

Bodily Autonomy in Politics and Laws of the United States of America

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Abstract

Background: In March 2020, the COVID-19 pandemic caused the United States and most of the world to go into a shutdown. COVID-19 is a respiratory disease caused by a coronavirus disease and is highly contagious because it spreads mainly by respiratory droplets created when an infected person either coughs, sneezes, or talks. In the United States, a mask mandate was a decision to be made by each State. New York was one of the first states to go into an emergency shutdown and have a mask mandate. This mandate brought up a lot of conflict regarding bodily autonomy. The side that opposed masks can be referred to as “anti-maskers.” The phrase “my body, my choice” became popular among anti-maskers.

Objective: This study aims to identify if the movement of anti-maskers and the history of bodily autonomy in United States law and politics have any correlation.

Design and Method: My research method was qualitative and entirely based on peer-viewed scholarly literature on bodily autonomy in politics and law from 2011 to 2020. The design of my research is the following: the role of autonomy when considering gender (male and female) in politics and law, reproductive rights in politics, the interpretation of bodily autonomy in politics, and bodily autonomy in the movement of anti-maskers.

Results: The movement of anti-maskers and its interaction with the history of bodily autonomy must deal with identity and individual importance.

Conclusion: There needs to be more research and studies done regarding male autonomy and how it is interpreted in law and politics. This concept will also help in the debate on abortion since male autonomy cannot produce life, only contribute, which will shift focus from the value of human life to the value of a contributing individual in society. Additionally, it will guide the way legislators decide on the value of the anti-masker movement and if they are contributing or going against society.

Keywords: Anti-maskers, COVID-19, bodily autonomy, United States, politics, law, individualism, democracy, society, reproductive rights

Chapter 1: Introduction

Background and Overview

In March 2020, the COVID-19 pandemic caused the United States and most of the world to go into a shutdown. COVID-19 is a respiratory disease caused by a coronavirus disease and is highly contagious because it spreads mainly by respiratory droplets created when an infected person either coughs, sneezes, or talks (CDC, 2021). The symptoms are like the flu or a common cold, such as fever, dry cough, running nose, and sore throat (CDC, 2021). Many people are asymptomatic, meaning they may carry the virus but do not experience any symptoms (CDC, 2021). One of the ways a person could reduce their risks of infection was to wear a face mask (CDC, 2021).

In the United States, a mask mandate was a decision to be made by each State. New York was one of the first states to go into an emergency shutdown and have a mask mandate (Grunawalt, 2021). This mandate brought up a lot of conflict regarding bodily autonomy (Grunawalt, 2021). There are two main sides; one felt it was in the best interest of public/self-safety, while others stated that it took away their freedom of choice (Grunawalt, 2021). The side that opposed masks took part in the anti-mask movement and referred to themselves as “anti-maskers” (Grunawalt, 2021).

The phrase “my body, my choice” became popular among anti-maskers (Rushing, 2020). Likewise, this phrase has been used in feminist movements such as gender equality, reproductive rights, and abortion rights (Rushing, 2020). Throughout history, politics and law in the United States have taken their various interpretations of bodily autonomy. In bodily autonomy, the definition of individual rights and an individual’s contribution to society are considered (Hayward and Watson, 2017). My question for this study is:

RQ: *Can a correlation between anti-maskers and the history of bodily autonomy in the United States be found?*

Chapter 2: Literature Review

The morality and consent of body autonomy were one of the main themes when investigating how it has been viewed in government and politics. Morality is important when it comes to this topic because it can shift decisions and viewpoints on how the government will handle issues that come into question. Government law and politics in the United States have changed frequently. I am interested in how the United States has found what morality is and how it has been translated throughout history.

In my research, morality was not the only topic that came up frequently; the “Respect of Autonomy” issue was translated and mentioned in many articles. Some would translate this term as a correlation to self-identity, and others would consider it in relation to what it would mean in a community. Self-identity is another topic that came up various times, along with what being a “respectful civilian” is in a community. Procreation as a natural right is inspected in both genders and how it affects women and men. Many researchers question what these terms mean by making looking at how it was interpreted by United States judicial law; meanwhile, others used philosophers like Aristotle, Foucault, and Kant to make their findings. I will discuss how these terms are seen in men's autonomy, women's autonomy, reproductive rights, and United States politics.

