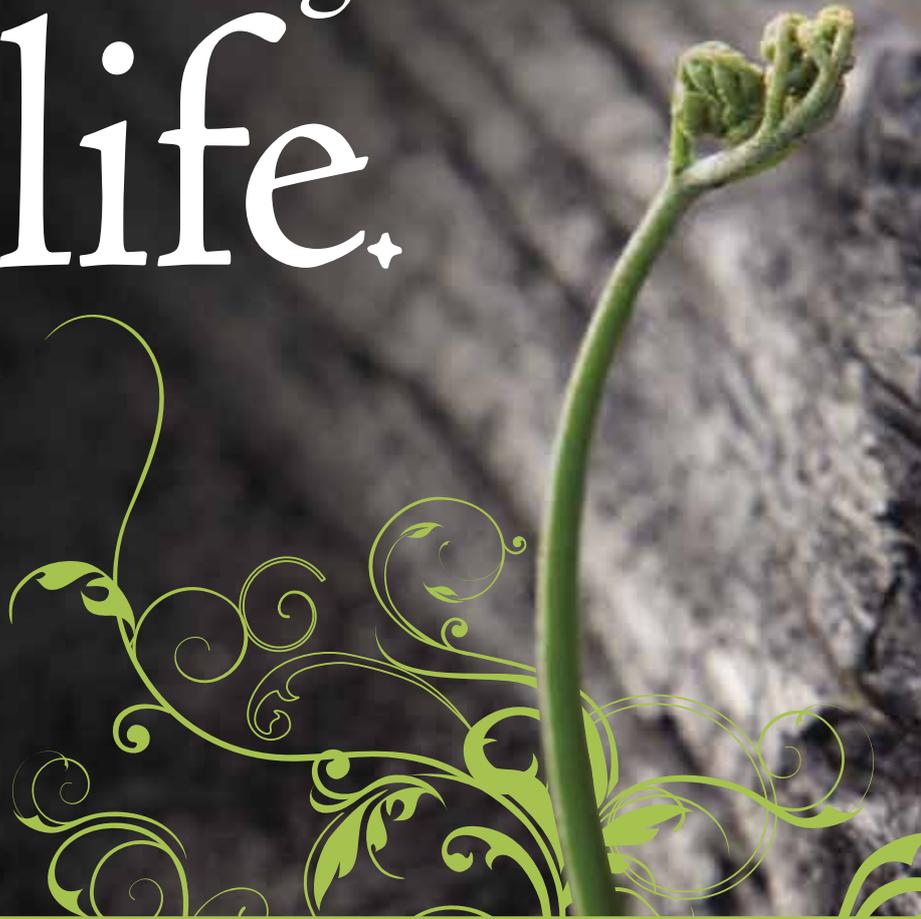


# defending . CONSCIENCE and protecting life.

**D**espite the efforts of many good people the Victorian Government recently decriminalised abortion. The legislation explicitly denies the right of healthcare professionals to avoid participation in abortion through conscientious objection. This means that Victoria now not only permits abortion but is one of the first places in the Western World to deny freedom of choice to doctors and nurses. As Christians however, we can still make a difference notwithstanding the well organised opposition. Goodness can overcome evil and despair.



## **WHAT THE ABORTION LAW REFORM BILL 2008 ALLOWED**

The new legislation did not appear out of the blue. The Brumby government had announced a year earlier that it planned to reform the state's abortion laws and to bring them into line with current medical practice. However instead of just continuing the 'status quo' the government oversaw the implementation of one of the most extreme abortion laws in the world.

According to the legislation, a pregnant woman under 24 weeks gestation can seek an abortion virtually on demand. After 24 weeks and right up to birth she must seek the approval of two doctors before she can proceed with the abortion. Nurses and pharmacists can now also supply drugs designed to cause abortions of a foetus under 24 weeks old without the involvement of a medical doctor. After 24 weeks they can only do so if employed in a hospital and under direction from a medical practitioner.

## ATTACK ON CONSCIENCE

In a controversial move, the Bill denies healthcare professionals the right to conscientious objection and aims to compel them to be involved in abortion. For example doctors and nurses may be required to participate in a so-called 'emergency' abortion. Nurses may be directed by a doctor to assist in an 'emergency,' although it is unclear what such an 'emergency' might entail. Additionally, doctors, nurses, pharmacists and psychologists who might themselves refuse to perform or recommend an abortion will now be required to refer women seeking an abortion to someone who is known not to have any conscientious objection to abortion.

