

**Assembly of Confessing Congregations
within the Uniting Church in Australia**

Social Responsibility Commission

ABORTION IN THE AUSTRALIAN COMMUNITY

Abortion is a divisive issue in the Australian community and within the Christian Church. Many have passionate opinions; some belong to pro- and anti- abortion lobby groups. Arguments range over the competing rights of mother and fetus, over the moral status of the embryo and personhood. For those directly involved, in particular the pregnant woman, this inflamed atmosphere serves only to increase the suffering and distress of the situation.

The fetus¹ is genetically separate from the pregnant woman yet is undeniably ‘of’ her, and the onus of responsibility for its development is primarily the woman’s. Abortion sometimes arises out of a tragic set of circumstances which places the woman under considerable distress. The decision to abort often involves feelings of sadness and regret which may persist far into the future. In addition, women wanting to continue an unplanned or complicated pregnancy may be subjected to coercion from the father or family and friends who are unsupportive of the pregnancy.

Christian attention must always be directed to the vulnerable, the suffering, the marginalised and the weakest members of the human family. This includes the fetus and a mother who is under serious stress. Christians understand themselves and all humans to be made in the image of God, who is both the origin and destiny of created human life. Our worth and dignity as unique human beings is neither earned nor self-created: it is the gracious gift of God and grounded in the fact of the incarnation in the womb of Mary by which God embraced and sanctified the whole of human life from conception, through birth, growth, death and resurrection through to eternal life. The belief that human life is sacred and has intrinsic value may be shared by those on both sides of the abortion divide.

Branches of the Christian Church and also secular ethicists argue that the human embryo from conception warrants our moral respect. However, there is lack of consensus regarding the stage of development at which a fetus would be ascribed the moral status of a person. Because churches vary in these understandings, official church policies on abortion vary, as they do in society at large. The ACC is concerned about the respect due to human life at all stages of development. The ACC believes that human life in the image of God begins at conception, and affirms the intrinsic moral value of that life from the point in the biblical witness of humankind’s creation as male and female in the image of God.

The Situation in Australia

Some statistics are a cause for concern.

1. In Australia ‘termination of pregnancy is estimated to be the outcome of around 1 in 4 pregnancies. Around 1 in 3 women will have an abortion in their lifetime.’²
2. An estimated 90,000 surgical abortions per year are performed in Australia. This does not include chemically induced abortions or abortions that are privately funded. There is one surgical abortion for every 2.8 births in Australia.

3. The Pregnancy Advisory Service of the Royal Women's Hospital, Melbourne conducted an audit of 3,827 calls by pregnant women over the 12 months 1/10/06 to 30/9/07³: 90% of women requested an abortion; 9% were ambivalent or undecided.
 - 54% sought abortion because the pregnancy came 'at the wrong time'.
 - 18% requested an abortion because they already 'had enough children'.
 - 39% had already had termination of a previous pregnancy.

The medical definition of abortion in Australia has recently been modified. For many years an abortion was defined as 'expulsion or removal of an embryo or fetus from the uterus at the stage of pregnancy *when it is incapable of independent survival*' (i.e. at any time between conception and the 24th week of pregnancy).⁴ After this time it was called 'termination of pregnancy' rather than 'abortion'. (Also a distinction was recognised between 'abortion', a procedure deliberately carried out to end the pregnancy, and a 'miscarriage' as an accidental or spontaneous occurrence.) However, now the use of the word 'abortion' has been changed and is *not limited to a pregnancy before the fetus is viable*. 'Abortion' and 'termination of pregnancy' are used interchangeably to refer to ending a pregnancy at any stage (as in point 1 above).⁵ The effect of this change in terminology is to extend the widespread acceptance of 'abortion' by many in the community to premature babies capable of being born and surviving. Also, calling late termination 'abortion' brings it into line with the *legal* definition, i.e. 'By "abortion" we mean an intentional termination of pregnancy by the act of any person by any means.'⁶ It has been said that 'one way to soften resistance to the unacceptable is to confuse it with the acceptable'.⁷

It seems incomprehensible that pre-term babies born alive are protected and have special feedings, cots and nurseries, expert neonatal nurses and paediatricians and are given expensive life-saving treatments, often for many months, yet a baby of the same gestational age and development can be 'aborted' if two doctors agree to the mother's request.

'Pro-life' advocates stress 'sanctity of life' and the inherent value of and love for the fetus in its early stages. This is felt acutely by the mother whose baby dies in the uterus. The *Declaration of the Rights of the Child* of the General Assembly of the United Nations, November 1959, includes 'the child, by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth'.