Men’s Autonomy

Men's autonomy in the history of the United States government law and politics mainly focuses on men's role in a traditional family household. Procreation is considered on how it affects a man in the conventional family household. The right to procreation is explored in fertility care, such as assisted reproductive technologies (ARTs). The role of men in a traditional

family household is entirely different from a woman. This difference is made clear in the United States' decision to a male-only federal draft system.

Dorit Geva, a sociology and social anthropology professor at Central European University, argues that the Selective Service has only male registration provisions associated with masculinity and militarism (Geva, 2015). Geva uses a feminist political-sociological to say that having women included in the registration would only bring inequalities due to misogyny. At first, she explores how the Selective Service System became to be a male-only registration. In 1917, Congress approved the bill that made the male-only draft registration legal due to preparation for entering World War II. This bill made it a legal requirement for men above the set age limit to register to be drafted into the war. As a result, married men registered more frequently than single men, making each local draft board to select men based on three levels of classes (Geva, 2015). These classes created inequality for registrants; it was seen that about fifty percent of registrants were African American while only thirty-two percent of registrants were White.

The highest level of the class were men who were single without dependents. These men were the first selected to be drafted to war. The second were men who had dependents but were not the primary breadwinner, and the third class were men who had dependents and were the breadwinners. Geva states that this made it a division of the roles men and women have in a household (Geva, 2015). Men were considered heads of the family, making them the breadwinners. Women are the caregivers, so they cannot be drafted into war because the children would be left with their fathers, which is unacceptable (Geva, 2015). This division implied and enforced by the bill created a complex environment of masculinity and militarism. The woman

who is voluntarily in the army are mistreated and sexually assaulted at high rates (Geva, 2015). Women required to register in the military will not lower these inequalities (Geva, 2015). Daniel Sperling looks at assisted reproductive technology's role in society and its use in the law. In this article, Sperling focuses on how the legal right to procreate started in different parts of the world, including the United States. First, he analyzes what the values of the moral right to procreate can mean and the definition of reproductive liberty. Then, Sperling uses United State case law for his interpretation and compares it is considered in assisted reproductive technology. Issues in assisted reproductive technology are also raised in other countries like Canada and Israel, which Sperling also discusses.

The question of the legal right to fertility care in the United States can be found in the case *Magadalin v. Commissioner of Internal Revenue*. The plaintiff attempts to have tax deductions for the medical expenses that he accrued while participating in being a sperm donor in the two anonymous agreements. It was found that the court rejected his claim for tax deductions due to the plaintiff's participation in the legal right to procreate; however, it was not due to any health concerns (Sperling, 2011). The plaintiff was in excellent health, and the medical expenses weren't due to any dysfunctions; instead, it was just his choice to participate in procreation. Said expenses did not affect his health, so there was no claim for the deductions. This situation creates inequality between the sexes in classes and races due to the high cost of assisted reproductive technology. Everyone is entitled to the right to procreation; however, the function of procreation is heavily weighed on a woman's body rather than a man's (Sperling, 2011).

Woman Autonomy

Bodily autonomy for a woman has been an essential topic in politics and government law. I research the reason behind the choices made on women's autonomy and how it may differ from the treatment of the autonomy of men. Humility and respect for autonomy are one of the main themes; this introduces what negative liberty means to a woman's autonomy. These themes are explored in United States common law and democratic theories.

