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## **A Parallel That Limp: The Rhetoric of Slavery in the Pro-Life Discourse of U.S. Bishops**

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A survey of the U.S. bishops' statements on the Church's pro-life stance and the struggle against abortion reveals a tendency to draw comparisons with and make parallels between the evil of African slavery in the United States and the practice of terminating fetal life. Thus a national Catholic newspaper reports, "Senior church officials are increasingly comparing the defense of unborn life today . . . to the struggle against racism and slavery in earlier historical periods."<sup>1</sup>

Such comparisons, however, are not a recent phenomenon. As early as 1976, in the aftermath of the 1973 *Roe v. Wade* U.S. Supreme Court decision legalizing the procuring of an abortion, leaders in the U.S. hierarchy noted what they considered to be parallels with the American experience of slavery. In his testimony before Congress on behalf of a constitutional amendment protecting unborn human life, Cardinal Terence Cooke, then archbishop of New York, connected *Roe v. Wade* with the 1857 *Dred Scott* Supreme Court decision concerning slavery. He called both decisions "mistaken and ill-considered" and further declared that each manifested "an equal disregard for human life."<sup>2</sup>

This essay explores and critiques the parallels drawn between the struggles against slavery and abortion in the pro-life discourse of the U.S. Catholic hierarchy. In doing so, my intent is neither to undermine nor challenge the justified concern of the Church's leadership for human dignity and the protection of life. I do not believe, however, that this cause is helped by mistaken, imprecise, misleading, or even offensive lines of argument. Such argumentation, in fact, weakens the case that the bishops seek to make on behalf of our faith. I fear that this is the inevitable outcome of attempting to bolster the argument against abortion by invoking our national and ecclesial experience in the struggles

against slavery and racism. To demonstrate the problems with this approach, I will first present the parallels made in certain forms of episcopal pro-life discourse and then examine the difficulties present in such rhetorical appeals.<sup>3</sup>

## **SLAVERY IN PRO-LIFE DISCOURSE**

Upon examining the bishops' appeals to the U.S. experience of slavery in the struggle against abortion, one observes three parallels drawn or usages made: (1) the claim that just as Christians were at the forefront of the abolition of slavery, they are now to be at the vanguard of the campaign against abortion; (2) the equivalence drawn between slavery and abortion through the denial of personhood to a class of human beings; and (3) a refutation of the claim that one can be personally opposed to a moral evil and yet support its legality.

### **A. Grounding a "New Abolitionism"**

In some recent pro-life discourses, one finds explicit comparisons between the struggle against legalized abortion and the movement to abolish slavery. Robert Baker, then bishop of Charleston, South Carolina, provides a detailed exposition of this kind of appeal:

Without violence of any kind, we join a growing abolition movement in the tradition of the great abolition of slavery movement of the 19th century. . . . During the past two hundred years the Catholic Church has joined forces with major abolition movements. In the 19th century it was with the movement to abolish slavery. In the 20th century the church has taken the lead in helping society put an end to capital punishment and abortion as government-sponsored institutions.<sup>4</sup>

Baker continues this line of thought by declaring, "[W]hile the institution of slavery existed unchecked in society for many centuries, Christian concepts of individual worth and human dignity helped bring the institution down. Slavery is an untenable institution. It is an affront to moral decency. The same is being said by people inside and outside the church today about capital punishment and abortion." The argument, then, is that just as Christian faith recognized the evil of slavery and led Catholic believers to campaign to abolish slavery in the past, these same faith tenets compel and ground Catholic action against abortion in the present.

Cardinal Justin Rigali of Philadelphia offers a similar analysis. Addressing the annual March for Life participants at a mass in 2009, he also drew a parallel between earlier efforts to abolish slavery and the current campaign against

abortion. Indeed, he declared that the present effort is the completion of the drive to recognize the equal dignity of all human beings:

The rejection of slavery and racism has signified an enormous change for the benefit of our civilization. Today, as people called to witness to the Gospel of life, we must constantly proclaim the need for a new change, one that will complete this march toward human equality.<sup>5</sup>

Like Baker, Rigali also invoked the argument of Catholic action in previous justice campaigns in order to ground action in the current anti-abortion cause: “As it did in the past in response to other significant threats to human life, the bishops’ conference has authorized us to move forward with a massive post-card campaign to Congress.” Thus this prelate argues that just as Christians acted to protect life in the abolition of slavery (and other causes), so too should they be proactive in the abolition of legal abortion.

What this parallel suggests, then, is just as Christians—indeed, Catholics—in the past recognized, struggled against, and eventually overcame the evil of African enslavement in the nation, so too are Catholic Christians summoned to participate in a new abolition movement to overturn the reality of abortion. These prelates summon Catholic believers to become twenty-first-century abolitionists just as their forebears were of old. As one Internet author notes, reflecting the spirit of the just-cited bishops: “If abolitionists could succeed against a moral evil with such deep roots in law, custom, and culture as slavery, [pro-lifers] should have some hope of overturning the abortion regime. . . .”<sup>6</sup>

## **B. An Equivalent Denial of Personhood**

Another way in which slavery is invoked in Catholic and episcopal pro-life discourse is by stating that it, like abortion, reflects a denial of the very personhood of a class of human beings. We see this comparison reflected in Cardinal Cooke’s remarks at this essay’s beginning when he opined that both slavery and abortion are practices that express an “equal disregard for human life.”

