

# Dobbs v. Jackson Women's Health Organization / Supreme Court was correct in its ruling

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< Dobbs v. Jackson Women's Health Organization

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## Position: Supreme Court was correct in its ruling

*This position addresses the topic Dobbs v. Jackson Women's Health Organization.*

For this position

“ No written, explicit protection for abortion rights exists in the Constitution; nor did the court simply anticipate where state legislatures were headed, as it did in the *Griswold* case striking down state barriers to contraception or in *Obergefell*, which established the right to same-sex marriage. Nothing remotely approaching consensus developed on abortion because of the fierce, continuing debate about the status of the fetus/unborn child. This freighted argument must be settled, if ever, by elected representatives accountable to voters. ”

From Why John Roberts's wise prudence was the wrong answer on abortion law, by Hugh Hewitt (*The Washington Post*, June 25, 2022) (view)

“ Critics say the Court's 6-3 decision in *Dobbs v. Jackson Women's Health Organization* is rule by unelected judges. But Roe was the real "exercise of raw judicial power," as Justice Byron White put it in dissent in 1973. That's when seven Justices claimed to find a constitutional right to abortion that is nowhere mentioned in the Constitution and had no history in American common law. The Court on Friday finally corrected its mistake, which has damaged the legitimacy of the Court and inflamed our politics for 49 years. ”

From Abortion Goes Back to the People, by The Wall Street Journal editorial board (*The Wall Street Journal*, June 24, 2022) (view)

Against this position

“ "What is distinctive about abortion," Alito writes, is that it results in the termination of a "potential life." And so it does. That is the core difficulty that makes abortion doctrine so vexing — both the individual and society have vital interests at stake. But Alito's leap from that truism to the conclusion that the right to abortion merits no constitutional protection rests on an embarrassing flaw in legal reasoning. It is a non-sequitur to say that the existence of a state or societal interest in fetal life means there is no individual interest in whether to bring a fetus to term. A countervailing state interest says exactly nothing about the existence of an individual right. ”

From A terrible, horrible, no good, very bad Supreme Court decision, by Harry Litman (*Los Angeles Times*, June 26, 2022) (view)

“ The court’s decision was issued a day after the conservative majority struck down a New York law limiting the right to carry guns in public. The message is clear: The right to own and carry deadly weapons is more important to uphold than the rights of women to make their own decisions on whether to carry a pregnancy to term. ”

From Supreme Court takes us backwards as a nation by overturning Roe v. Wade, by Chicago Sun-Times editorial board (*Chicago Sun-Times*, June 24, 2022) (view)

“ It is no exaggeration to say that the Dobbs decision, written by Justice Samuel Alito and joined by four other conservatives, is an act of institutional suicide for the Supreme Court. The legitimacy of the modern court depends on its capacity to protect the vulnerable by limiting how the majority can infringe on basic rights to liberty and equality. The Dobbs majority not only takes the court out of that business. It holds that the court should never have expanded the protection of liberty and equality in the first place. ”

From Ending Roe Is Institutional Suicide for Supreme Court, by Noah Feldman (*Bloomberg View*, June 24, 2022) (view)

“ The insult of Friday’s ruling is not only in its blithe dismissal of women’s dignity and equality. It lies, as well, in the overt rejection of a well-established legal standard that had managed for decades to balance and reflect Americans' views on a fraught topic. A majority of the American public believes that women, not state or federal lawmakers, should have the legal right to decide whether to end a pregnancy in all or most cases. At the same time, Americans are weary of the decades-long fight over abortion, a fight that may feel far removed from their complex and deeply personal views about this issue. ”

From The Ruling Overturning Roe Is an Insult to Women and the Judicial System, by The New York Times editorial board (*The New York Times*, June 24, 2022) (view)

“ In its analysis of original intent, the Roe court concluded that the use of the word “person” in the Constitution applies only after birth, in part because none of its 16 uses “has any possible prenatal application.” If the Dobbs court rules that it is not unconstitutional for legislatures to “pick” fetuses over women before fetuses can live independently (“viability”), it will be ruling that “No, women are not full people under the Constitution.” ”

From On the anniversary of Roe v. Wade, a constitutional question emerges: Are women still ‘people’?, by Katie Watson (*Chicago Tribune*, January 21, 2022) (view)

## Mixed on this position

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*No results*

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