Rushing's thesis confirms that the concept of birth is the main concentration in United States politics. American childbirth practices are being researched with the theories of humility and autonomy (Rushing, 2015). Rushing believes that those two theories are the center of democratic theory. Politics and woman's autonomy is topics that she constantly refers to, and not only does she refer to those topics, but she also reviews many different views of them. Rushing states that when it comes to birth experiences, it all depends on many factors, including race, class, sexuality, etc. Common law generally involves the interpretation of negative liberty. Birthing in the United States is built more on a statute of doctor-patient liability, and studies show that birth experiences are not equal for all women (Rushing, 2015). There is an inequality in the experiences between races, Black women, and women of color report higher rates of anxiety in the birthing process and mistreatment (Rushing, 2015). Due to this, many women experience the feeling of wanting to "get it over with" or just "get out." This feeling is because women want to feel some sort of control over their experience of birth. Birth is a moment where a woman is most vulnerable, and the doctor must meet their patient with humility so they may respect a woman's autonomy (Rushing, 2015). This situation is not the case, as shown in the reports of inequality; doctor-patient liability may cause humility not to exist, so it can make a woman feel out of control of their environment. Home births are becoming a popular birth

option, so a woman may feel in power, which is essential in having humility and respect for autonomy. Since this option isn't available to everyone, it also brings more inequality (Rushing, 2015). It concludes that birth practices cannot be used as the center of politics or law due to the inconsistencies.

David Partlett reviews the book, *The Common Law Inside the Female Body* by Anita Bernstein about the female body and its role in torts law. Common law is explored in this article and how it is practiced in bodily autonomy. The term "negative liberty" is applied to United States common law. The origin of common law and the philosophy that created it is examined in Bernstein's book, and Partlett uses his knowledge of the law to ponder on her thesis. Partlett divides his discussion into two parts, the first part, he states Bernstein's viewpoint of negative liberty and common law. In the second part, he explores Bernstein's explanation of the nature of common law. He also explores three elements in the common law of torts and labels them as "pillars" (Partlett, 2019).

Negative liberty and voluntary consent must be hand in hand with common law (Partlett, 2019). They consider what this first means in comparison to property and how it is handled in that topic. In the case of law, it is a person's negative liberty to protect their property, and an intruder goes against their voluntary consent and denies that liberty (Partlett, 2019). Bernstein then compares this case law to the concept of abortion and how a woman can consider the fetus interfering with her negative liberty (Partlett, 2019). Access to abortion can take away the voluntary consent of women's negative liberty. Bernstein and Partlett both acknowledge that affirming the right to access abortion can bring up issues of morality regarding the practitioner's beliefs to object to performing the medical procedure. Practitioners could also face damages if they withhold any information about access to these rights (Partlett, 2019).

Reproductive Rights

Abortion is considered taboo in casual conversations; however, in United States politics and law, it is one of the leading spoken topics. Bedford creates a thesis on the theoretical and practical dynamics of both sides of the abortion debate. He presents both sides' fundamental values and uses them to shape both sides' reasoning for their viewpoint. Bedford uses the moral value viewpoints of Patrick Lee and Robert P. George and Tom Beauchamp, and James Childress. Respect for autonomy and individual rights is one of the main topics in Bedford's article. Lee and George define human life as beginning at conception, and society should hold the value of human life to the highest (Bedford, 2012). Beauchamp and Childress dismiss this value and argue that morality among human beings is what should be the focal point of understanding abortion. (Bedford, 2012). Lee and George conclude by discussing Aristotle and his definition of being a "good" citizen in a society (Bedford, 2012). If we as a society do not hold that value, then the meaning of being a human is disrespected and wholly wasted. Beauchamp and Childress concluded by identifying what morality is in human beings and the right of autonomy in individuality. (Bedford, 2012).

Politics

In the United States, I wanted to analyze what political autonomy can mean in a democratic society and how these meanings came to their conclusion. Choice and individualism are spoken at various times, and how they can be seen in liberalism. This article's primary question is how democratic states should define and shape identity. This definition would affect the way the states determine democratic freedom. Hayward and Watson use two topics of which identity is part of the democratic construct the state governs. They state that there is a lack of knowledge on this topic and analyze it on different levels. Hayward and Watson demonstrate

three points on how it is interpreted in the United States law. First, identity is complex because it involves physical body autonomy and mental health. A person's identity is part of their mentality, which is a part that can be forgotten because it cannot be seen.