This equivalence is often made by drawing parallels between the Supreme Court’s 1857 *Dred Scott* decision on the constitutionality of African slavery and its 1973 verdict in *Roe v. Wade* establishing constitutional protection of a woman’s right to procure an abortion. A brief resume of the *Dred Scott* decision helps to appreciate the force of this appeal.

Writing for the six-justice majority in *Dred Scott*, Chief Justice Roger B. Taney argued that persons of African descent in the United States did not enjoy legal freedoms, rights, and protections under our Constitution since the authors of the document—being products of the prevailing social consensus—could not have deemed them to be full and equal members of the human race. Thus the Court held:

[Negroes] were at that time considered as *a subordinate and inferior class of beings*, who had been subjugated by the dominant race and, whether emancipated or not, yet remained subject to their authority, and *had no rights or privileges but such as those who held the power and the Government might choose to grant them*.

They had for more than a century before been regarded as being of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; *and so far inferior that they had no rights which the white man was bound to respect*; and that the Negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. *This opinion was at that time fixed and universal in the civilized portion of the white race*. It was an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute.

[Commenting on the meaning of the words of the Declaration of Independence, “all men are created equal,” the Court continued:] But it is too clear for dispute that the enslaved African race were not intended to be included and formed no part of the people who framed and adopted this Declaration; for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted; and instead of the sympathy of mankind, to which they confidently appealed, they would have deserved and received universal rebuke and reprobation. Yet the men who framed this Declaration . . . knew that it would not in any part of the civilized world be supposed to embrace the Negro race, which, by common consent, had been excluded from civilized governments and the family of nations and doomed to slavery. . . . The unhappy black race were [*sic*] separated from the white by indelible marks, and laws long before established, and *were never thought of or spoken of except as property and when the claims of the owner or the profit of the trader were supposed to need protection*.<sup>7</sup>

The argument made by certain pro-life advocates, then, is that just as the *Dred Scott* decision was an official rejection of the personhood of African slaves—now rightly considered a profoundly tragic mistake—so the *Roe* decision likewise tragically and wrongly denies the personhood of unborn human beings. As the Illinois Right to Life Committee declares, both decisions are “an *equivalent* denial of personhood for two different categories of human beings, slaves and unborn children.”<sup>8</sup>

This equivalence argument is forthrightly made by leading Catholic prelates. Archbishop Timothy Dolan of New York provides a notable example, rooted in an explicit comparison with *Dred Scott*:

Tragically, in 1973, in *Roe v. Wade*, the Supreme Court also strangely found in the constitution the right to abortion, thus declaring an entire class of human beings—now, not African Americans, but pre-born infants—to be slaves, whose futures, whose destinies, whose very right to life—can be decided by another “master.” These fragile, frail babies have no civil rights at all.<sup>9</sup>

Cardinal Francis George of Chicago, a former president of the U.S. Conference of Catholic Bishops, also appeals to *Dred Scott* by noting the irony that Barack Obama, a person of African descent, would advocate public policies on abortion opposed by the Catholic hierarchy:

The common good can never be adequately incarnated in any society when those waiting to be born can be legally killed at choice. If the Supreme Court’s *Dred Scott* decision that African Americans were other people’s property and somehow less than persons were still settled constitutional law, Mr. Obama would not be president of the United States.<sup>10</sup>

Thus the parallel drawn between slavery and abortion is that both were/are legal practices that rest upon the denial of the human status of a class of human beings. These pro-life advocates, therefore, claim an equivalence between how African Americans were viewed in the past with how unborn infants are considered in the present. To put it succinctly, the claim is that neither blacks in the past nor pre-born human lives in the present are “people.”<sup>11</sup>

### **C. A Rebuttal of Those Who Personally Oppose Abortion Yet Support Its Legality**

A final use of the slavery comparison in pro-life discourse lies in how it bolsters rebuttals to those Catholic legislators who state that while they are personally opposed to the practice of abortion, they do not favor efforts to legally proscribe it. Here the appeal to the nation’s experience of African enslavement is used to demonstrate the incoherence of being both opposed to a moral evil and yet unwilling to eradicate it. Bishop Joseph Galante, the now retired Ordinary of Camden, New Jersey, provides an illustration of this kind of appeal:

Yet to say, “I will address those factors that might have the benefit of reducing abortion, but will not oppose the very laws that permit it,” is not only unpersuasive, it is also an illogical and unsustainable position.

Substitute the word “racism” or “slavery” for abortion in the above sentence to see how the argument crumbles under the weight of incoherence.<sup>12</sup>

Galante suggests that just as it is unreasonable to say that one desires to reduce practices of racism or enslavement and be unwilling to oppose the laws that sanction these evils, it is also unreasonable to say one is opposed to abortion and yet be unwilling to legally proscribe it. In agreement with this line of argument, J. C. Watts, an African American pro-life activist, bluntly states, “That’s the same as saying, I’m personally opposed to slavery, but if somebody else wants to own slaves, it’s OK.”<sup>13</sup>

The strength of this appeal rests upon the present-day pervasive moral consensus of human slavery’s evil and the resulting incredulity of suggesting that one would not be opposed to legally eradicating it. Indeed, because of slavery’s contemporary repugnance and the parallel drawn between race-based legal disenfranchisement and the treatment of the unborn, some noted Catholic pro-life advocates have declared that Catholics in public life who argue for the acceptance of abortion do not deserve a civil hearing. They ask rhetorically, “If Catholic politicians advocated segregation or—even worse—slavery, would there be a call for civility toward them?”<sup>14</sup>

These, then, are the various ways in which appeals to slavery are present in the pro-life discourse of leading Catholic prelates and other pro-life activists. I now turn to an examination of the flaws, weaknesses, and limitations of such comparisons and lines of argument. I argue that the use of slavery in Catholic and Christian pro-life rhetoric is not only misplaced and mistaken; it borders on being offensive to those who bear the pain of slavery’s legacy.