Failure to comply with the legislation may mean that these health professionals could face sanctions including deregistration by their relevant professional body. They could also face compensation claims for distress and harm caused to the woman. The medical insurers have advised that they will not provide cover for refusing to comply with this law.

### UNIVERSAL DECLARATION OF HUMAN RIGHTS, ARTICLE 18

'Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.'  
([www.universalrights.net/main/declarat.htm](http://www.universalrights.net/main/declarat.htm))

## WHAT IS CONSCIENCE? WHAT DO WE MEAN BY CONSCIENTIOUS OBJECTION?

When we think of conscientious objectors we often think of the pacifists of the 1960s. Traditionally, those who recoiled at the idea of killing an enemy soldier and had a conscientious objection to war were excused from military service. However they usually had to perform some other form of community service.

Having a conscientious objection to doing something which others want me to do is different from having an aesthetic objection, or an objection due to inconvenience or discomfort, or out of stubbornness.<sup>1</sup> Instead, a conscientious objection is a *reasoned moral response*. It is a response, or conviction that leads me to object to acting against the moral law and doing something I believe to be fundamentally wrong.<sup>2</sup>

Catholics believe that all human beings are made in the image and likeness of God and are able to know what is good and what is evil, and are called to exercise their freedom and to choose the good.

*Deep within his conscience the human person discovers a law which he has not laid upon himself but which he must obey. Its voice, ever calling him to love and to do what is good and to avoid evil. It sounds in his heart at the right moment...for man has in his heart a law inscribed by God...his conscience is man's most secret core and his sanctuary. There he is alone with God whose voice echoes in his depths.*<sup>3</sup>

## HISTORY OF CONSCIENTIOUS OBJECTION: WITNESSES TO LIFE

Conscientious objection is not a new idea. Centuries before the birth of Christ, the Hebrew midwives refused to cooperate with Pharaoh's decree that all new born males should be killed.<sup>4</sup> Socrates thought that we must be willing to suffer injustice rather than go against our conscience,<sup>5</sup> and physicians taking the Oath of Hippocrates swore only to do the best for their patients and never to give a drug to a woman to cause an abortion.<sup>6</sup>

Since the time of Christ, Christians have been reminded of the need to obey rightful secular authority. The necessary obedience, though, has always been understood as limited if we are asked to act against our conscience or against the law God has written in every human heart. Our history is filled with stories of heroes, saints and martyrs, who chose to follow their conscience rather than side with tyrants. There are many examples.

Among the best known and loved is St Thomas More. During the reign of Henry VIII of England, he gave up his life rather than his conscience. Long before him, the first Christians were persecuted for their faith. Around 180 AD, the martyrs of North Africa refused to acknowledge the divinity of the emperor, Commodus, preferring to remain faithful Christians. As Speratus, explained to the Romans, 'I wish to be what I am.'<sup>7</sup>

More recently Maximilian Kolbe was arrested by the Gestapo for being a critic of the Third Reich. He was eventually killed in Auschwitz when he gave up his life to save that of a fellow prisoner. Franz Jaegerstaetter, an Austrian husband, father and policeman, refused to serve in Hitler's army. He was martyred on the same day as St Edith Stein.<sup>8</sup>



St Thomas More

## WHY ATTACK CONSCIENCE NOW?

The Victorian legislation comes at a time when there is growing evidence of the development of a new culture of life around the world. There is clear evidence that fewer doctors are willing to perform abortions in the United Kingdom, Spain, Italy and the USA.<sup>9</sup> Indeed it appears that the number of doctors willing to carry out abortion is decreasing around the

world. Campaigns aimed at forcing doctors to cooperate either by performing an abortion or by referring to an abortionist are one way that advocates of abortion are attempting to overcome this 'problem.' They know that they are ageing and unless they can find others to take their place there will be fewer doctors

able and willing to perform abortions. So they aim to force others to be involved in abortion if necessary, even against their will and conscience.

It has usually been accepted by Western governments, professions and religious faiths that it is unethical for doctors to be obliged to co-operate in capital punishment by giving lethal injections or to use their skills for judicial amputations. But what now? If doctors and nurses lose their right to conscientiously object to abortion, would it also mean that they would also eventually lose their right to refuse to be involved in such acts as administering euthanasia? Would they be forced to refer a patient to Dr Nitschke, Australia's own Dr Death, someone they know would be sure to support euthanasia?