However, 'the sacredness of life cannot mean the inviolability of fetal life in absolutely all circumstances', e.g. in the rare cases when there is a serious risk to the mother's life or if there are severe fetal abnormalities which are incompatible with life, or which would cause great suffering to the baby and/or distress to the mother if the baby were born alive. In these situations there are no hard and fast rules as to whether the pregnancy should or should not be terminated. Judgement, based on the best available scientific information and ethical and theological considerations, is required.

'Pro-choice' advocates stress love and compassion for the mother in her predicament and distress. The focus on 'choice' points to the right of a woman to make decisions concerning her own pregnancy. There is no doubt that women have rights in this situation and indeed sometimes extremely difficult and complex decisions have to be made. However, the word 'choice' can also be taken to imply a simple option for the woman to exercise at her discretion without regard to the mother's responsibility to the fetus, not only because of its intrinsic value but also because of the power difference between the mother and fetus.

Other possible choices for the mother may be to give birth to the baby and rear it herself or surrender it for adoption. This will depend on her circumstances. She may need support in

caring for the baby for several years. Relinquishing the baby for adoption often causes great anguish but may be a loving option to give the baby an upbringing of which the mother is not capable and bring great joy to the adopting parents.

Some pro-choice advocates resist the idea that there is merit in waiting until marriage or a committed long-term relationship before becoming sexually active.

The Law Regarding Abortion

Abortion law in Australia is under the jurisdiction of the various states and territories and although there was previously a general similarity the Australian Capital Territory (in 2002) and Victoria (in 2008) removed abortion from the criminal code and moved to a substantially different position. Previously in Victoria, abortion practice was largely based on the 1969 Menhennitt ruling of the Supreme Court (with the similar Levine ruling in New South Wales and with similar practices in Queensland and Tasmania) which said that abortion was legal if it was necessary to preserve the physical or mental health of the mother. Abortion for fetal abnormalities was permitted on the grounds that the birth of an abnormal baby was likely to cause stress to the mother. Subsequently this judgement was liberally interpreted so that abortion for any degree of maternal stress became legitimate and effectively allowed abortion on demand.

In October 2008 the Victorian Parliament passed the Abortion Law Reform Act which totally decriminalised abortion and which changed the definition of abortion to include those over 24 weeks gestation. Consequently, abortion can be performed on request up to 24 weeks gestation and after 24 weeks with the consent of two doctors and the reasons can include ‘social circumstances’.

Legislation in one state or territory is frequently followed by pressure for similar laws in others. Many Christians and other people have deep concerns that more liberal interpretations of the law, that have the effect of leading towards abortion on request at any stage of pregnancy, may be proposed in other states. It would be prudent to study what happened in Victoria in an attempt to prevent it being repeated in other jurisdictions.

The Victorian law has another area of concern in that doctors who hold a conscientious objection to abortion must refer a patient to another practitioner who does not hold such an objection. Whilst Parliament allowed its members a ‘conscience vote’ on the legislation, the Act does not allow doctors and nurses to practise according to their conscience if they have a conscientious objection to abortion. Some believe that referring to another doctor for the purposes of an abortion is tantamount to performing an abortion themselves.

Affirmations

In the light of these facts we affirm the following:

Concerning human life

Christians understand themselves and all humans to be made in the image of God, who is both the origin and destiny of created human life. Our worth and dignity as unique human beings is neither earned nor self-created: it is the gracious gift of God. The belief that human life is sacred and has intrinsic value at all stages is shared by Christians who take very different positions with regard to abortion. We affirm the sacred and intrinsic value of human life from conception.

Concerning the vulnerable

Christian attention must always be directed to the vulnerable, the suffering, the marginalised and weakest members of the human family. This includes the fetus and a mother who is under serious stress.

Concerning conscience

When we consider the morality of abortion we note not only the responsibility of each person to act with integrity – that is, in accordance with their own conscience – but also the responsibility for each person as far as they are able to inform their conscience and determine their actions in the light of the teaching of God’s Word and Spirit without coercion.

We note with regret that the law in the State of Victoria infringes the traditional freedom of conscience of doctors and nurses who have a conscientious objection to abortion and who believe that a referral to another practitioner to obtain an abortion is tantamount to performing an abortion themselves. We call for this law to be repealed.

Concerning a presumption for life

The sacredness and intrinsic value of human life requires a ‘principle of presumption for life’, that is, a presumption that wherever possible the life of the unborn child ought not be taken. This is a presumption which should never be ignored; nonetheless it may be appropriately challenged in the most serious situations, as when the life or the health of the mother is seriously endangered by the pregnancy.

