

Some notes on the abortion issue, and on making a submission to the Select Committee

From: the Doctrine Core Group of the Presbyterian Church of Aotearoa New Zealand

(A) THE SITUATION

- Parliament is currently considering the Abortion Legislation Bill 2019.
- The first reading was comfortably passed (but with a number of MPs saying they believed the Bill needed to go before a Select Committee).
- Public submissions are being called for.
- The deadline is midnight on **Thursday 19 September 2019**.

(B) MAKING A SUBMISSION

- Submissions to select committees do matter. They are both read and counted.
- It is important that people of faith – and churches – are heard. In a pluralistic society we have the right to express our own convictions, as does everyone else. We cannot impose our views on others, but we can seek to persuade.
- Make your submission respectful, and compassionate. Always bear in mind that for many people, abortion is a very painful issue.
- Your submission is more likely to be read if it is brief and clear.
- By all means mention your deep spiritual convictions, but do not be judgmental or harsh. Do not include long Bible quotes. Remember that most members of the Select Committee may not be Christian.
- Use your own words. Don't cut and paste from anywhere else.
- Email submissions are not accepted. Submissions must be either by post (and time is running out for that) or on-line.
- At the very beginning of the submission, state whether you SUPPORT or OPPOSE the Bill.

(C) SOME BIBLICAL STARTING POINTS

The Bible doesn't mention abortion. But many biblical principles are relevant...

- The great value of human beings as created by God (Ps. 100:3 – “it is He who has made us, and not we ourselves”; Isa. 64:8 – “We are the clay, you are the potter; we are all the work of your hand”; Ps. 36:9), made in God’s image (Gen. 1:27a), breathed life by God (Gen. 2:7), crowned by God with honour and glory (Ps. 8:5), and greatly loved by God (e.g. Romans 5:8)
- The Bible is very positive about human procreation (Gen. 1:28; Ps. 127:3)
- The Bible’s references to God exquisitely forming us in the womb, and seeing and knowing us before birth
 - ¹³ For you created my inmost being; you knit me together in my mother’s womb.*
 - ¹⁴ I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well.*
 - ¹⁵ My frame was not hidden from you when I was made in the secret place, when I was woven together in the depths of the earth.*
 - ¹⁶ Your eyes saw my unformed body; all the days ordained for me were written in your book before one of them came to be.*
- God calling people before they were born (Jer. 1:5; Gal.1:15), and even knowing and loving his people even before the creation (Eph. 1:4)
- The Bible does not address the issue whether life begins at conception or at birth, but does recognise the obvious continuity between the life that is conceived and the baby that is born
- The New Testament speaks warmly of unborn lives in the womb, in relation to both Jesus and John (Luke 1:39-45)
- The Mosaic law, at one point places a greater value upon the life of a mother than that of her unborn child (Ex. 21:22-25)
- Jesus welcomes children (Matt. 18:5-6), and warns against causing them harm
- God’s love for the weak and defenceless (e.g. Ps. 32:13, 82:3-4)
- God’s love for the disabled (e.g. Ex. 4:11, Mt. 15:31, Lk. 14:13)
- God is close to the broken-hearted (Ps. 34:18)
- God gives grace and forgiveness (e.g. Isa. 1:18, 43:25; Ps.103:12; 1 John 1:9)
- The Kingdom of God is about the *flourishing* of life (e.g. John 10:10)

(C) WHAT HAS THE GENERAL ASSEMBLY SAID ABOUT ABORTION?

It is a long time since the Presbyterian General Assembly made a statement about abortion. But in 1991, it passed the following resolutions, that Assembly...

1. *“reaffirm the sanctity of all human life and affirm God’s love and power to bring hope, healing and transformation to any situation or human condition”*
2. *“affirm the Church’s calling to protect the innocent (including the unborn, the infirm, those with special needs and the aged)”*
3. *“affirm that ultimately it is the prerogative of God alone to take, end or terminate human life”*

(D) WHEN DOES AN UNBORN CHILD BECOME A “HUMAN BEING”

- 1 Biologically, an individual human life begins at conception, with the formation of a new human organism with his or her own unique genetic code, and programmed to develop, be born, and live life.
- 2 Although conception occurs within a woman’s body, and the embryo or foetus is completely dependent on the mother, the unborn child is never *part* of a woman’s own body.
- 3 New Zealand law only recognises a baby as legally a “human being” when “born live”.
- 4 Morally and legally, many societies (including New Zealand) have seen unborn children as deserving of at least some legal protection.
- 5 Many people and societies have felt that unborn children who capable of being viable if born are deserving of the highest degree of legal protection. Many countries have thus made abortion more available in the earlier stages of pregnancy, and less available in the later stages.
- 6 If a society decides however that an unborn baby has no human rights until “born live”, unborn children are left without any foundational legal status and protection and are vulnerable to legislation permitting abortion at any stage of gestation.