## **SLAVERY AND ABORTION: A FALSE AND INEXACT COMPARISON**

### **A. The Danger of Historical Revisionism: Catholics and Slavery’s Abolition**

We have seen how one of the major, if not the chief, usages of the slavery comparison in the abortion debate is via the call for a “new abolitionism.” The appeal here is to what ought to be a common moral outrage at both social evils, rooted in the past abolitionist witness and practices of nineteenth-century Catholic believers. Yet this usage suffers from a major, even fatal flaw: the moral outrage at African human enslavement was a consensus established not *because of* the actions and policies of U.S. Catholic leaders and believers, but *in spite of* them.

To be fair, at least one Catholic prelate recognizes the dilemma caused by the Church's inglorious historical engagement with slavery. Archbishop Dolan, as indicated above, believes that the "comparison of abortion to slavery is an apt one." Yet he acknowledges the difficulty of rooting this comparison in past Catholic practices. He admits, "With very few exceptions . . . Catholics in the United States did little or nothing to condemn the dramatically moral evil of slavery and demand its end. And that is our shame to this day."<sup>15</sup>

Dolan's admission is simply a frank acknowledgment of the historical record. Rather than being active participants in slavery's abolition, the vast majority of Catholic leaders were implacably opposed to the abolitionist movement. Indeed, historian Kenneth Zanca aptly titles one section of his study of U.S. Catholics and slavery with the damning assessment, "Abolition and Abolitionists: Uniquely a Minority Protestant View."<sup>16</sup> A similar conclusion is reached by historical theologian Beverly Mitchell, who notes that the percentage of abolitionists in the North was never more than 1 percent of the population.<sup>17</sup>

The movement to abolish slavery in this nation was a Protestant undertaking, and even then only on the part of a decided few. Indeed, leading Southern newspapers of the time praised Catholic noninterference in the debates over slavery, as opposed to the stances adopted by some Protestant authorities. One noted with admiration the fact that Catholic pulpits "are not desecrated every Sabbath with anathemas against slavery."<sup>18</sup> Another offered the following glowing endorsement:

A tribute of warm commendation is due to the Catholic Church throughout the United States for the entire abstinence of its clergy from all intermeddling . . . with national troubles. Protestants as we are, we feel bound to acknowledge and commend the manner in which they have held entirely aloof from the anti-slavery agitation . . . but confined themselves to the appropriate duties of a kingdom which is not of this world.<sup>19</sup>

Thus, contrary to the rhetoric of Baker, Rigali, and other church prelates, Christians generally—and Catholics especially—were not at the vanguard of slavery's abolition; they were, at best, "passive bystanders in this moral crusade."

Note that I said "at best." This is not an idle observation. While Dolan's admission of Catholic silence over slavery is somewhat accurate, it also woefully understates U.S. Catholicism's role and complicity in African enslavement. Catholics were not merely silent or permissive in the face of this moral evil; rather, they were active defenders of and participants in American slavery.

*Traders and Owners.* Catholics, including many members of the hierarchy, were slave buyers, sellers, and masters. The Jesuits, the Vincentians, the Sulpicians, and the Capuchins were among the religious orders of men who bought, owned, and sold African slaves; similarly the Ursulines, the Carmelites, the Dominicans, the Sisters of Loretto, and the Sisters of Charity among the women religious.<sup>20</sup> Moreover, there exist testimonies from the formerly enslaved that testify to the cruelty they suffered at the hands of so-called “Christian masters.” The noted black abolitionist Frederick Douglass even declared, “Were I again to be reduced to the chains of slavery, next to that enslavement, I should regard being the slave of a religious master the greatest calamity that could befall me. For of all the slaveholders with whom I have ever met, religious slaveholders were the worst.”<sup>21</sup>

Catholic slave masters and mistresses were not exempt from such indictments. A fugitive slave named Edward gave this account of his owner, a Catholic woman called “Betsy Brown”: “She was a very bad woman; would go to church every Sunday, come home and go to fighting amongst the colored people; was never satisfied; she treated my mother very hard; would beat her with a walking stick. . . . Over her slaves she kept an overseer, who was a very wicked man.” Orlando Hunt, another escaped slave, also testified to the harsh treatment he endured from a Catholic master: “I was owned by High Holser, a hide sorter, a man said to be rich, a good Catholic, though very disagreeable; he was not cruel, but was very driving and abusive in his language towards colored people. I have been held in bondage about 18 years by Holser, but have failed, so far, to find any good traits in his character.”<sup>22</sup>

The historical record, then, does not support the claims that Catholics either “joined forces” with the abolitionist movement or were merely silent bystanders. Catholic believers and leaders were the direct beneficiaries of exploited African labor; “unjust enrichment” is the inescapable companion of human enslavement.<sup>23</sup>

*Partisan Defenders.* Catholic involvement and complicity is further evidenced in the spirited defenses of African enslavement offered by U.S. Catholic bishops. John England of Charleston was among the most ambitious and prolific, defending slavery in a series of public letters in which he justified the institution on the basis of Scripture, natural law, and church teaching, squarely putting “the Church on the side of Southern slave interests.”<sup>24</sup> Augustin Verot of St. Augustine was often called “the Rebel Bishop” because of his forthright defense of the Confederate cause. He pointed out that the Church, while enjoining decent treatment for slaves, never condemned the practice of human ownership itself.<sup>25</sup> Finally, Auguste Martin of Natchitoches (now Alexandria, Louisiana) defended slavery as a “disguised blessing” for the Africans, for it

offered these “children of the race of Canaan” the gift of spiritual grace rooted in the knowledge and practice of the true faith. Thus, he concluded, slavery was not an evil but rather “a betterment both material and moral for a degraded class.”<sup>26</sup>