The three points Hayward and Watson stated are that identity is an essential source of well-being source of harm and should be shaped/reshaped identity (Hayward & Watson, 2017). They use the Santa Clara Pueblo v. Martinez (1975) case to analyze these three points. Martinez had the right to claim her identity because it is the source of well-being. However, this identity can offer a source of harm due to the problem of normalizing or standardizing what an identity is (Hayward & Watson, 2017). This condition leads to them stating that the state should collectively recognize what identity can mean according to democratic nondomination. Hayward and Watson state that in democratic non-domination, there are two components: action-level and system-level. They then discuss how democratic nondomination can have interagentive and impersonal dimensions.

Ferracioli and Terlazzo argue about the types of methods used in liberalism. Liberalism is a political view that has an emphasis on individual rights. The article studies what body autonomy rights for all ages look like in political liberalism. The capabilities approach concentrates on the capability of a person's welfare instead of their will on their welfare (Ferracioli & Terlazzo, 2014). They elaborate on how this play into liberalism and how autonomy is privileged because of choice.

Ferracioli and Terlazzo completed their argument by reaffirming that the capabilities approach must be the center of political and comprehensive liberalism, which means that the approach is "neutral on divisive and controversial metaphysical questions" and respects autonomy (Ferracioli & Terlazzo, 2014). Unfortunately, this may mean respecting any

approaches that include sexist or homophobic ideas in a person's personal life. It also means that the state must ensure that its citizens know their right of choice in political and comprehensive liberalism.

Anti-Maskers

We are still in the COVID-19 pandemic, about two years since it started. Rushing analyzes how specific demographics of people in the United States reacted when the pandemic of COVID-19 began. She uses Thomas Hobbes's theory of bodily politics based on how she analyzes the reactions. Rushing also uses a point of view that isn't so focused on the law or government when it comes to politics. Instead, sociology was the leading focal point when it came to the analysis of the COVID-19 responses.

Vulnerability is a term Hobbes uses to describe how he understands society will treat a disease when it comes to individuality (Rushing, 2020). The foundation of this vulnerability is the moral and affect. Hobbes states that fear causes this vulnerability, and Rushing says that he overestimates society's capacity in these terms (Rushing, 2020). She then asks how one could build a sense of vulnerability.

Conclusion

United States case law is one of the significant contributions of bodily autonomy. It is common for judicial makers to use case law when making decisions. Case law can involve many choices from different levels of courts in different law practices. Usually, case law respects the outcome of other cases in the past unless they find an error. This error, however, will dismiss which order or decision was made that involved the error.

Interpretations of terms such as "respect for autonomy" and "choice" vary from person to person. I find this to be one of the weaknesses of bodily autonomy. Unlike other terms, the

definitions are based on different interpretations of scholars and philosophers. I believe this is the reason why it leads to the complexity of this topic. The gap that follows is that there aren't definite terms.

Another gap or an area that is missing is that the foundations of liberalism in men's autonomy haven't been thoroughly explored. When attempting to find articles on men's autonomy, they didn't have the same repetitive terms used or found in women's autonomy. This situation can also be considered a weakness in bodily autonomy. It needs to be researched as to why and how it can be applied.

Chapter 3: Methods

This study is qualitative and descriptive. “Anti-maskers” made me want to create this research; it made me question bodily autonomy. My focus was to examine how bodily autonomy was defined in the United States laws with the two genders of male and female. Politics significantly influence United States law, so I knew I would have to touch base on that. My research did not have a timeframe or structure to follow, so I had to create one. The first step I wanted to take was figuring out which topics to search. I came up with the following topics: male autonomy, female autonomy, politics, and anti-maskers. All my research came from the ProQuest Research Library: Social Sciences from the Purchase College online database. I used Google to find subtopics of male autonomy; once I saw it, I also used ProQuest Research. I wanted all my research to be based on scholarly journal articles.

