

# Religion, Culture and Gender Guides



The purpose of the Guides is to showcase the work of Manchester students on the theme of Religion, Culture and Gender in Britain, and provide creative, informative and critically informed resources on this theme.

## WHEN HANDLING ISSUES SURROUNDING ABORTION, WHAT PROBLEMS DO UK CATHOLIC MEDICAL PROFESSIONALS FACE?

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### GLOSSARY:

Foetus: An unborn baby in the later stages of pregnancy

Embryo: An unborn baby in the earlier stages of pregnancy

Miscarriage: The loss of an embryo or foetus in the first 23 weeks of pregnancy

Abortion: The process of terminating a pregnancy

DIY Abortion: Pregnancy is terminated by illegally obtaining abortion pills online

Contraception: The deliberate prevention of pregnancy

### CASE STUDY & INTRODUCTION:

In January 2012, the BBC reported Scotland's largest health board being taken to court, after two Catholic midwives who claimed 'conscientious objections' over abortion procedures, were disregarded<sup>1</sup>. Midwifery sisters Concepta Wood and Mary Doogan were 'being forced to supervise staff taking part in abortions', and argued that it 'violated their human rights'. But despite claiming conscientious objection, the NHS Greater Glasgow and Clyde (GGC) 'rejected their application'<sup>2</sup>. Doogan and Wood argued in their petition, as Roman Catholics 'they hold a religious belief that all human life is sacred from the moment of conception and that the termination of pregnancy is a grave offence against human life', believing that 'their involvement in the process of termination is wrongful and an offence against God and the teachings of their church'<sup>3</sup>. Although the NHS GGC 'recognised their right not to participate', it maintained that 'requiring them to delegate staff to nurse women undergoing medical terminations and to supervise and support staff undertaking that duty was lawful'<sup>4</sup>.

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<sup>1</sup> BBC (2012) *Catholic midwives in abortion conscientious objection case*.

<sup>2</sup> BBC (2012) *Catholic midwives in abortion conscientious objection case*.

<sup>3</sup> BBC (2012) *Catholic midwives in abortion conscientious objection case*.

<sup>4</sup> BBC (2012) *Catholic midwives in abortion conscientious objection case*.

Doogan and Wood's case presents some of the issues that medical professionals face when dealing with abortion, highlighting the conflict between belief and obligation. However, in order to effectively analyse these issues in more detail, one needs to examine the national laws in Northern Ireland and the rest of the UK, the Roman Catholic perspective on abortion, and Catholic medical professional's obligations and roles when handling abortions.

#### ABORTION LAWS IN ENGLAND, WALES AND SCOTLAND:

Outshoorn argues that previous to the Abortion Act of 1967, strict laws had forced women to undergo risky abortions, often leading to serious health risks<sup>5</sup>. However, the Abortion Act of 1967, introduced by David Steel and implemented in 1968, states that abortion is allowed when the 'the mother's life is threatened, either physically or mentally and when the risk to the mother and family is greater if the termination is not undergone'<sup>6</sup>. Additionally, Section 37 specifies that 'abortion is legal up to 24 weeks – however, if there is a substantial risk to the women's life or foetal abnormalities, there is no time limit'<sup>7</sup>, and *Marie Stopes UK* offers 'treatment to those aged 12 and above'<sup>8</sup>. Additionally, prior to the termination, two doctors must sign the relevant certificates after ensuring that the requirements of the Abortion Act are fulfilled<sup>9</sup>.

*Marie Stopes UK*, has provided 'specialist abortion care on behalf of the NHS for over 40 years'.

According to their practice, to permit an abortion they have to 'ask for your reasons' as it is 'required under the law'<sup>10</sup>. Once deciding to undergo an abortion, the women can then choose either medical or surgical abortion, depending on 'your medical history and your personal preference'<sup>11</sup>.