These Catholic leaders, then, did not merely keep a permissive silence or offer discreet counsel to the slaveholders in their care. Rather, they publicly embraced and forthrightly defended the practice of African enslavement and sought to show its congruence with Christian faith. Historians also note that no Catholic prelate ever corrected or offered alternative readings of the Catholic teaching.<sup>27</sup>

In view of this damning historical record, using the slavery comparison to ground a “new abolitionism” must be judged as naive and uninformed, at best. At worst, it is difficult to escape concluding that it is a kind of “self-righteous conceit.”<sup>28</sup> Catholics were far from active participants in, much less the leaders of, a campaign against African enslavement. They were slave traders and owners, proponents and defenders, and fierce opponents of the major social movement to end this moral evil. The continued use of this comparison in pro-life discourse not only invites dismissal, ridicule, and derision; it risks the hostility and estrangement of the many believers who are descendants of slaves and who still endure the legacy of slavery’s brutal past.<sup>29</sup>

## **B. Citizenship Not Personhood: A Misleading and Inexact Parallel**

The second use of the slavery appeal in certain pro-life discourses is to state that slavery and abortion reflect an equivalent denial of personhood to a class of human beings. The claim is that both African slaves and unborn lives are subject to legal decisions and folk practices that deny their full human status. “Equivalence” is the key term in this appeal. The success of the appeal turns upon an “equivalent” loss or denial of personhood. The argument is that just as we now reject the monstrosity of denying the personhood of black people, so we should now be filled with a similar revulsion at legal denials of personal status for the unborn.

Yet the claim to equivalence is the weakness of this appeal. For the essence of slavery lies not in a denial of personhood, but in the ownership of persons. American slavery was the state- and religious-sanctioned ownership of human beings, maintained through coercion and other brutal practices, for the purpose of exploited labor and unjust enrichment.<sup>30</sup> The acknowledgment of the enslaved community’s “personhood” is evidenced both in common social practices and in the *Dred Scott* legal decision so often cited to support this supposed equivalence.

*The Enslaved as Persons in Common Practice.* Slave owners indisputably recognized that the enslaved were persons possessing sentience and independent volition. Why else would slave insurrections be feared, unsupervised gatherings be forbidden, harsh punishments be meted out, fugitive laws be passed, or armed posses be necessary if the enslaved did not possess a freedom and will that could be—and often was—at odds with that of their masters?<sup>31</sup> In addition, the enslaved were baptized and catechized. These practices demonstrate not only an acknowledgment of personhood, but also an admission that the enslaved possessed a human “soul” destined for eternal salvation.<sup>32</sup>

Moreover, slave masters had sexual relationships with their slaves, though such intercourse was often exploitative for the gratification of carnal pleasure or the increase of the master’s slave population.<sup>33</sup> Such couplings, however, acknowledge—albeit in abusive ways—a common, shared humanity. This personhood is further conceded through the practice of enslaved women being charged with rearing and even nursing the white children of a plantation household. Infrequently, slave masters also entered into marriage-like relationships with an enslaved woman.<sup>34</sup> Even where such unions were legally and socially proscribed, the very prohibition acknowledged that the enslaved could freely choose to love—an unquestionable quality of personhood. Finally, slaves were at times emancipated by their owners. The very concept of manumission demonstrates that the underlying personhood of the slave was never seriously in question; slavery was a legal “fiction,” not a metaphysical claim or theological status.

Thus historical theologian Beverly Mitchell rightly concludes: “Societies could not escape the reality that the slave was a conscious being and that attempts to bend the will of the slave to that of the master inevitably led to conflict.”<sup>35</sup>

In fact, it is precisely because of the moral unease that attended the ownership of *persons* that slavery’s justification and defense became so paramount—and problematic. Indeed, the historical record shows that American society developed no consistent rationalization for the practice of African enslavement or ownership.<sup>36</sup> These justifications ranged from the effects of God’s curse upon some of Noah’s descendants, to the alleged intellectual inferiority of Africans established by so-called “scientific” evidence, to the argument that slavery was part of God’s plan for the redemption of pagan Africa.<sup>37</sup> What made such rationalizations necessary, however, were the moral quagmires occasioned by the undeniable personhood of one’s property. The implacable reality of the enslaved’s consciousness and independent volition is what made slavery so ethically challenging and legally problematic.

While one can be opposed to abortion for many reasons, one has to concede that the personhood of the enslaved was commonly acknowledged and accepted in social practice. This differential treatment of enslaved and pre-born life undermines the argument that slavery and abortion both rest upon an equivalent denial of personhood. At the least, those who assert such an equivalence have to demonstrate that embryonic human life, from the “moment of conception,” possesses the same degree of free volition, independent judgment, and sentient consciousness as did the enslaved Africans. Absent this, the equivalence argument fails.

*The Legal Argument of Dred Scott: A Matter of Citizenship.* It is true that the infamous Supreme Court *Dred Scott* decision stated that the enslaved were of a “subordinate and inferior class of beings.” Such language would seem to give some support for those who claim a kind of equivalent denial of the personhood for both enslaved Africans and unborn lives.

