

Disability Ethics  
— AND —  
Preferential Justice

*A Catholic Perspective*

MARY JO IOZZIO

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## — FOREWORD —

*Disability Ethics and Preferential Justice: A Catholic Perspective* by Mary Jo Iozzio, Catholic ethicist and senior scholar in disability studies, argues well the need for strong and clear Catholic approaches that address global and local ethical issues undergirding persons with disabilities. Attentive to personal and communal experiences and to empirical data concerning persons with disabilities by the World Health Organization, the United Nations, legal regulations through the Americans with Disabilities Act, and disability studies, Mary Jo makes a necessary and compelling case of accompaniment and advocacy for persons with disability, the world's largest minoritized and basically ignored group of persons totaling about 1.75 billion of the planet's 7.5 billion people. In the end, Mary Jo calls for a disability ethics that engages a preferential justice for persons with disabilities who are created in the image and likeness of God and are thereby integral relational members of the Body of Christ.

I have known Mary Jo for nearly twenty years from when I was a newly minted PhD/junior scholar to my current status as a tenured full professor. Most significantly, she has been instrumental in helping to facilitate my professional development/scholarship in Catholic theological ethics. Mary Jo invited me to speak at a conference that she sponsored; contribute a book chapter to her edited collection of essays; contribute to an international newsletter on Catholic ethics, *The FIRST*, for which she was editor of the North American Forum; and now to write the foreword to her book on disability ethics. Mary Jo has been a wonderful colleague. I am so grateful to know her and to appreciate who she is as a teacher, a scholar, and an advocate for all.

In matters of this text, Mary Jo recognizes that praise must be given to the Church for its teachings and to the consistency of its message on the sanctity of all human life as well as the dependence of all human life on God for the goods of creation and for God's continual intervention into all human affairs. However, she contends that a practical reality of exclusion remains true for persons with disability and other members of the Catholic communion (e.g., those belonging to gender, racial/ethnic, and language minorities) who have been and continue to be marginalized—if not by physical obstacles then by prejudice, discrimination, and ignorance—from the common weal. Furthermore, people with disability too often are excluded from access to many social goods readily enjoyed by the nondisabled, including church worship and participation in sacramental life, health care, education, nourishment, employment, sustainable environment, recreation, and friendship.

Still, Mary Jo believes that the Catholic Church has an unwavering stake in the care of persons and communities of people with disability as much as it has a stake in the care of the nondisabled. In this book, she seeks to concretize and actualize more powerfully the reality of the Church that subsists in Jesus Christ, the Crucified Disabled God. She seeks to concretize and actualize more powerfully the theological anthropology that all human beings are created in the image and likeness of God and are integral to the Body of Christ.

To speak directly to the specific moral concerns of marginalization, exclusion, and abuse related to people with disability, Mary Jo develops her ideas and understandings of a preferential justice for persons with disabilities through the employment of an ethics committed to Catholic social teaching decision-making methodology. This methodology encompasses the four resources of Christian ethics: *experience* in light of social analysis on disability, *reason* as it relates to the natural law and the common good in the context of disability, *revelation* as it concerns sacred scripture and tradition on disability, and *theological reflection in Church life* in light of disability. Chapters 1 through 4 strategically and logically expound on each of these aspects of the methodology. Chapter 5 offers some practical recommendations in the Church's commitments to accessibility and inclusion of persons with disability.

Furthermore, for Mary Jo this preferential justice for persons with disability originates not only from Catholic social teaching principles of human dignity, solidarity, and the promotion of peace but also from liberationist insights. Liberationist insights reveal that Jesus Christ always exemplified and embraced fully a preferential option for the poor, vulnerable, and marginalized in his earthly mission and ministry. As mentioned above, Mary Jo submits that people with disability have been and continue to be marginalized, despised, discriminated against, prejudged, and excluded from accessing the goods of society, experiences that have an adverse effect on the ability to realize the principles of human dignity, solidarity, and the promotion of peace. A liberationist worldview offers strong support to and for persons with disability, as it also illuminates a preferential justice for persons with disability.