When using the ProQuest Research Library, I had to use specific terms to find what I was looking for in my topics. For each topic, I had to use different terms; for my topic of women's autonomy, it was easy to find many scholarly journal articles. I used the following search terms: *female autonomy, United States laws, politics, reproductive system, and abortion*. Many articles appeared, and once I found articles that aligned with my research, I would download them in PDF format. I also wanted to find an article that would represent the side that opposes abortion since I knew I was going to touch base on that topic. Surprisingly, I came across difficulty finding a scholarly journal article that went against it. Therefore, I had to use the additional terms I mentioned before. I had to use the words *debate, against, pro-life, and Republican*.

The topic of male autonomy was difficult at first. I attempted the same concept of how I found my articles before; however, it would not show me articles that applied to men only. So, I had to use Google to research if any United States laws governed male autonomy. That is when I

came across the case of *Rostker v. Goldberg* (1981), a United States Supreme Court case that decided it was constitutional for Congress to only draft men for war. I have been a paralegal for over five years, so I took it upon myself to read the case law on Justia (a certified website for case law summary). That is when I found my subtopic for male autonomy; I went to ProQuest Research Library and searched the following terms: male autonomy, male-only draft, United States politics. I used the same method of saving the articles I wanted to use via PDF. I did the same for the topic of politics. Politics I used the terms democracy, United States law, government, and politics.

The topic of anti-maskers was limited since this movement came about when the COVID-19 pandemic started, which was in 2020. This movement is about two years old, and I found many websites on the subject on Google; however, I wanted to stick with my decision to use only scholarly journal articles. At first, when using ProQuest Research Library, I used the terms COVID-19, anti-maskers, and pandemic to find journals and came up with nothing. So, I decided to remove the term COVID-19 and instead used *anti-maskers*, *pandemic*, *bodily autonomy*, and *politics*. This change led me to find a scholar who I was already using an article they wrote; thus, it made it easy to choose.

My intention of this research is to highlight how bodily autonomy is dealt with in United States politics and law and why it is dealt with in that matter. In the following chapter, I will discuss my findings.

Chapter 4: Results

Bodily autonomy and how it has been treated in the United States government and politics was what I wanted to explore in my research. At the beginning of the COVID-19 pandemic in the United States, the movement of “anti-maskers” began. Anti-maskers are a group of individuals against the regulation of mandatory masks. This group frequently uses the phrase “my body, my choice,” which is a phrase associated with the pro-choice movement that is for the rights of the choice of abortion.

The purpose of this research is to examine the history of bodily autonomy in the history of law and politics in the United States to see if there is any correlation between this movement and the topic of bodily autonomy. I decided to structure this examination by researching the history of bodily autonomy for male and female genders while focusing on male and female reproductive rights. After that, I look at the different definitions of bodily autonomy in United States politics and law until I finalize by analyzing anti-maskers. For each of my studies, I used scholarly journal articles authored mainly by experts in sociology and politics.

Men Autonomy

In the United States, men's autonomy in their politics and law has been subject to the role they would play in a household. In deciding to have a male-only draft registration, Geva (2015) argued that reversing the decision to all genders would create a more significant problem due to misogyny. One of the decisions made to make a male-only registration was that the male was continually reviewed as the breadwinner in a household. Although women were determined to be the caregiver, it was determined that there was no choice but to have a male-only registration since there had to be someone at home with the kids (Geva, 2015). There were also levels to determine the importance of the male as the breadwinner to choose who qualified to get drafted.

If there is an all-gender registration, how would the levels be conducted? The subject of decision-making autonomy would result from the previous decision-making of being drawn into the war (Geva, 2015). The importance of assigning roles in the family would be in question. This concept does not include the current issue of institutional racism and what would be considered a “real” family (Geva, 2015).

The role of a male is also considered in the right to procreate in the legal process of the United States. In the case of *Magdalin v. Commissioner of Internal Revenue*, the Petitioner was a male who took part in artificial reproductive technology by being an anonymous egg donor and was seeking tax credit for the medical expenses of the donation. The Petitioner’s request was denied by both the Tax Court and Court of Appeals due to these expenses not affecting the structure or function of its body. These expenses exceeded his income by 7.5 percent. Under Internal Revenue Code, a person can deduct said expenses if it does exceed that limit if it was compensated by insurance or otherwise (Sperling, 2011). These expenses must be for the body's structure or function, which Sperling states would be the Petitioners' right to procreate. This concept creates an inequality of sexes' right to procreate since males generally must pay a higher rate towards artificial reproductive technology (Sperling, 2011). The right of procreation is referred to the function of a human body; however, not a male’s body since there are many shortcomings to reproductive equality (Sperling, 2011).

