New Ethic of Abortion.* Boston, Massachusetts, U.S.A.: Beacon Press, 1984.

HUNT, Mary E. "Just Good Sex: Feminist Catholicism and Human Rights," in Good Sex: Feminist Perspectives from the World's Religions. Edited by Patricia Beattie Jung, Mary E. Hunt, Radhika Balakrishnan, New Brunswick, NJ: Rutgers University Press, 2001

JITSUYA, Nelly and Rebecca Sevilla. "Towards Full Citizenship: Sexual Orientation and Human Rights." *Women's Human Rights: Unfinished Business* 7 (2003): 38.

KELLY, Lisa M. and Rebecca J. Cook. "Modern

Challenges, Modern Responses." *Conscience* 27.4 (2006/07), 45-47.

OROZCO, Yury Puello. "Women's Perspectives on Human Rights in the Catholic Church." *Women's Human Rights: Unfinished Business* 7 (2003): 76-79.

RUETHER, Rosemary Radford. "Women and Culture: The Case for Universal Rights." *Conscience* 16.4 (1995/96): 13-15.

SMITH, Andrea. "Beyond Pro-Choice Versus Pro-Life: Women of Color and Reproductive Justice." *NWSA Journal* 17.1 (2005): 119-140.