In support of the Abortion Act of 1967, The Protection of Life During Pregnancy Act of 2013 states that abortion is permitted if: 1) loss of life can occur from physical illness 2) loss of life can occur from physical illness in an emergency and 3) if there is a risk of loss of life from suicide. However,

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<sup>5</sup> Outshoorn, *Women, Equality and Europe*, p204

<sup>6</sup> Jones, *Groundwork of Christian Ethics*, p200

<sup>7</sup> *Marie Stopes UK* (2015)

<sup>8</sup> *Marie Stopes UK* (2015)

<sup>9</sup> *Marie Stopes UK* (2015)

<sup>10</sup> *Marie Stopes UK* (2015)

<sup>11</sup> *Marie Stopes UK* (2015)

each of these conditions require different actions from medical professionals. 1) Requires the approval from two medical practitioners. 2) States that one physician must perform the termination, post diagnosis. Lastly, 3) requires one obstetrician and two psychiatrists. Furthermore, The Infant Life (Preservation) Act of 1929 ensures that an abortion can only be undergone if it is carried out in good faith.

#### ABORTION LAWS IN NORTHERN IRELAND:

‘Northern Ireland is the only part of the UK where the 1967 Abortion Act does not apply’, and has never been applied, meaning that the 1861 Offences Against the Person Act still ‘dictates their abortion law’<sup>12</sup>. This law states that is illegal to seek termination of a pregnancy, except where it poses ‘a serious long term or permanent threat to the mental or physical health of the woman’<sup>13</sup>, including suicide. Furthermore, Ritchie states that abortion is only legal ‘to protect the mother’s life, or where it can be proved that her mental health is seriously at risk’, however does not allow abortion in cases of foetal abnormalities, ‘rape, incest, or even when the foetus won’t survive birth’<sup>14</sup>.

Kelly argues that ‘taking drugs to bring on a miscarriage without doctors’ consent is still technically an offence anywhere in the UK’, but in the rest of the UK, ‘abortion can be legally carried out up to the 24-week limit’<sup>15</sup>. Whereas in Northern Ireland, ‘woman and doctors who have to carry out terminations’<sup>16</sup> outside of the guidelines, can face life imprisonment, carrying the ‘harshest criminal penalty in Europe’<sup>17</sup>.

Unlike women in the rest of the UK, women from Northern Ireland are not entitled to free abortions on the NHS. Resulting in an ‘estimated 1,000 women’<sup>18</sup> paying anywhere between £400-£2000<sup>19</sup> to

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<sup>12</sup> Brook Available at: <https://www.brook.org.uk/> (Accessed: 8 May 2016)

<sup>13</sup> Brook (2016)

<sup>14</sup> Ritchie, M. (2016) *Abortion law madness: What’s really going on Northern Ireland?*

<sup>15</sup> Kelly, J. (2016) *Why are Northern Ireland’s abortion laws different to the rest of the UK?*

<sup>16</sup> Ritchie, M. (2016) *Abortion law madness: What’s really going on Northern Ireland?*

<sup>17</sup> Kelly, J. (2016) *Why are Northern Ireland’s abortion laws different to the rest of the UK?*

<sup>18</sup> Ritchie, M. (2016) *Abortion law madness: What’s really going on Northern Ireland?*

<sup>19</sup> Marie Stopes UK (2015)

fly to England and pay for private terminations, and 'many others order DIY abortion pills'<sup>20</sup>.

However, pro-choice campaigners argue that this 'disproportionally affects the poorest'<sup>21</sup>.

The High Court recently ruled that the current regulations were 'incompatible with the human rights of women'<sup>22</sup>. Last year, Northern Ireland's Human Rights Commission (NIHRC) brought the case against Northern Ireland's Department of Justice, however was overruled by Northern Ireland's politicians, who 'voted to keep the country's abortion law exactly as it is: one of the most restrictive in Europe'<sup>23</sup>.