Women Autonomy

Women's autonomy has a rich history in the United States politics and law. Humility and respect for autonomy are highly mentioned when speaking of women's autonomy. Rushing states that humility and autonomy are the centers of democratic theory (Rushing, 2015). These two themes are considered when exploring the theme of birth being the site of politics for women's

autonomy. Birth impacts not only the individual giving birth but also the family and community, creating a “social and political phenomenon saturated with questions of power, ethics, gender, discipline, and resistance.” (Rushing, 2015). While analyzing the statistics of the experiences of birthing women in the United States, there is a clear indication of the need; however, lack of choice and control. The value of autonomy is diminished due to the lack of choice and control, which leads to humility being nonexistent because it needs autonomy (Rushing, 2015).

Community, individual autonomy, and protection of the vulnerable are the three core elements of the common law of torts (Partlett, 2019). Partlett (2019) explores these three core elements in the common law of women's autonomy which he claims are lost or not seen in the common law. Negative liberty is required and protected by the common law, which gives an individual the right of rejection. Common law in the United States protects the fundamental rights of persons and property while respecting the weak and vulnerable (Partlett, 2019). It takes negative liberty and common law in a woman’s body and the right to abortion. Denying the right to abortion takes away a woman’s right to negative liberty (Partlett, 2019). Regarding surrogacy, negative liberty can become tricky since abortion can be within the woman’s legal right. This concept would have to be brought to court; however, it will most likely be resolved by entering a new contract or paying damages (Partlett, 2019).

Reproductive Rights

Abortion is the center of the topic of reproductive rights. Bedford does not argue whether abortion is a right or not; instead, he argues that it should and must be included in a conscientious objection debate. Respect for autonomy and individual rights is analyzed with the viewings of Lee and George with the opposing views of Beauchamp and Childress. Bedford acknowledges that the viewpoints of Beauchamp and Childress challenge the conclusions of Lee

and George. Likewise, Bedford states that Beauchamp and Childress fail to address the conflict of the vast difference in moral perspectives (Bedford, 2012). Due to the apparent differences between the two sides, their fundamental values must be considered in the debate on abortion.

Politics

Autonomy in United States politics is viewed in various ways; it can be defined in a literal sense physically or as a state of mentality or emotional wellbeing. Hayward and Watson use the logic of identity to analyzing how it is defined and shaped in the democracy of the United States. The importance of identity enables and binds meaningful behaviors of human action (Hayward and Watson, 2017). The democratic states' responsibility for shaping and promoting identity is called democratic nondomination (Hayward and Watson, 2017). Democratic nondomination has two components: action-level and system-level, and two dimensions, interagentive and impersonal. At the level of action, the interagentive dimension is the "reasonable expectation of non-interference within some range of action," and the impersonal dimension is "freedom from structural constraint within some range of action" (Hayward & Watson, 2017, p. 196). Action-level democratic nondomination in identity politics in the dimension of interagentive level would be policies aimed at protecting the practices of a group meanwhile protecting individual rights, including the freedom to exit (Hayward & Watson, 2017). In the impersonal dimension, the action level minimizes state support for "tightly scripted identities." (Hayward & Watson, 2017, p. 199). At the system level, the interagentive dimension is inclusive and equitable "processes for defining and changing rules, norms, and other social limits to action." The impersonal dimension is "rules, norms, and other social limits to action responsive to those they affect" (Hayward & Watson, 2017, p. 199). System-level democratic nondomination in the interagentive dimension is democratic political rights/group representation

and internal governance; the impersonal dimension is the deliberation about collective identities (Hayward & Watson, 2017). There is no definite answer to how the state can determine identity using inter-/intra-genitive nondomination, but it is necessary and possible (Hayward & Watson, 2017).