However, a careful examination of *Dred Scott* leads to a more complex understanding of the intent of this ruling. The legal question involved the right of a fugitive slave, Dred Scott, to challenge his return to his master after being captured in a free state. In other words, did this runaway slave have the legal standing to pursue a case in the judicial system? In deciding this question, the Court specifically declared that the constitutional question before it was not one of personhood, but rather, citizenship:

The only matter in issue before the court, therefore, is whether the descendants of such slaves, when they shall be emancipated, or who are born of parents who had become free before their birth, are citizens of a state, in the sense in which the word “citizen” is used in the Constitution of the United States. And this being the only matter in dispute in these pleadings.<sup>38</sup>

The Court’s decision turned upon its decisive finding that persons of African descent could neither be considered as “citizens” nor as possessing the “rights and privileges” of citizenship because the authors of the nation’s Constitution could not have considered them equal “members of the political community” that constituted the United States. It is in this connection that the Justices made their tragic reference to Africans being of “an inferior class of beings.” The relevant citation follows, responding to the question of whether Africans or their descendants were “citizens”:

We think they are not, and that they are not included, and were not intended to be included, under the word “citizens” in the Constitution, and can,

therefore, claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and whether emancipated or not, yet remained subject to their authority, and had no rights but such as those who held the power and the Government might choose to grant them. . . .

In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that *neither the class of persons* who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.<sup>39</sup>

My intent in rehearsing this history is neither to defend nor excuse this abominable decision. Honesty compels us to admit, however, that while *Dred Scott's* understanding of the enslaved's personhood is muddled and convoluted, the decision did not entail a denial of "personhood" or the human status of the enslaved, but the denial of the rights and status of citizenship. This is an important distinction, which makes the parallel or comparison with abortion inexact, to say the least. Indeed, the Court acknowledged that the enslaved and their descendants, whether emancipated or not, do constitute a "class of persons." Yet the Court held that such "persons" were not "citizens," and that therefore they were not entitled to petition the courts for a redress of grievances. My point is that the record seriously challenges the claims (1) that this decision turned upon a denial of personhood; and (2) that an equivalent denial is at play in the moral debate over legalized abortion.

Those who would argue for such an equivalence have to demonstrate that the current judicial system posits the personhood of unborn life "from the moment of conception," and yet denies the unborn fetus the rights of citizenship. Absent this, the equivalence argument fails.

In conclusion, one cannot state that a parallel exists between slavery and abortion based upon an equivalent denial of the personhood of the enslaved and the unborn. Both widespread social practices and legal history evidence an acknowledgment of the status of the enslaved as persons that is not matched by a similar consensus concerning embryonic life "from the moment of its conception."<sup>40</sup> At best, the case for equivalence has not yet been adequately made. At worst, this claim of equivalence is a merely a rhetorical assertion and an emotional appeal that rests upon a dubious factual foundation.

### **C. Personal Opposition vis-à-vis Social Approval or Indifference**

The final use of the slavery parallel in the abortion debate is to undermine the view that one can be personally opposed to a social evil and yet not support public policies that would curb or eliminate it. Such a position, Galante and others argue, is incoherent and unsustainable. Just as it is unthinkable to state that one is opposed to slavery and racism and not be committed to their eradication, so those who believe that abortion is morally wrong cannot make its resolution solely dependent upon the private choices of individual consciences.

Such a position does have strong merits. However, the case for it is undermined by the Church's own unacknowledged engagement with the evils of slavery and racial segregation. In both cases, Church leaders by teaching and example tolerated these social evils and in some cases even counseled against being proactive in their abolition or elimination.

*Slavery.* We saw above how bishops and other church officials actively defended and sanctioned slave ownership. However, even in situations where there was a reservation articulated concerning its morality, the dominant counsel was to ameliorate, but not overturn, the social status quo.

This teaching is reflected in the views of Francis Kendrick, a bishop of Philadelphia and later the archbishop of Baltimore, who was also a leading Catholic theologian of the time. In an influential volume for the training of future priests, he considered the morality of African enslavement, what he called “the domestic servitude . . . of the posterity of those who were brought from Africa.” He held that such enslavement—and the laws forbidding their literacy and free movement—were “to be regretted.” Yet, despite this moral reservation (and perhaps, “personal opposition”), the future minister was enjoined not to interfere in social policies:

Nevertheless, since such is the state of things, nothing should be attempted against the laws nor anything done or said that would make them [the enslaved] bear their yoke unwillingly. But the prudence and charity of the sacred ministers should appear in their effecting that the slaves, imbued with Christian morals, render service to their masters, venerating God, the Supreme Master of all; and that the masters be just and kind, and by their humanity and care for their salvation, endeavor to mitigate the condition of their slaves.

Kendrick concluded by cautioning against being led by a “feeling of humanity” for the enslaved that would “overturn the entire established order.”<sup>41</sup>

Note the stance of deference, acquiescence, and even support for the social order and its laws, despite one's personal reservations, hesitations, or "feeling of humanity." Such personal opposition could not lead one to question or challenge—much less change—laws or policies considered unjust or "regrettable." Such deference to the "regrettable" social practice of enslavement is why Catholics were praised for their stance of "noninterference" in the greatest social and moral crisis that faced the nation at the time.