### **SIMILAR MOVES AROUND THE WORLD**

In the last few years there have been remarkably similar moves overseas to try to force doctors and nurses to act against their conscience. Doctors in the United Kingdom,<sup>10</sup> the United States,<sup>11</sup> Canada,<sup>12</sup> and the European Union<sup>13</sup> have faced attacks on their right to exercise conscientious objection with respect to certain life issues, but especially abortion.

### **UNITED STATES OF AMERICA:**

There is currently a major battle taking place in the USA over the Freedom of Choice Act. Many people believe this bill will *only* codify the Supreme Court's 1973 decision *Roe v. Wade*. However the Act aims to go well beyond *Roe*. If passed it would make abortion a 'fundamental right' and declare that no government in the USA (federal, state or local) can 'interfere with' this right. A wide range of laws have been enacted in the last 35 years to give genuine choice and more protection to women and their unborn children such as the laws on informed consent, parental involvement, physician licensure, and clinic safety. These laws would be overturned. In addition taxpayers

### **EMILY'S LIST**

Emily's List is a national political network of pro-abortion Labor women. It was first established in the United States with the aim of increasing the number of pro-abortion women elected to parliament. The organisation provides financial support and mentoring for approved candidates in the Australian Labor Party. Former Victorian Premier Joan Kirner has played a key role as National Co-Convenor of Emily's List. Joan Kirner claims to have campaigned for over 35 years to change the law on abortion in Victoria, and was successful partly due to the strong influence of Emily's List. In recent years members of Emily's list have been active at a national level forming cross-party associations to gain access to the abortion pill RU-486, and to use Federal taxpayer funds via AusAID to 'improve sexual and reproductive health services' in developing countries.



would be required to pay for abortion. And just as happened in the Victorian legislation, the right of healthcare workers to conscientiously object would be removed. Under the proposed law abortion would have to be treated in the same manner as programs that support motherhood. The United States Bishops have described it as the most radical and extreme abortion legislation ever considered in that country.<sup>14</sup>

Abortion providers and supporters have attempted to require students to perform abortions as part of their medical training.<sup>15</sup> The US Congress has enacted four separate laws since 1973 aimed at protecting doctors' rights.<sup>16</sup> President Obama has promised to support the Freedom of Choice Act, but Catholic leaders and many others are currently lobbying the new President to change his mind.

### **IMPOSING THEIR VALUES: AUTONOMY RULES**

For years, pro-choice activists have claimed that they were about 'choice.' They argued that those of us who oppose abortion do not have to have one, merely not stop others from having them. However the debate has moved from "Our Bodies, Our Choice" to "My Choice, You Don't have a Choice."<sup>17</sup> While demanding rights for themselves, they do not want to extend these rights to others.

How has this happened? Some people now see the profession of medicine not as a vocation of service, but merely as one of meeting the demands and 'needs' of the patient, even if those demands are unreasonable or not in the best interests of the patient. Such a view not only harms the patient; it also harms physicians and society.<sup>18</sup> Such ideas run counter to the Hippocratic tradition and other accepted declarations of the physician's vocation, such as the Declaration of Geneva. They also conflict with the approach taken by Australia's National Health and Medical Research Council, which recognizes a right to conscientious objection.<sup>19</sup>

## ABORTION AS A 'HUMAN RIGHT'?

Abortion advocates and their allies are aiming to have abortion recognised as an 'international human right.' The attacks on doctors' rights to conscientious objection in Victoria and internationally are clearly also part of this move. Yet despite their efforts, 'not a single UN human rights treaty mentions abortion,' and no international agreement recognises any such right. Although they tried hard to hide behind language such as 'reproductive rights,' they were defeated at the Cairo Conference in 1994 and again as recently as April 3rd. The consensus at the UN Commission on Population and Development (CPD) this year was that no such right to abortion exists.<sup>20</sup>

## WHY DECRIMINALISE?

Abortion leaves many people shattered and grieving. Some people mistakenly believe that legalising abortion will remove some of the pain they are still feeling. However instead of legalising abortion we should be offering all those wounded and suffering the hope of healing and forgiveness. Organisations like *Project Rachel* and *Open Doors* help people to find healing and peace after abortion.<sup>21</sup>

