



## ABORTIONS ETHICS

**The pro-choice position is often presented as a pragmatic one, devoid of enduring and universal values. Pro-life activists present their extreme views as representative of all devout Australians, despite the fact that surveys show that 77% of religious Australians support a woman's right to choose (including 72% of Catholics, and 53% of Evangelicals). By confusing religion with ethics, pro-life activists discount the wide range of secular ethical values that support the repeal of all abortion-related provisions from the criminal law.**

### Moral agency/conscience

Those opposed to legal restrictions on abortion affirm the capacity of women and couples to make ethical decisions about their lives and reproductive futures. They understand that abortion must be legally unrestricted for individuals to exercise real moral choice. As well, they understand that the morality of decisions about unwanted pregnancies lie in the range of particular circumstances faced by the woman or couple – circumstances that only she/they know.

Another way of expressing this view is that individual conscience is the final arbiter of an abortion decision. The US group Catholics for a Free Choice argues that "Catholicism...teaches that the conscience of the person is the final guide to be followed when deciding to act....You are not guilty of sin if you follow your conscience, even if most people in the Church would consider your action wrong."<sup>1</sup>

### Rights

#### Privacy

Decisions affecting one's body, including reproductive decisions are private. Privacy is considered a fundamental human right in most western nations, including Australia.<sup>2</sup> State interference in the reproductive decision-making of women and couples denies the right to physical privacy.

#### Liberty/Autonomy

Liberal democratic societies are defined by their commitment to the protection of the rights of individuals to define their own good, and to act in pursuit of it. The Canadian Charter of Rights and Freedoms defends the right of citizens to life, liberty and security of the person. In 1998 the Supreme Court of Canada ruled that restrictions on the freedom of women to terminate a pregnancy violated section 7 of the Charter, which guarantees all Canadian citizens the right to liberty of person, and the right not to be deprived except in accordance with the principles of fundamental justice.<sup>3</sup>

<sup>1</sup> <http://caae.phil.cmu.edu/cavalier/Forum/abortion/background/maguire.html>

<sup>2</sup> <http://www.privacy.org.au/About/PrivacyCharter.html>

<sup>3</sup> <http://laws.justice.gc.ca/en/charter/#juridiques>

## **Security**

Restrictive abortion laws breach women's security by interfering with their bodily integrity. In present-day Australia, such breeches occur when women are denied access to terminations because of where they live, or the gestational length of the pregnancy. In some parts of the developing world, restrictive abortion laws lead to backyard medical and surgical procedures that rob women of their fertility and their lives.

## **Equality**

Human Rights Watch, Amnesty International and the United Nations view criminalized abortion as a threat to women's human rights. This position is consistent with that advocated by such organizations that women's rights are human rights.<sup>4</sup> For instance, the Beijing International Conference on Population and Development (ICPD) platform states "The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence."<sup>5</sup>

Equality rights require women to be treated as full citizens under the law. Legal restrictions on women's access to abortion – including paternalistic ones grounded in fears women might regret their choice or are too fragile to receive all relevant information about medical possibilities - impede women's capacity to enjoy what US Supreme Court Justice Ruth Ginsburg calls "equal citizenship stature."<sup>6</sup>

## **Maternal obligation**

Women may see themselves as obligated to choose abortion when the consequences of continuing a pregnancy will result in the birth of a child they can not mother themselves, or mother well. Said one woman participating in a study of women's abortion ethics: "The choice I had was either to accept involvement in the creation of a valuable human being and the responsibility for growing, rearing and parenting that human being, or to reject that responsibility... [If] I commit to having a child [I] am responsible for that child's gestational growth and continuing welfare."<sup>7</sup>

## **Obligation to avoid foreseeably bad consequences**

Restricting access to abortion does not lead to happy outcomes for women, or to the creation of happy families. Australian history shows that restrictive laws do not stop women from having abortions, but increase the cost they – and society – bear when they do. Where women are compelled to continue unwanted pregnancies, the prognosis for them and their unwanted children are poor. Health problems include increased risk of morality and morbidity for mother and child, while children born unwanted are more likely to engage in criminal behavior, be on welfare, and receive psychiatric services.<sup>8</sup> In Western Australia, where access to termination services after 20 weeks are restricted, experts report that women denied abortion are at risk of self-harm, and have trouble bonding with the child.<sup>9</sup>

Supporters of choice believe it is unconscionable to inflict such negative, foreseeable and avoidable consequences on women, couples and children.

<sup>4</sup> <http://www.hrw.org/women/abortion.html>.

<sup>5</sup> <http://www.unhchr.ch/html/menu2/womenpub2000.htm#focus>

<sup>6</sup> [http://uchicagolaw.typepad.com/faculty/2007/04/equality\\_and\\_ab.html](http://uchicagolaw.typepad.com/faculty/2007/04/equality_and_ab.html)

<sup>7</sup> *The Abortion Myth*, <http://www.upne.com/0-8195-6377-3.html>, p. 117.

<sup>8</sup> [http://www.prochoiceforum.org.uk/psy\\_ocr2.asp](http://www.prochoiceforum.org.uk/psy_ocr2.asp)

<sup>9</sup> <http://www.health.wa.gov.au/publications/documents/ABORTIONREVIEWmaster180602.pdf>