*Segregation.* A similar stance of acquiescence, capitulation, and acceptance of unjust social mores is also evidenced in the Catholic Church's response to legalized segregation. In a survey of ecclesial engagement with racial injustice, moral theologian Joseph Leonard noted: "Historically, it is impossible to deny that from the end of the Civil War until modern times, an almost universal silence regarding the moral issues involved in segregation blanketed the ecclesiastical scene. The American hierarchy and theologians remained mute."<sup>42</sup>

Notwithstanding the heroic witness of some, too frequently Catholics—rather than being agents of social change and cultural transformation—conformed to the racial mores of our society and engaged in practices of racial denigration. Catholic Christians shared in, and even abetted, the racial fears and prejudices of American society by permissive silence during the horrors of African American lynchings; by a refusal and/or hesitancy to welcome people of color into the priesthood, religious life, and positions of lay leadership; through a hesitant or belated embrace of the movement for civil rights; by the exclusion of or hostility toward persons of color when they sought membership in Catholic parishes; and by ostracizing those who spoke and acted in prophetic ways for racial justice. In these and many other ways, Catholics and their bishops have acted in complicity with the endemic racism of a segregated society.<sup>43</sup>

Moreover, just as with slavery, Catholics were counseled against letting a personal moral opposition to legal segregation become an advocacy for proactive social change. In discussing the morality of the civil rights movement, the noted U.S. moralist John Ford agreed that segregation was morally unjust. However, he maintained that the proper solution lay in encouraging whites to "give rights due to Negroes, rather than to urge the Negroes to press for the rights that are their due."<sup>44</sup> Indeed, the common exhortation of Catholic prelates and leaders of the time was for the faithful to reject both the extremes of the segregationist and "the agitator" (meaning the advocates of civil rights protests such as Martin Luther King Jr.).<sup>45</sup> Instead, they summoned their flocks to extend personal courtesies and respect to African Americans, but not to become active participants in overturning unjust laws.<sup>46</sup>

Some might say that this sad history proves the pro-life advocates' point. There is an incoherence that results from a too-sharp divorce between one's personal opposition to a social evil and one's vacillation or opposition in the face of laws and policies that would curb or eliminate it. I wholeheartedly agree, though the exact relationship between one's personal moral vision and the public policies forged in a religiously pluralistic public square is a complex question.<sup>47</sup> My point, however, is that a church leader's appeal to slavery or segregation to bolster arguments over the incoherence of personal opposition to a moral evil with social acquiescence before it, without being honest about and genuinely repentant over the institution's own tragic history and current implication in racial injustice, undermines one's case.<sup>48</sup> This makes the Catholic Church and its leaders appear to be self-serving and self-righteous. Such attitudes cannot facilitate either the hearing or adoption of their moral views.

## CONCLUSION

In view of the above examination, I believe that it is best that Catholic bishops and other pro-life advocates abandon the comparison of slavery with the evil of abortion. I concede that such rhetoric has an emotional resonance, given the repugnance that human enslavement engenders. It also potentially shields church officials from the appearance of being concerned about only a single social issue. It further provides Catholic leaders with an entry into the African American community and a hearing for its pro-life views, . . . a community who might otherwise be suspicious of the Catholic Church, given its tragic complicity in this nation's "original sin" of racism.

Yet it is precisely this tragic history—that the Catholic Church has never fully or adequately acknowledged—and its ongoing legacy which compromises this appeal. The comparison fatally flounders in the face of the Church's historical record and in view of the major factual differences in the social status and recognition of the enslaved vis-à-vis unborn fetal life. To put it bluntly, the pro-life advocacy of the Church's bishops is ill-served by false, misleading, and self-serving forms of argument. The comparison of slavery to the evil of abortion is such an argument.

## QUESTIONS FOR FURTHER REFLECTION

1. Why have American bishops used the slavery-abortion comparison in their pro-life discourse? How would you characterize the point that they are trying to make?

2. According to the author, there are three components in the abortion-slavery comparison that the U.S. bishops make. What are those three components?

Do you agree or not? Do you think there are more or fewer components of the comparison? If more, what would they be? If fewer, which components of the author do you disagree with? Why?

3. Is it true that Christians were at the forefront of the fight to abolish slavery? What do today's bishops say about the Church's role in this nineteenth-century movement in American politics? Are they all saying the same thing? What is the historical evidence of the Church's role in fighting slavery?

4. How are the U.S. Supreme Court's decisions in *Dred Scott* and in *Roe* comparable? How are they different? What does each say about the personhood of the unborn child/enslaved person?

5. Is the comparison of those who do not favor criminalizing abortion with those who supported slavery a fair comparison? If so, how? If not, why not?

6. Were American Catholics owners and traders of slaves? Were American priests and bishops? Did the Church condemn these people? What action did the Church take? Did anyone condemn these activities by Catholics?

7. Why does the author think that the nineteenth-century activities of the Church make today's comparison of abortion to slavery by the bishops a "self-righteous conceit"? Do you agree or disagree? Why? Can an institution's history limit the moral arguments that it can credibly make in the present?

8. Did slaveholders consider their slaves to be fellow human beings equivalent in law and social practices? Do those who favor abortion consider the unborn to be human beings equivalent in law and social practices? Does this make a difference in the moral equivalence of slavery and abortion? Why or why not? What does it mean to say that those who hold that abortion and slavery both rest upon an equivalent denial of personhood must demonstrate that, from the moment of conception, embryonic life possesses the same degree of free volition, independent judgment, and sentient consciousness as did the enslaved? Do you agree or disagree? Why?

9. Does the proposition hold true that you can be personally opposed to a social evil yet not support public policies that would curb or eliminate it in light of the Church's historic tolerance of slavery? How about in light of the Church's historic silence, until the second half of the twentieth century, on segregation?