#### ROMAN CATHOLIC PERSPECTIVE:

Fletcher argues that the Catholic Church often view abortion as 'murder'<sup>24</sup>. According to Jones, the 'Roman Catholic Church is adamant in seeing the fertilised egg and the foetus as 'persons'' and 'legitimately refers to them as innocent'<sup>25</sup>, and stresses the sanctity of life from conception. Acts 5:29 clearly states that 'Abortion and euthanasia are thus crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection. ..."we must obey God rather than men"<sup>26</sup>. In addition, within *Delicts of Human Life and Freedom: Canon 1398* outlines the punishments incurred from either administering an abortion, or undergoing an abortion, stating that 'a person who procures a successful abortion incurs an automatic (latae sententiae) excommunication'<sup>27</sup>. However, Vardy and Grosch write that despite direct abortions being perceived as wrong, the Catholic Church does allow the death of a foetus, so long as it is a by-product of another surgical procedure<sup>28</sup>. However, it is the association and/or participation during abortions which causes difficulties for Catholic medical professionals, such as Doogan and Wood, as (aside from abortion by by-product),

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<sup>20</sup> Ritchie, M. (2016) *Abortion law madness: What's really going on Northern Ireland?*

<sup>21</sup> Kelly, J. (2016) *Why are Northern Ireland's abortion laws different to the rest of the UK?*

<sup>22</sup> Kelly, J. (2016) *Why are Northern Ireland's abortion laws different to the rest of the UK?*

<sup>23</sup> Ritchie, M. (2016) *Abortion law madness: What's really going on Northern Ireland?*

<sup>24</sup> Joseph Fletcher, *Situation Ethics: The New Morality* (London: SCM Press Ltd, 1966), p62.

<sup>25</sup> Jones, *Groundwork of Christian Ethics*, p199.

<sup>26</sup> Paulus, I. (1995) *Evangelium Vitae*. Available at: [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_25031995\\_evangelium-vitae.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html)

<sup>27</sup> *Vatican Archive* Available at: [http://ohttp://www.vatican.va/archive/ENG1104/\\_P57.HTM](http://ohttp://www.vatican.va/archive/ENG1104/_P57.HTM)

<sup>28</sup> Peter Vardy and Paul Grosch, *The Puzzle of Ethics* (London: Fount Paperbacks, 1999) p24

they are explicitly opposed and could result in excommunication, leading to conflicts between personal beliefs and the obligations and duties of a medical professional. An example of this conflict can be illustrated through the case of a nine-year-old rape victim's abortion in Brazil (2009). After a senior Vatican cleric declared that 'life must always be protected'<sup>29</sup>, the Catholic Church decided to excommunicate the mother and doctors who performed the abortion, even though the child was in a critical condition.

#### MEDICAL PROFESSIONALS PERSPECTIVE:

The Catholic Church recognises the difficulties that Catholic medical professionals face, and journals such as *the Catholic Medical Quarterly*, which offers advice and ideas on how to follow the Church's teachings whilst complying with your obligations as a medical professional, have been created to help deal with similar predicaments. According to Section 4.1 of the 1967 Abortion Act, 'no person shall be under any legal duty, whether by contract or by any statutory or other legal requirement, to participate in any legal proceedings which he has a conscientious objection'<sup>30</sup>. The Catholic Church recognises the unique responsibility that belongs to health care professionals, and argues that 'their profession calls for them to be guardians and servants of human life' and the 'absolute respect for every innocent human life also requires the exercise of conscientious objection in relation to procured abortion'<sup>31</sup>.

However, this option to 'opt-out', has caused problems in the past for medical professionals. In 1991, the Annual Representatives Meeting of the British Medical Association passed a motion 'which in essence said that doctors with an ethical objection to abortion are not allowed to give counselling on this issue'<sup>32</sup>, forcing them to refer the issue to a colleague. However in 1992 this changed,

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<sup>29</sup> Adams, G. (2009) *Brazil rocked by abortion for 9-year-old rape victim*.

<sup>30</sup> *Abortion Act (1967)*, c. Available at: <http://www.legislation.gov.uk/ukpga/1967/87/section/4>

<sup>31</sup> Paulus, I. (1995) *Evangelium Vitae*. Available at: [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_25031995\\_evangelium-vitae.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html)

<sup>32</sup> *Catholic Medical Quarterly: Abortion and the Catholic doctor* (2011)

allowing any doctor to give counselling advice on abortion 'irrespective of his or her position on the matter'<sup>33</sup>.