Hence, as a way to better conceptualize and nuance a preferential option for the poor, vulnerable, and marginalized, Mary Jo champions the idea of a preferential justice for persons with disability. Her development of this preferential justice emerges from a theological anthropology that views persons with disability along with the nondisabled as integral relational members of the Body of Christ, created equally in the image and likeness of God.

I am so elated that Mary Jo has paid attention to personal and communal experiences, global data and perspectives, and other empirical evidence to support her championship of justice for persons with disability. I am thrilled that she employed the resources of her discipline—moral theology—to argue for a preferential justice for persons with disability. I believe deeply that Mary Jo's work makes important contributions to the global Church, disability studies, theological ethics, the academy overall, and society. Thank you, Mary Jo!

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## — PREAMBLE —

Disability is a global reality about which too few register a thought of its prevalence. As a result, too few people without immediate experience or regular encounter with persons with disability remain unconcerned with this largest and most diverse minority of people across the globe (at least 15 percent of Earth's human population). Moreover, the likelihood of able-bodied/able-minded persons joining this minority increases with age if not by accident or by diagnosis of Alzheimer's disease, arthritis, depression, diabetes, heart disease, multiple sclerosis, Parkinson's disease, and other changes to health. No geographic location is immune from this prevalence, particularly in relation to the vicissitudes of contemporary life, though poverty increases and exacerbates vulnerability to being born with or acquiring a disability in one's lifetime. *Disability Ethics and Preferential Justice* is one response to a dearth of theo-ethical reflection on this critical concern for the requirements of justice in the vein of basic human functioning capabilities as the material of the common good, the means of which would be distributed with a preferential safeguard for persons and communities of people with disability.

# Introduction

*Disability Ethics and Preferential Justice: A Catholic Perspective* unfolds with a general introduction to the work of disability studies scholars and their interlocutors. Throughout, I draw from materials developed by social scientists and their conversation partners in the humanities and health sciences as well as from the systematic, moral, and ecclesial disciplines in the Catholic theological tradition. Critical theory remains a prominent lens through which I examine much of this subject.<sup>1</sup> In the broadest sense of the term, critical theory in disability studies draws on exposing personal and structural or systemic forms of domination in which one group, in this case the able-bodied, exercises (knowingly or not) coercive and abusive normative power over another group, in this case people with disability. As such, disability studies considers the current state of affairs experienced by this or that person with disability or this or that community/groups of people living with similar conditions to expose disabling injustice, the deconstruction of assumptions regarding able-bodied/able-minded normativity in humankind and its impositions of hegemonic uniformity and enforced conformity to its norms, and the means of social and political action to support human flourishing with a preferential option for individuals and communities of people with disability.

I do not engage Judaism or Islam in this text. Nevertheless, as traditions that are parent and sibling to Christianity, much can be written about the contemporary interest in exploring how disability figures in their scriptures, reflections, and religious practices. Jewish and Muslim scholars engage disability studies in ways similar to this work. A



minimalist sample here from these traditions acknowledges the like-minded trajectory of their efforts. For example,

The Jewish Federation of North America supports a Committee on Inclusion and Disabilities with the same themes that secular and Christian organizations hold: accessibility, acceptance, accommodation, and welcome. Of course, the Christian tradition owes much of its ethical mandates to its Jewish elders and the law, prophets, and wisdom literature. "Social inclusion reflects values that are inherent to Jewish life: *Derech Eretz* (respectful behavior), *Chesed* (compassion), *K'vod Habriot* (encouraging dignity for all), and *Tikkun Olam* (repairing the world and making it a better place)."<sup>2</sup>

Islam has initiatives that call for action in consciousness raising about, increasing access for, and inclusion of people with disability in the *Umma* (community), since, in the eyes of Allah, everyone is created equal in dignity and in honor. "In Islam, a person's worth is based not on any physical or material characteristics but on piety. Piety includes both faith in the tenets of Islam and a genuine attempt to adhere to Islam's obligations to the best of one's ability."<sup>3</sup> The Quran and hadith present disability as a morally neutral reality, neither a punishment from God nor a blessing; rather, all are encouraged to follow the practice of Prophet Muhammad, who extended hospitality and welcome to people with disability in his home, as companions, and with him in prayer.

