

ETHICAL CHALLENGES IN A POST-*ROE* AMERICA – INVITED SESSION

Topic: Ethical Challenges after the Supreme Court Overturned *Roe v. Wade* in 2022

Convener: M. Cathleen Kaveny, Boston College

Moderator: Christina Astorga, University of Portland

Presenters: Shawnee Daniels-Sykes, Mount Mary University  
 (presented by C. Vanessa White, Catholic Theological Union)  
 Jana Bennett, University of Dayton  
 M. Cathleen Kaveny, Boston College

In 2022, the United States Supreme Court handed down *Dobbs v. Jackson Health Services*, which overturned *Roe v. Wade* (1973) and eliminated the constitutional right to abortion. This session considered the new challenges regarding abortion from a variety of perspectives. It was comprised of three presentations, followed by a vigorous discussion, ably and actively moderated by Christina Astorga.

The first presentation was a paper by Shawnee Daniels-Sykes, who sadly passed away in 2022. Daniels-Sykes's paper was originally published in the Political Theology Network Blog in July 2022 ("Catholic Re-Visions—Disturbing the Foundations: Feminist Ethicists Respond to the Dobbs Decision," Political Theology Network, July 22, 2022, <https://politicaltheology.com/disturbing-the-foundations-feminist-ethicists-respond-to-the-dobbs-decision/>). It was powerfully delivered by C. Vanessa White, who contributed her own distinctive voice by leading the session in prayer and song at the beginning of the session. Daniels-Sykes's paper, "Pro-Birth v. Pro-life: a Womanist Expands the Perspectives," highlighted the great disparity in maternal mortality between white women and Black women. She writes "As a former Labor and Delivery and Public Health Nurse, I contend that an unconditionally pro-life position, instead of a strictly pro-birth position, not only embraces the needs of early unborn human life in the uterus but also considers that a healthy pregnancy begins even before conception and continues with access to good prenatal care, along with early recognition and management of medical concerns to prevent high levels of Black maternal mortality."

Jana Bennett's panel contribution, "Challenges Facing the Pro-Life Movement," addressed three challenges. The first was to acknowledge the range and breadth of issues that impact the question of abortion—and not only for pro-life movements. She discussed the broad category of disability as a way of showcasing that breadth of issues related to abortion, that pro-life movements need to address. A second challenge, Bennett suggested, is that there are multiple pro-life movements with different rationales and theological foci. Some of the array of pro-life movements include pro-birth, anti-abortion, pro-woman, non-violentist, and seamless garment. Third, when thinking about the first two challenges, a third challenge is to consider the range of needs and concerns relative to both the array of pro-life advocate groups as well as the array of laws and situations that now exist in the fifty states. Moreover, across the United States, there will be a need to advocate for paid maternity leave and universal day care, preschool, and kindergarten, among other such policies.

In her paper, “Challenges Facing the Law,” Cathleen Kaveny focused on the specific moral and legal questions posed by the increasing prevalence of medication abortion, which number over half of the abortions performed in the United States. She focused on two questions: first, whether the act of medication is better described as refusal to provide bodily life support than intentional killing; and second, how the logistical difficulties involved in regulating medication abortion raised questions about the relationship between the states and the federal government for purposes of defining the common good.

The ensuing discussion was lively and thoughtful. It was notable for both its tone and content. Avoiding “culture war” tropes and accusations, the attendees attempted to grapple with the range of complexities generated by the post-*Roe* era, appreciated and evaluated with appropriate ethical methodologies. A key focus of the participants was how to move beyond the narrow terms of the current public discussion of abortion, by bringing all the tools of Catholic Social Teaching, including concern for women and people of color, to examine the issue. At the same time, as one participant noted, we need to find a way to bring the level and quality of the session’s discussion beyond the halls of the academy.

M. CATHLEEN KAVENY  
*Boston College*  
*Chestnut Hill, Massachusetts*