The journal states that if the 'doctor does not believe that an abortion is in the best interest of a patient it is not necessary to agree, in writing, to an abortion'<sup>34</sup>. However, the journal suggests that if/when a medical professional is faced with the request of an abortion from a patient, 'it is important to remain sympathetic', but suggests that it may be 'appropriate to state one's views fairly early on in the consultation'<sup>35</sup>.

According to the journal, the aftercare and treatments of complications 'provides less of an ethical problem', as the 'deed is done' and 'whatever the crime she has committed, needs care and respect as much as any human being'<sup>36</sup>. However, overall the journal advises medical professionals to 'not be involved with abortions routinely' as the 'continued proximity to such an evil may also constitute a danger to our souls, by reducing the shock and horror we feel at the killing of innocent life'<sup>37</sup>.

#### CONCLUSION:

Overall, the issues that Catholic medical professionals face when dealing with abortions in the UK are complex and diverse. After comparing the abortion laws in Northern Ireland and the rest of the UK, it is evident that there is a clear divide within the UK itself over what constitutes the justification of an abortion. The Catholic Church very clearly expresses their opinions surrounding abortion and outline the consequences of attempting to undergo one, or to participate in the facilitation of one. This puts medical professionals in a very difficult position, as although they can legally use conscientious objection, the Doogan and Wood case highlights the extent to which this has authority, in addition to showing the struggle that Roman Catholic medical professionals face when trying to balance their beliefs and their obligations. Furthermore, the case highlights the conflicting

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<sup>33</sup> *Catholic Medical Quarterly: Abortion and the Catholic doctor* (2011)

<sup>34</sup> *Catholic Medical Quarterly: Abortion and the Catholic doctor* (2011)

<sup>35</sup> *Catholic Medical Quarterly: Abortion and the Catholic doctor* (2011)

<sup>36</sup> *Catholic Medical Quarterly: Abortion and the Catholic doctor* (2011)

<sup>37</sup> *Catholic Medical Quarterly: Abortion and the Catholic doctor* (2011)

relationship between religious and cultural beliefs, showing that even in a secular society, clashes can still erupt.

ANNOTATED BIBLIOGRAPHY:

***Abortion and the Catholic doctor (2011)* Available at:  
<http://www.cmq.org.uk/Books/abortbook.htm> (Accessed: 9 May 2016).**

Written in 2011 and produced by the Catholics in Practice committee of the Guild of Catholic Doctors, this article offered a very detailed and structured guide for Catholic medical professionals to follow, which aided this guide significantly when exploring the obligations of Catholic doctors and implications surrounding the 'conscience clause'. However, this document is extremely biased, failing to discuss issues surrounding support for abortion.



**Adams, G. *Brazil rocked by abortion for 9-year-old rape victim.* (Mar 2009) Available at: <http://www.independent.co.uk/news/world/americas/brazil-rocked-by-abortion-for-9-year-old-rape-victim-1640165.html> (Accessed: 8 May 2016).**

This report written by Adams in 2009, clearly examines the case of the nine year-old rape victim. Within this article he unpacks the events that occurred post-termination. This article was particularly useful in highlighting controversies within the Catholic Church, offering a real example of when the Church's laws conflicted with their actions, through the excommunication of the mother and doctors, even though the girl would've died without the termination. However, this article is extremely biased, and fails to sympathise at all with the Catholic Church.

**BBC *Catholic midwives in abortion conscientious objection case.* (Jan 2012) Available at: <http://www.bbc.co.uk/news/uk-scotland-glasgow-west-16596605> (Accessed: 7 May 2016).**

The Doogan & Wood case, reported by the BBC, was invaluable for this guide as it provided a case study which was extremely useful when examining the conflict between religion and culture in contemporary Britain. Moreover, the report explored all angles, thus presenting a holistic report which sympathised with the Catholic midwives, the other nurses and the GGC NHS.