## FREEDOM OF CONSCIENCE IS FUNDAMENTAL TO DEMOCRACY

Attacks on conscientious objection are attacks on freedom of thought and religion. Ultimately, they attack democracy itself, for democracy is built on the foundation of respect for human life and freedom of conscience. We should be concerned about the totalitarian element which has crept into this issue.<sup>22</sup>

## WHERE TO NOW? WHAT CAN WE DO?

The Catholic community cannot and will not accept such unjust laws. We will continue to work to overcome them. Catholic Archbishop of Melbourne Denis Hart said the Abortion Law Reform Bill 'is an unprecedented attack on the freedom to hold and exercise fundamental religious beliefs,' adding that 'the Bill is clearly intended to require Catholic hospitals to permit the referral of women for abortions.'<sup>23</sup>

The CEO's of Catholic hospitals have also defended the rights of their staff and warned that they do not do and will not do abortions. Catholic Health Australia (CHA) speaking for fifteen Catholic hospitals in Victoria said it is ready to fight in the courts for the conscience rights of physicians.<sup>24</sup> The Australian Medical Association supports rights of doctors to conscientious objection and opposes the conscience clause in the abortion law. The AMA has advised doctors who conscientiously object to abortion to use a form of words to reduce their legal liability. The words inform patients that the doctor has a conscientious objection to abortion.<sup>25</sup>

Federal Attorney-General Robert McClelland is coming under pressure to remove the clause on conscientious objection as it breaches the International Covenant on Civil and Political Rights, a treaty ratified by Australia and overseen

## WHAT CAN WE DO?

### Pray

Let us continue to pray for all those whose right to freedom of conscience is under attack, especially for those with sincerely held beliefs about the taking of innocent human life. Ask for friends and your parish to pray too. Join a prayer group. Organise special prayers or an hour for Life and conscience in your parish.

### Educate Ourselves About The Issues

Just because something is legal does not mean it is morally good. Develop an understanding of this issue and encourage others to become more informed. Order more copies of this pamphlet from the Respect Life Office for your friends, family, school, parish and other groups. Watch the website [www.doctorsconscience.org](http://www.doctorsconscience.org) for information and events.

### Become Politically Active

Encourage and support MPs committed to protecting life, religious liberty and the free exercise of conscience.

### Challenge 'Newspeak'

Be ready to challenge misleading terms like "sexual and reproductive rights" and "access to safe reproductive healthcare" with the truth.

### Support Healthcare Providers

Support and encourage those doctors, nurses, pharmacists and others who are trying to live according to their beliefs.

### Join With People Of Other Faiths

As Catholics we are called to work with people of other faiths and all people of goodwill to find better solutions to matters of life and conscience.

by the United Nations. The Commonwealth has the power to overturn a state law if it conflicts with international treaties to which Australia is a signatory.<sup>26</sup>

Cardinal Keith O'Brien of St Andrews and Edinburgh said that we must realise that we cannot rely on the law to save us from our troubles. 'The problem is more profound than that. We live now under the shadow of a problem, which is to a great extent spiritual.'<sup>27</sup> He reminds us that of course we can lament the failures of our parliamentarians, we can even apportion blame. But we must also recognise that those elected by us, in our name, for the most part reflect the society from which they come; they support abortion, because society supports abortion.<sup>28</sup>

## WITNESSES TO LIFE

Often we appear completely out numbered and everything seems hopeless. Yet sometimes as J.R.R Tolkien showed us in his epic trilogy *The Lord of the Rings* 'even the smallest person can change the course of the future.' Recent battles at the U.N. Population Development Commission could have come straight out of *The Lord of the Rings*.<sup>33</sup> As representatives gathered from 47 countries, a dark, almost sinister, agenda emerged – the codification of 'sexual and reproductive health and rights' which in more common language means the 'right to abortion' and the notion that abortion is 'healthy and liberating.' The armies of darkness seemed strong and invincible and the culture of life looked set for yet another defeat.