10. Is there an incoherence that results from too sharp a divorce between one's personal opposition to social evil and one's vacillation or opposition in the face of laws that would curb or eliminate it? Does the bishops' appeal to the moral equivalence of slavery and abortion support this characterization or not?

## NOTES

1. John Allen, "Slavery Comparisons on the Rise in Pro-life Rhetoric," *National Catholic Reporter* (December 26, 2008), 7.
2. "Statement of Terence Cardinal Cooke before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary" (March 24, 1976). Available online at <http://www.usccb.org/prolife/issues/abortion/roevwade/CookeTestimony76.pdf>.
3. I am aware that other groups identified with the pro-life movement also make analogies and comparisons between slavery and abortion. This essay focuses upon the use of such comparisons by U.S. Catholic bishops. I will note the usage by other parties only to further illustrate the implications of such discourse by official church leaders.
4. Bishop Robert Baker, "Abolition Movements of Two Centuries: Slavery, Capital Punishment and Abortion," *Origins* 30, no. 19 (October 19, 2000). Available online at [www.originsonline.com](http://www.originsonline.com).
5. Cardinal Justin Rigali, "March for Life," *Origins* 38, no. 34 (February 5, 2009). Available online at [www.originsonline.com](http://www.originsonline.com).
6. "Slavery versus Abortion," at [www.prowomanprolife.org/2009/03/31/slavery-versus-abortion/](http://www.prowomanprolife.org/2009/03/31/slavery-versus-abortion/). A similar appeal grounded in the claim that Christians were at the forefront of the abolition movement against slavery is made on another pro-life website: "It was only by tenacity and sticking to what they *knew* was true in the face of any other arguments that Christians got the ball rolling for stopping slavery. We can do the same" ("Happy Catholic: Christians, Slavery, and Abortion," at <http://catholic.blogspot.com/2008/10/christians-slavery-and-abortion.html>). Emphasis in the original.
7. This decision is substantially reproduced in *The Annals of America*, vol. 8 (New York: Encyclopaedia Britannica, 1968), 440–49; emphases added.
8. Illinois Right to Life Committee, "Slavery Compared to Abortion." Online at [www.illinoisrighttolife.org/SlaveryAbortion.htm](http://www.illinoisrighttolife.org/SlaveryAbortion.htm), emphasis added.
9. Archbishop Timothy M. Dolan, "On the Front Lines for Life" (October 22, 2009). Available online at [www.cny.org/archive/tdcolumn/tmd102209.htm](http://www.cny.org/archive/tdcolumn/tmd102209.htm).
10. Cardinal Francis George, November 10, 2008, presidential address at the annual Fall meeting of the USCCB, available online at <http://whispersintheloggia.blogspot.com/2008/11/from-chief.html>.
11. See the following statement of a pro-life activist: "You can't ignore the obvious parallels between the way the unborn are treated today, and the way Americans of African lineage were treated 150 years ago. . . . Precisely the same language [is] used to describe the unborn as racists used to describe blacks—they're not people" ("Happy Catholic: Christians, Slavery, and Abortion," at <http://catholic.blogspot.com/2008/10/christians-slavery-and-abortion.html>).
12. Bishop Joseph A. Galante, "Faithful Citizenship: Living in a Way Worthy of the Gospel," *Origins* 38, no. 20 (October 23, 2008). Available online at [www.originsonline.com](http://www.originsonline.com).
13. "J. C. Watts Compares Abortion to Slavery." Available online at <http://think-progress.org/2007/05.10/jc-watts-compares-abortion-to-slavery/>.
14. Catholics, "A Catholic Response to the 'Call for Civility,'" *Origins* 37, no. 34 (February 7, 2008). Available online at [www.originsonline.com](http://www.originsonline.com).

15. Dolan, "On the Front Lines of Life." Dolan notes that he is citing the words of the "legendary" professor of Church history John Tracy Ellis, from a lecture on the Church and slavery.

16. Kenneth J. Zanca, ed., *American Catholics and Slavery, 1789–1866: An Anthology of Primary Documents* (Lanham, MD: University Press of America, 1994), vii. The author notes several reasons for the Church's absence from the abolitionist cause, among which are the limitations of numbers, its minority status in the country, Protestant hostility, and the view that abolitionism was an "anti-Catholic movement" (111). He also cites additional factors, namely, the widespread view among Catholics that Africans were racially "inferior creatures" and Catholics' "minimal degree of sensitivity to the oppressed" (111, 112). While he documents the involvement of Catholics in slave ownership, he does not directly address this (i.e., economic expediency) as a factor in the Church's stance against slavery's abolition.

17. Beverly Eileen Mitchell, *Black Abolitionism: A Quest for Human Dignity* (Maryknoll, NY: Orbis Books, 2005), 147.

18. *Southern Standard* (New Orleans), 1855, cited in Zanca, *American Catholics and Slavery*, 105.

19. *Richmond Dispatch*, March 8, 1861, cited in Zanca, *American Catholics and Slavery*, 106.

20. Cyprian Davis, *The History of Black Catholics in the United States* (New York: Crossroad, 1990), 35–39.

21. *Narrative of the Life of Frederick Douglass, An American Slave: Written by Himself* (New York: Barnes and Noble Classics, [1845] 2003), 72.

22. Accounts excerpted from Zanca, *American Catholics and Slavery*, 166.

23. On the role of "unjust enrichment" in U.S. slavery and racism, see Joe R. Feagin, *Systemic Racism: A Theory of Oppression* (New York: Routledge, 2006), 16–20.

