

**Submission  
No 47**

**INQUIRY INTO REPRODUCTIVE HEALTH CARE  
REFORM BILL 2019**

**Name:** Rev Dr Margaret Mayman

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**Submission to the NSW Parliamentary Inquiry  
into the Reproductive Health Care Reform Bill 2019.**

**Rev Dr Margaret Mayman  
Minister, Pitt Street Uniting Church and  
Lecturer in Theological Ethics, United Theological College (Charles Sturt University)**

**15 August 2019**

I support the removal of the abortion from the NSW Crimes Act of 1900 and the passage of legislation before the NSW Parliament without further amendment.

The Reproductive Health Care Reform Bill 2019 treats abortion prior to 22 weeks as a healthcare matter to be determined by the pregnant woman or non- binary person. Agreement of a second doctor is required after 22 weeks, when abortion is almost exclusively sought due to a crisis of foetal or maternal health.

The anachronism of locating abortion within the criminal code is apparent when we consider the context of the 1900 legislation. In 1900 it was widely accepted that women's bodies and women's sexuality were appropriately controlled by patriarchal power inherent in government, medicine, religion, and family life. While some religious bodies may continue to discriminate on the basis of gender, this is not the accepted position of Australian law or culture.

In the face of strident (sometimes violent) religious opposition to abortion, some feminists have stated that abortion is a health issue, not an ethical issue. I believe it is both. However, unlike some religious voices in this space, I consider that the choice for abortion can be a morally good choice, and that it is morally wrong to coerce a woman to continue an unwanted pregnancy.

As a Christian who holds the sacredness of human life as a primary value, and as a teacher of Christian ethics, I support the move from criminalisation to a reproductive justice framework because it separates questions of moral justification from the civil law that must apply equally to all citizens whatever their religious or ethical beliefs.

As long as abortion is considered a potentially criminal matter, it adds a degree of pressure and anxiety that I believe inhibits the process of moral deliberation. The Bill would locate ethical considerations about abortion in their proper context, allowing the woman facing an unplanned pregnancy to engage in moral reflection and decision-making with trusted family and friends, and where desired with spiritual support.

My denomination, the Uniting Church in Australia, acknowledges that its members have diverse views on abortion but holds that it is unjust to criminalise women or doctors for the act of abortion. It advocates a response based on compassion and sensitivity to the complex realities of human life. This view comes from the Church's commitment to the gospel value of full gender equality. We believe that women can lead our churches in ministry. We believe in full equality of women and men in marriage.

Based on my understanding of the teachings of Jesus, and the experience of gender equality within the church and within families, I contend that recognising the moral agency of women, the capacity of women to make good decisions about whether or not to continue a pregnancy, is crucial for human flourishing, which is one of the hopes of Christian faith.

In thinking about ethical aspects of abortion, Christians draw on the resources of our faith, the places where we believe God speaks to us. These are found in scripture, tradition, reason and experience. The view of my denomination that abortion should not be criminal has been informed by the participation of women of faith speaking of their experience of unplanned pregnancy and abortion; by critical assessment of scientific and medical information; by exploring the diversity of Christian tradition; and by reflection on scripture.

In religious debates about abortion, the status and rights of prenatal human life are central considerations. Christian teaching about this is varied, historically and today. Christian faith has not always taught that life begins at conception as opponents of the legislation claim. Biblical writers thought that human life begins when the child takes its first breath. For much of Christian history human personhood was considered to begin at quickening. Abortion has not been regarded as murder of an innocent human by the vast majority of church leaders and theologians.

Condemnation of abortion, when it does occur in Christian teaching, was part of a broader rejection of non-procreative sex, and associated with abusive practices of punishing women for sex outside of marriage. Few Christians realise that the Catholic Church did not completely prohibit abortion until 1889, or that strident conservative evangelical opposition to abortion, stirred up by the religious and political right in the US, dates from the 1970s.

Public ethical debates are undoubtedly divisive. Philosophers, religious leaders, lawyers, legislators, bio-ethicists, and feminist theorists debate the status of the foetus viz a viz a woman's right to bodily integrity and self-determination. Meanwhile, moral decision-making is lived out in the real lives of women who must determine whether or not to continue an unplanned pregnancy.

Women draw on the resources of their personal values including religious beliefs, scientific and medical knowledge, and their moral wisdom. They weigh up sometimes conflicting values in the context of complex lives, giving consideration to their emotional, physical and financial capacity to parent a child; the stability and safety of their relationship with the father; their responsibility to the children they already have; risks to their physical or mental health; and the health of the foetus. While the language of rights is pivotal in the legal debate, the language of care and responsibility, toward other people and themselves, features prominently in women's moral discernment.

An ethic of reproductive justice that trusts women is needed to attend to the broader social context in which women decide whether or not to continue a pregnancy. Criminalisation does not address larger social challenges that prompt some women to seek abortions. Religious and political leaders who oppose decriminalisation would be more effective in reducing the numbers of abortions performed in NSW if they addressed issues of poverty and violence in the lives of women and their families.

An ethic of reproductive justice must also include attention to the rights of Aboriginal women fighting to limit the state's involvement in their personal lives, demanding an end to forced sterilization and the prescription of long-term contraceptives without informed consent, and struggling for the right to have and keep their children.

Concern about sex selective abortion is not going to be solved by additional amendments to the legislation. Social scientific research indicates that the preference of couples for boy children is directly linked to ideologies of gender inequality. Limiting its appeal is best achieved by social change to end discrimination in all aspects of social and family life. Religious opponents who are raising concerns about gender selection could contribute positively to this by working to include women in leadership, and teaching full equality and mutuality in marriage.

The current law is unjust. It denies women's capacity for moral agency. It requires that women justify to a doctor their reasons for seeking what is, in legal terms, a health procedure. It implies that women can't be trusted to make this significant moral decision.

Abortion is not a trivial decision, but it is one that women should be able to make free of fear that they will be criminalised by the state, or judged by the church. It is time for the state and the whole Christian church to trust women.