

BIOETHICS/HEALTHCARE – TOPIC SESSION

Topic: Freedom
Convener: Daniel J. Daly, Boston College
Moderator: Dorothy Lee Goehring, Boston College
Presenters: Jason Eberl, Saint Louis University
Shaun Slusarski, Boston College

The Bioethics/Healthcare session featured papers that considered the role of the common good in public health ethics.

In “Public Health Behind Bars: Incarceration, Bioethics, and the Common Good,” Shaun Slusarski examined the ways that incarceration in the United States imperils the collective health and wellbeing of incarcerated people, their families and communities, and the wider public. As such, the US carceral system is a threat to the common good.

Slusarski argued that the focus on retribution in the US criminal justice system has not only resulted in harsher prison conditions, but it has also undermined efforts towards rehabilitation. At its best, the Catholic tradition has affirmed that punishment ought to promote the moral growth of the offender and prepare them for full reinstatement into the life of the community. The high recidivism rate, the prevalence of life sentences, and the disenfranchisement of formerly incarcerated people from certain basic rights indicate that prison in the United States fails to conform to the church’s vision of criminal justice.

Slusarski contended that the pain of retribution extends beyond the incarcerated population. While prison causes chronic health conditions, enhances vulnerability to infectious disease, and increases various mental health problems among the incarcerated, it also directly affects the health outcomes of their families and communities. Mass incarceration, for example, has significantly increased the country’s infant mortality rate, especially within the Black community. The COVID-19 pandemic also helped to demonstrate how carceral health policies have far reaching ripple effects. One study, for example, showed that 13 percent of all COVID-19 cases in Cook County during August 2021 can be attributed to jail cycling in March 2020.

The paper concluded with a call to embrace a public health approach to criminal justice. Slusarski argued that although there are many ways that the church ought to support such efforts, one way is for Catholic bioethics to center incarceration as a major area of study.

Jason Eberl’s paper, “Freedom of Conscience and the Common Good During a Pandemic,” argued that Catholics do not have a basis to request a religious exemption to vaccination mandates for COVID-19. He first claimed that vaccines produced with cell lines derived from aborted fetal tissue constitutes the appropriation of evil, not cooperation in evil. Although, he contended, such appropriation is morally licit given the church’s long-standing position that Catholics may take vaccines derived from aborted fetal cell lines if there is a proportionate good at stake.

Further, he contended that being vaccinated against COVID-19, or similar infectious diseases, counts as “ordinary”—and therefore morally obligatory—medical treatment to preserve one’s own life and health as well as that of others. Citing Congregation for the Doctrine of the Faith (now the Dicastery for the Doctrine of the

Faith) documents on the issue, Eberl argued that, in general, vaccines are not morally obligatory for otherwise healthy patients. However, the pandemic created a “state of exception,” rendering COVID-19 vaccines morally required for those patients who could safely take the vaccine. Eberl argued that although it is important to respect individuals’ conscience, even when misinformed, the bishops at the Second Vatican Council recognized that civil authorities have the right to regulate the exercise of conscience for the sake of the common good.

Members discussed the role of emotion in the two presentations, especially considering the role of “spite.” Following Slusarski’s paper attendees discussed the possibilities and limits of prison abolition as an ideal and explored what a rehabilitative model of justice might look like in practice. Eberl was asked about his application of ordinary and extraordinary means. A discussion ensued about a patient’s fear of long-term effects from the COVID-19 vaccine and how that consideration should or should not be accounted for in the moral analysis.

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