24. Zanca, *American Catholics and Slavery*, 191.

25. *Ibid.*, 201; Davis, *The History of Black Catholics in the United States*, 53–56.

26. Davis, *The History of Black Catholics in the United States*, 50–52.

27. Zanca, *American Catholics and Slavery*, 191.

28. *Ibid.*, 81; citing Horace Greeley's indictment of New York Archbishop John Hughes's inaction on Catholic anti-black prejudice and violence (1863).

29. The black Catholic historian Cyprian Davis notes that recounting Catholic involvement in slavery is not simply a concern about a tragic and embarrassing past. Slavery set the tone for the U.S. Catholic community's subsequent and enduring relationships with African Americans, both Catholic and Protestant. He writes: "Slavery has cast a long shadow over the history of the United States. It has led to civil strife, racial violence, and ethnic resentments that still fester. American Catholic history is covered by that same shadow. . . . Not only laypersons but religious and priests availed themselves of slave labor. . . . The Catholic church in the United States found itself incapable of taking any decisive action or of enunciating clearly thought-out principles regarding slavery. This factor unfortunately prevented the American church from playing any serious role until the middle of the twentieth century in the most tragic debate that this nation had to face" (Davis, *The History of Black Catholics in the United States*, 65–66).

30. This definition is my summary derived from the studies of Feagin, *Systemic Racism*, 19, and Mitchell, *Black Abolitionism*, 19.

31. For a comprehensive study of the fear of slave insurrections and rebellions, see John Hope Franklin and Loren Schwenger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999).

32. Such admissions were common among Catholic prelates during the nineteenth century. See, for example, the letter of Bishop William Elder (Natchez, Mississippi), which speaks of the “high degree of sanctity” among properly catechized slaves (Zanca, *American Catholics and Slavery*, 237).

33. The sexual exploitation of female slaves by a plantation’s master and teen-aged sons is a staple feature of the testimonies of freed slaves. See, for example, Douglass’s indictment of the compromise of the enslaved sexual virtue (Douglass, *Narrative of the Life of Frederick Douglass*, 100). Other testimonies to this can be gleaned from the masterful study of John W. Blassingame, *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* (Baton Rouge: Louisiana State University Press, 1977).

34. Cyprian Davis details one such relationship between Michael Healy and a slave woman named Mary Eliza. Though they could not be legally married, they lived in a monogamous and apparently loving union. Among their children were three priests, who would play prominent roles in Catholic life: James, Patrick, and Alexander Healy. See Davis, *The History of Black Catholics in the United States*, 146–52.

35. Mitchell, *Black Abolitionism*, 19.

36. *Ibid.*, 108.

37. Source documents for the justifications and defenses offered for African enslavement are found in Zanca, *American Catholics and Slavery*, 1–9; 191–216.

38. Excerpts of the *Dred Scott* decision cited in this section are taken from *ibid.*, 54–56.

39. Emphasis added.

40. See, for example, the following observation offered by Notre Dame ethicist Jean Porter: “We have not convinced our fellow citizens that embryonic stem-cell research is morally wrong because we have not convinced them that the embryo, from the first moment of its existence, is a human person in the fullest sense, with the same right to life as anyone else” (Jean Porter, “Is the Embryo a Person? Arguing with the Catholic Traditions,” *Commonweal*, February 8, 2002, 8).

41. Francis Kendrick, *Theologia Moralis* on the Morality of Slavery (1843); cited in Zanca, *American Catholics and Slavery*, 200.

42. Joseph T. Leonard, “Current Theological Questions in Race Relations,” *Catholic Theological Society of America Proceedings* 19 (1964): 82.

43. The record of Catholic complicity in U.S. racism can be found in the following studies: Davis, *The History of Black Catholics in the United States*; Stephen J. Ochs, *Desegregating the Altar: The Josephites and the Struggle for Black Priests 1871–1960* (Baton Rouge: Louisiana State University Press, 1990); and John T. McGreevy, *Parish Boundaries: The Catholic Encounter with the Twentieth Century Urban North* (Chicago: University of Chicago Press, 1996).

44. Cited in C. Luke Salm, “Moral Aspects of Segregation in Education—Digest of the Discussion,” *Catholic Theological Society of America Proceedings* 13 (1958), 61.

45. This was the counsel given in the document of the U.S. Bishops “Discrimination and the Christian Conscience” (1958). King’s response to the charge of being an “outside agitator” on the part of so-called Christian “moderate” church leaders, including the local Catholic bishop of Birmingham, is found in his landmark essay, “Letter from Birmingham City Jail” (1963).

46. John J. Lynch, “Notes on Moral Theology,” *Theological Studies* 18 (1957): 222.

47. I examine some of the questions concerning the relationship between a public servant's personal beliefs and public policy in my essay, "Catholic Participation in Political Life," *Origins* 35, no. 28 (December 22, 2005): 469–74.

48. The current disconnect between the personal morality and public stances of Catholics in racial matters is documented in a recent study commissioned by the U.S. bishops on the implementation of their 1979 pastoral letter on racism, *Brothers and Sisters to Us*. This study concluded that white Catholics are now less likely than they were a quarter century ago to support policies aimed at redressing the endemic and structured exclusion of persons of color from public life. See *We Walk by Faith and Not by Sight: The Church's Response to Racism in the Years Following Brothers and Sisters to Us: A Research Report Commemorating the 25th Anniversary of Brothers and Sisters to Us* (Washington, DC: United States Conference of Catholic Bishops, 2004). An executive summary of this report is available at the Conference's Committee on African American Catholics website, [www.usccb.org/saac](http://www.usccb.org/saac).