(E) THE “ABORTION LEGISLATION BILL 2019”

1 The claim that a woman “should have autonomy over her own body”

It is asserted by supporters of the Bill that a woman should have autonomy over her “own” body, and that therefore abortion should be an absolute right. But such a claim overlooks the reality that abortion is also always about ending an unborn life. Certainly an unborn child is intimately connected to the mother, and utterly dependent on her. Biologically, however, a human embryo is from the outset a distinct human organism, with its own genetic code, and its own body, its own beating heart (from 21 days) and its own brain and organs. It is not for many months a viable “human being”. But it is programmed to be born, and to live a human life beyond the womb. It is not a part of the mother’s body.

2 The claim that abortion is just a “health procedure”

Abortion may well be seen as a health procedure for a woman who does not wish to continue her pregnancy. But it can never be a health procedure for the life developing within her, as it always involves the death of that unborn life. Thus abortion cannot be regarded as just a normal health procedure.

3 No regard for the unborn life within someone who seeks an abortion

- The key feature of the Abortion Legislation Bill is that the proposed law includes no regard for the rights or protection of unborn children, and treats abortion as just a women’s health issue. The human life growing within a pregnant woman is disregarded. The bill is drawn up in such a way as to avoid the obvious ethical issue that abortion involves the taking of unborn life, and that society has a legitimate interest in the protection of unborn human lives.
- This is radical change, and represents more than just an updating of New Zealand’s abortion legislation. The Bill abandons the approach of the existing legislation, which seeks – at least in intent – to *balance* the rights and needs of a pregnant woman with the rights of an unborn child. Current legislation does not give unborn children the full status and human rights of a human being, but recognises the duty of the State to give a measure of protection to unborn human lives. It provides for lawful abortions only in circumstances such as a serious risk to the life, and/or the physical or mental health of the pregnant woman.

4 The existing approach is arguably better...

- The 1977 report of the Royal Commission on Contraception, Sterilisation, and Abortion (1975-77) declared it ethically wrong, except for good reason, to terminate unborn life. It asserted that, regardless of whether an unborn child can be seen as full human being, abortion “extinguishes the potentiality of life” and is thus “a most serious step”. Abortion on demand “would be to deny to the unborn child any status whatsoever”, and that it would be immoral to allow abortion “for reasons of convenience”. Protection of the unborn, it said, should only give way in the face of serious danger to the mother’s life or health.
- The existing abortion legislation strikes a reasonable balance. It reflects the continuing desire of many in society (then and now) to extend some protection to unborn children, along with the needs of those women who seek an abortion. The present law states that abortion is only lawful where there is a “serious danger to the woman’s life, physical or mental health”. In practice, though, the existing law has been liberally interpreted.

5 The Bill establishes abortion on demand in the first 20 weeks of gestation

Some accept the view that an unborn child incapable of life outside the womb should freely be able to be aborted, at the woman’s request. But many others in New Zealand do not agree with abortion on demand, and continue to believe that an embryo of any stage of gestation is still a human life in the making, and deserving of protection except where an abortion is ethically justifiable. They take the view that it ultimately makes no difference whether an unborn child is aborted early, as the result is still the ending of an unborn life.

6 The Bill also seems to allow for abortion on demand after 20 weeks also

What the Bill proposes for pregnancies of over twenty weeks of gestation appears to leave late-term unborn children with no legal protection, and vulnerable to abortion on demand. The proposed statutory test is a weak and vague criterion that a health practitioner must “reasonably believe” the abortion is “appropriate” with regard to the woman’s physical and mental health. However, there is no provision in the Bill for the health professional to have any regard for the rights of the unborn child. Indeed, any regard for the unborn baby may be beyond the scope of the proposed law. This will very likely increase the number of late-term abortions. The way the existing law is framed is to be preferred: that after 20 weeks’ gestation lawful abortions are only allowed “when it is necessary to save the woman’s life, or prevent serious permanent injury to her physical or mental health”.

7 Sex-selective abortions

Because the Bill recognises no rights of the unborn child, it is likely to lead to sex-selective abortions, as in many overseas jurisdictions with abortion on demand.

8 The abortion of those with disabilities

For the same reason, the Bill is likely to lead to the abortion of many more babies with disabilities. There will be no grounds to refuse such abortions.

9 The passing of the Bill would likely increase overall abortion rates

Legislation helps shape public attitudes. The availability of abortion on demand, in effect both before and after twenty weeks' gestation, and the abandoning of any legal protection for unborn human life, will very likely lead to an increase in the number of abortions in New Zealand. That is unfortunate, because the number of abortions in New Zealand has been declining.

10 To be acceptable, the Bill would require numerous amendments, for example:

- The acknowledgement of society's concern to protect unborn human life, except where there is serious risk to the life of the mother and/or her physical or mental health
- Tighter restriction on abortion especially after twenty weeks, with mandatory regard for the protection of unborn lives
- Mandatory counselling prior to any decision about abortion, to ensure informed choice and consent
- A requirement for a short stand-down period
- Safeguards against coercion from anyone (including health workers)
- Safeguards against abortion on the grounds of minor disability, or sex
- Protecting freedom of conscience provision, especially in relation to employment

A final thought: society (and especially the church) needs to spend more time and effort on supporting women who are pregnant, and promoting adoption and similar arrangements as a loving and life-affirming option for women who are pregnant but unsure how to proceed.

The Doctrine Core Group acknowledges that this document is an adaption and summary of one prepared by its convener for an inter-denominational organisation