**BBC *Abortion: Is it time to revisit the UK's laws?* (Feb 2013) Available at: <http://www.bbc.co.uk/news/uk-21297404> (Accessed: 8 May 2016).**

**Fletcher, J.F. *Situation ethics: The new morality.* 3rd edn. London: S.C.M. Press. (1967)**

**Jones, R.G. *Groundwork of Christian Ethics.* 2nd edn. London: Epworth Press. (1984)**

**Kelly, J. *Why are Northern Ireland's abortion laws different to the rest of the UK?* (April 2016) Available at: <http://www.bbc.co.uk/news/magazine-35980195> (Accessed: 8 May 2016).**

Kelly's report for the *BBC* clearly outlined the reasons why Northern Ireland's laws differ in comparison to the rest of the UK, by exploring the religious, political and cultural history of Northern Ireland, whilst also examining the implications that the divide has had on society. Kelly writes in a balanced way, examining why the laws are different, however ultimately agrees that the laws need to change in Northern Ireland.

**Ritchie, M. *Abortion law madness: What's really going on Northern Ireland?* (Feb 2016) Available at: <http://www.telegraph.co.uk/women/life/abortion-law-madness-whats-really-going-on-northern-ireland/> (Accessed: 8 May 2016).**

Similar to Kelly's report, Ritchie's report for the *Telegraph* helped analyse the differences between laws in the UK to Northern Ireland. Additionally, Ritchie examined the consequences of having very strict abortion laws, in the likes of examining how many woman come to England in order to undergo private abortions. Furthermore, Ritchie examined the political and religious issues as to why the abortion laws are dissimilar to the rest of UK. However, Ritchie clearly expressed his biased opinion in his writing by arguing that reform of Northern Ireland's abortion law is needed and necessary.

**Vardy, P. and Grosch, P. *The Puzzle of Ethics.* London: Fount. (1999)**

Within this book, Vardy and Grosch write a clear guide to the complex subject of ethics, exploring contemporary questions, such as the ethical issues surrounding euthanasia, environmental ethics, and human rights, including ethical issues surrounding abortion. Because the book focused primarily on the Catholic perspective, rather than all Christian denominations, was particularly useful.

ONLINE RESOURCES:

***Abortion Act 1967, c.*** Available at: <http://www.legislation.gov.uk/ukpga/1967/87/section/4> (Accessed: 8 May 2016).

***Brook (2016)*** Available at: <https://www.brook.org.uk/> (Accessed: 8 May 2016).

***Marie Stopes UK (2015)*** Available at: <https://www.mariestopes.org.uk/women/abortion/nhs-and-private-abortion-treatment-clinics-manchester-and-north-west?gclid=CKLKpany0cwCFfAy0wodCFQKcQ> (Accessed: 9 May 2016).

*Marie Stopes UK* was a particularly useful source when exploring the national laws surrounding abortion, the procedure of abortion and the different methods of termination. In addition to this, their website also provided some interesting statistics, highlighted the differences between laws in Northern Ireland and the rest of the UK and also discussed the role of medical professionals throughout the termination process. However, despite being a good source of information, it was not useful in contributing scholarly work or opinion.

**Paulus, I. (1995) *Evangelium Vitae*.** Available at: [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_25031995\\_evangelium-vitae.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html) (Accessed: 8 May 2016).

***Vatican Archive (no date)*** Available at: [http://ohttp://www.vatican.va/archive/ENG1104/\\_P57.HTM](http://ohttp://www.vatican.va/archive/ENG1104/_P57.HTM) (Accessed: 8 May 2016)

This archive provided me with the canon laws surrounding abortion, which helped monumentally when exploring the Catholic Church's views on abortion. Gaining access to the archive means that this guide is now a more accurate and reputable resource. Overall, despite not being very useful in many other sections in the guide, it proved a useful source when clarifying the Roman Catholic Churches perspective on issues surrounding abortion.

Words: 2,900