Following this introduction, I present first a primer on disability basics. Second, I review the contributions made and data compiled by the United Nations and the World Health Organization regarding the prevalence of disability and the comorbid realities of poverty among the vast majority of people with disability in both developed and developing contexts. Third, I explore the traditions in Catholic theology of natural law with a focus on the common good as it applies to diversity in humankind inclusive of people with disability. Fourth, I present a

Trinitarian theological anthropology on the *imago Dei* (image of God)<sup>4</sup> with a view to the insights of Catholic social teaching. Fifth, I apply the liberation lens of Catholic social teaching with a preferential justice for those who are poor and otherwise marginalized, oppressed, or silenced on account of their disability. I conclude with reflections on the ethical imperatives of inclusion that bear on the dominant able-bodied/able-minded other toward the many diverse individuals and communities of people with disability in the Church and the world.

In addition to my own work in this text (like many seemingly able-bodied/able-minded persons, I have experienced temporary disability and have also attended to intimate physical, emotional, and social care of family members in need), I asked Catholic colleagues with similar disability intimacy and experience to contribute a thought or two on each chapter's subject. I am grateful for their generosity and contributions to this project. Their confidence and support are uniquely characteristic of colleagues in the guild of disability scholarship.

Shawnee M. Daniels-Sykes, RN, PhD, professor of theology and ethics at Mount Mary University (Milwaukee, Wisconsin) graciously accepted my invitation to write the foreword for the project from the vantage point of her teaching and research in ethics, medical/nursing care, and the generally unpredictable episodic experience of chronic health conditions. Miguel J. Romero, MDiv, ThM, ThD, assistant professor of religious and theological studies at Salve Regina University (Newport, Rhode Island), engages moral theology and Catholic social teaching with a view toward disability and mental illness (Miguel and I collaborated previously on an issue of the *Journal of Moral Theology*).<sup>5</sup> Jana Bennett, MDiv, PhD, professor of religious studies and department chair, University of Dayton (Dayton, Ohio), lectures and writes often on disability, technology, and religious thought through the lens of bioethics. Matthew Gaudet, PhD, lecturer of engineering ethics, Santa Clara University (Santa Clara, California), combines his engineering background with research interests in disability, education, peace, and social ethics. Lorraine Cuddeback-Gedeon, MDiv, PhD, director of mission and ministry at Mercy High School (Baltimore, Maryland), is passionate about social justice and works through an interdisciplinary lens alongside fieldwork that raises

voices and experiences from the margins, especially of persons with intellectual and developmental disability. Maria Cataldo-Cunniff, MA, MTS, board certified chaplain (formerly at Boston's Children's Hospital and Phillips Academy, Andover, Massachusetts) and dear friend and editor, writes, lectures, and advocates for the empowerment that comes with disability justice. And retired colleague from Barry University (Miami Shores, Florida) Valerie Turner, DMin, my first personal editor in matters of work related to disability, has kept me honest, challenged my presumptions, and graced me with her friendship.

### Personal Disclaimer

I began work in disability studies following the diagnosis of a severe genetic anomaly with the second pregnancy of a dear cousin. The diagnosis followed my introduction to the social construction model of disability in 1994 when reading "Toward a Feminist Theory of Disability" by philosopher Susan Wendell a year after my youngest brother died of AIDS.<sup>6</sup> My brother, Norman P. Iozzio, MD, was a laboratory pathologist. I mention him because my cousin had remarked to me that if Norman were alive he would know how to respond to the diagnosis determined by genetic testing and the prognosis presumed by the genetic counselors about the outcome of that pregnancy. Involved as I was in bioethics, she turned to me. She had been encouraged to abort the fetus since the anomaly of mismatched and incomplete genes was sure to express in a failure of the neonate to thrive.<sup>7</sup> Such bias is both sadly and alarmingly commonplace among prenatal genetic counseling and medical professionals alike.<sup>8</sup> Such a course of action was unthinkable to my cousin and her husband, an affront to their sensibilities about vulnerability and the precious nature of nascent life. Today her child is twenty-seven years old. It is to my cousin Deb's resilience and steadfast care of Bethany as well as to the many people I know who have disability, care for and love persons with disability, or both that I devote much of my research and writing on disability justice.