Concerning choice

We strongly resist the idea of abortion being considered a morally appropriate ‘lifestyle choice’ while at the same time we recognise the tremendous difficulty and stress that many pregnant women face. We also recognise that the attitude, the conscience and the personal strength, ability and maturity of the woman are critical factors in making a choice about abortion. This choice should not be without regard to the power difference between the mother and fetus. Women of all ages should be free to make an informed decision about abortion without being coerced or pressured by families or peers or undue social pressure for abortions which disregard the intrinsic value of all life or look at abortion as a matter of convenience. More facilities need to be available where prospective parents can consider, in an affirmative environment, all positive outcomes.

Concerning grace

As well as being a great blessing, pregnancy and parenthood can involve significant difficulties and stressful decisions. But Christians have hope beyond their own strength and resources: ‘My grace is sufficient for you, for my power is made perfect in weakness.’ (2 Cor. 12:9 NIV.) Christians can also offer this grace and strength to others through prayer, word and action. The grace of God can comfort, sustain and strengthen in all situations concerning abortion. Unfortunately, the level of commitment involved in giving birth and parenthood is sometimes unwanted, exceptionally difficult or even seems impossible to bear. But by the grace of God it is possible for pregnant women (and their families), who are themselves strengthened by God to show grace to others, to undertake what might otherwise be considered impossible, and to make decisions that go beyond self-interest and the short-term. This can mean offering an unborn child the gift of life even when that is a costly and sacrificial act. This grace is to be

sought and encouraged. However, no one can be required to endure what is beyond their capacity. Love and grace cannot be compelled.

Concerning the law

This understanding of love and grace means that life for the unborn child is always to be sought. But because grace cannot be compelled we resist laws which prohibit all abortion. Yet the law still has an important role in regulating abortion. Law and grace can work together. The law can be a form of grace and grace can be expressed in law. Consequently we resist: (a) the changing medical definition of abortion (to include later term babies *in utero*); (b) the more and more liberal interpretations of existing law; and (c) those various parliamentary changes to abortion laws which have the effect of leading towards abortion on request at any stage of pregnancy.

Concerning the community

We recognise the communal dimension of abortion. This involves the community's responsibility for cultural attitudes and behaviours which influence the context of many pregnancies. There is also the responsibility to care for all those involved in pregnancies which are problematic, including the mother, the father, the unborn child and other family members as well as others closely involved. As a community we should repent of those attitudes and behaviours which are contrary to the good of individuals and society as a whole and repent for our complicity in the present situation where abortion is a far too common part of our society.

The Church has a healing role for those who suffer physical, emotional, psychological and social consequences from abortion, and whose suffering is often compounded by the fact they are isolated from the community. The Church's healing ministry is not to condemn or judge any person involved in the tragic situation of abortion; rather, to acknowledge the profound grief experienced by many families and to offer appropriate responses. The Church, as the Body of Christ, welcomes those who feel most isolated and least worthy. In such a spirit of solidarity we acknowledge that none of us is worthy; each of us is in need of God's reconciling grace. It is important that Christians offer pastoral care to all those involved in matters relating to abortion and also that churches and pastors and others provide regular teaching with regard to the sacredness of life and the ethical responsibilities involved in birth and death.

It is disturbing to see in the Pregnancy Advisory Service of the Royal Women's Hospital (Melbourne) audit that 39% of women enquiring about abortion had already had termination of a previous pregnancy. With legislation to allow easier access to abortion it is important that abortion should not be regarded as an alternative to contraception. In fact, many abortions could be prevented by the responsible use of methods of contraception. Also abortion should not be carried out for purposes of sex selection.

We affirm the need for education in homes, schools, community health centres and other contexts about sexual relationships, family planning, family relationships, marriage and parenting.

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The Social Responsibility Commission thanks the Victorian Uniting Church Bioethics Committee for permission to read and make use of their unfinished document on 'Abortion'.

Endnotes:

¹ The term ‘fetus’ will be used and taken to include ‘embryo’ to avoid the possible confusion that a change in that terminology implies, as some people suggest, a change in moral status.

² Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG). *Termination of pregnancy*. A resource for health professionals. Nov. 2005 p 2.

³ Rowe H G, Kirkman M, Hardeman EA, Mallett S and Rosentahl D (2009) Considering Abortion: a 12 months audit of records of women contacting a Pregnancy Advisory Service. *MJA*, 190 (2) p 69ff.

⁴ *Oxford Concise Medical Dictionary* 5th edition 1998. Our italics.

⁵ The RANZCOG defines termination of pregnancy ‘deliberately ending a pregnancy so it does not progress to birth’. The Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG). *Termination of pregnancy*. A resource for health professionals. Nov. 2005 p 7.

⁶ Law Reform Commission. *Law of Abortion*. Final report. p 17, marginal note.

⁷ McCormick R, *The Christian Century* No 108 (1991): 1134.