**Fig 1** Grand Duke Henri, Luxembourg  
**Fig 2** Grand Duke Henri and Grand Duchess Maria Teresa, Luxembourg  
**Fig 3** King Baudouin, Belgium  
**Fig 4** President Tabare Vazquez, Uruguay

Yet just like in Tolkien's great adventure, help did come. Iran unexpectedly joined with Ireland, Peru, Chile and Poland, in an alliance not unlike the dwarves and the elves coming together to defeat the Dark Lord. They argued that there is no right to abortion. It was the smallest of all who saved the day, 'like the four indomitable hobbits of Tolkien's epic, the Holy See, Comoros, Santa Lucia and Malta joined the fellowship to break the stranglehold of the forces of evil.'<sup>34</sup> Delegates from Malta convincingly argued that 'reproductive health' does not include abortion while representatives from Santa Lucia fought for the right of healthcare workers to conscientious objection. They saved the day and 'sexual and reproductive health and rights' was struck from the text. 'This little fellowship at the United Nations demonstrated what Tolkien's characters whisper during the darkest hours and Pope Benedict XVI exclaims from nation to nation: "There is still hope."<sup>35</sup>

Indeed there is still hope. The President of Uruguay, Tabare Vazquez, of the ruling Socialist Party has vetoed a law which would have legalised abortion. He resigned from his party in December of 2008. Vazquez, a Mason and a doctor by profession, said that the law was an attack on human life and freedom of conscience.<sup>36</sup>

December 2008 also saw Grand Duke Henri of Luxembourg refuse to rubber stamp a law legalising euthanasia. Late last year the Parliament of Luxembourg voted 31 to 26 to legalise euthanasia and assisted suicide. A tiny European principality, Luxembourg, is the third state after Belgium and the Netherlands to vote to allow doctors to kill the sick and dying. But Grand Duke Henri 'for reasons of conscience' refused to grant royal assent to a law authorising euthanasia and in so doing precipitated a constitutional crisis. As a result Duke Henri has been stripped of his executive power of veto.<sup>37</sup>

Henri's uncle, the late King Baudouin of Belgium, also refused to give his Royal Assent to the legalisation of abortion. As a result the Belgian Parliament declared him unable to reign. He abdicated for a day in 1990 and the law was passed without his approval. However his refusal to give his approval to abortion gave a strong public witness to life. At his Requiem Mass, Cardinal Daneels described him as a shepherd King after the biblical model of King David. He said;

*This shepherd-king was especially a model for his people. He gave them the example of a conscience that was noble, sensitive, infinitely delicate, respectful of the least moral and spiritual principle. For him the conscience was absolute. It was the voice of the deepest part of the human person and the voice of God. He always followed it, even at the risk of his personal interests, even at the risk of putting the monarchy into question. He knew that human life was worth such a price.<sup>38</sup>*

And just like the hobbits, even the smallest person, giving witness to life, can change the course of the future.



The Cardinal thinks that we therefore need to turn our attention to society. We need to convince the electorate first before we will see good laws. He insists that it is the 'underlying values that must change first before the laws will follow, not the other way around. We need to convince those around us, one by one and continue working to build a "Culture of Life," despite what the law might say."<sup>29</sup> 'Passing on a pro-life culture surely must begin in our families, but it must grow from there to our neighbourhoods and communities and our workmates and colleagues.'<sup>30</sup>

## CONVINCED MINORITIES AS LIGHT IN THE DARKNESS

Pope Benedict also encourages us in this mission, saying that the fate of society depends on its creative minorities. Christian believers should see themselves as just such creative minorities<sup>31</sup> who, because of their encounters with Christ place a different value on all life. Through their persuasive capacity and their joy, they reach other people and offer them a different way of seeing things.<sup>32</sup> Like yeast we are to transform the world from within.

We know that convinced minorities can change the world. They already have. The first Christians transformed the Roman Empire into a new civilization based on respect for every human person. Despite the setbacks we have endured in Victoria, we must continue to offer women alternatives to abortion, to heal those still suffering after abortion, to work to protect the rights of all of us to freedom of conscience and religion, and to value every human life as a gift from God, remembering that we are not alone.

## PRAYER FOR LIFE

*Heavenly Father, Source of all life and love,  
We know that even in our darkest moments you are with us.  
We pray that you will give us new life and renewed courage  
To defend conscience and protect every human life,  
May we might bring your light and love into the darkness.*

## CONTACTS, PROMOTIONS & MORE INFORMATION

### Doctors in Conscience Against the Abortion Bill (Victoria)

[www.doctorsconscience.org](http://www.doctorsconscience.org)

### Conscience Protection (USA)

[www.usccb.org/conscienceprotection/](http://www.usccb.org/conscienceprotection/)

### Protection of Conscience Project

[www.consciencelaws.org](http://www.consciencelaws.org)

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### RESPECT LIFE SUNDAY 2009

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