The capabilities approach is a normative approach to human welfare that concentrates on the actual capacity of a person's ability to complete and achieve their well-being rather than their freedom to that ability. Ferracioli and Terlazzo analyze the capabilities approach in liberalism and autonomy. Comprehensive liberalism is the nature of a good human meanwhile going "beyond the realm of the political," and comprehensive autonomy is valuable when practiced in the pursuit of the good of the life of an individual (Ferracioli & Terlazzo, 2017, p. 446). The capabilities approach must be based on political and comprehensive liberalism by showing respect to persons in remaining neutral on conflicting abstract questions and complying with a vigorous account of autonomy (Ferracioli & Terlazzo, 2013). It means that it should consider gender, race, and sexuality as the central to human function, and it's the state's responsibility to educate society on these topics and the options they hold within the same society so they may not be limited to one (Ferracioli & Terlazzo, 2017). Public education is the leading tool for ensuring full comprehensive liberalism and autonomy are taken in the capabilities approach (Ferracioli & Terlazzo, 2017).

Anti-Maskers

The mandatory regulation of masks during the COVID-19 pandemic in the United States led to the movement of anti-maskers. First, rushing evaluates the reasoning as to why this movement may have come about. Next, she analyzes the outcome reaction of the COVID-19 pandemic while acknowledging her biased opinions on the movement of anti-maskers. Finally,

rushing uses Kant to find why anti-masker can hold that masking wear mandates are government enforced and not lawfully enforced (Rushing, 2020). This may give the people in these movements a sense of upholding their right to independence of choice.

Chapter 5: Discussion

My research aimed to find out if there was any correlation between the movement of anti-maskers and the history of bodily autonomy in United States politics and law. The COVID-19 pandemic created the movement of anti-maskers because of the mandatory regulation of wearing masks in public. The common phrase in this movement would be “my body, my choice,” which is significantly associated with the pro-choice movement, which is about the reproductive rights of a woman to access abortion. The two movements share the subject of bodily autonomy;

however, it is non-comparable since the motives are vastly different.

Men's and women's autonomy are defined individually by men's autonomy is based on the basic family household role, and women's autonomy is based on their reproductive system. When it comes to a man's reproductive system, the right to procreate is brought into question; meanwhile a woman's reproductive system, the value of human being life is brought into question. This brings a particular burden to a woman because it holds them to a count of liability to society and can diminish her importance. It also brings down the value and contribution of men in reproductive means.

Abortion debates in United States politics can highlight the burden of a woman in society, and her importance is being simultaneously debated likewise. In United States politics, the individual and societal impact are taken into significant consideration. Identity within body autonomy is essential to being a functional individual in society. To have an identity is to be fully aware of any and all choices and the right of each individual to make and access these

choices. These choices include negative liberty and democratic nondomination. The movement of anti-maskers and its interaction with the history of bodily autonomy must deal with identity and individual importance. The anti-maskers find their reasoning behind needing to identify as so to make it clear that not wearing a mask is the only way they can individually function in society.

So What?

Overall, the lack of representation of men's autonomy in reproductive rights and the hyper focus on a women's ability to create life stood out the most. Men should have defined rights in regard to reproduction and not only in the means of procreation but also the general role of a man should not be limited to what they can provide. If the value of human life comes into question with the debate on abortion, it should also come into question when determining what a human life can provide to society. Anti-maskers uphold their movement for individual rights; however, the movement does not withstand in terms of the good of society since the regulation was created to protect the same.

Now What?

There needs to be more research and studies done regarding male autonomy and how it is interpreted in law and politics. In my research, many political and democratic definitions were made in analyzing women's autonomy which creates an unbalance between these two genders. This study will also help in the debate on abortion since male autonomy cannot produce life, only contribute, which will shift focus from the value of human life to the value of a contributing individual in society. Additionally, it will guide the way legislators decide on the value of the anti-maskers' movement and if they are contributing or going against society.

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