

Women suppressed by existing

abortion laws

by Emmi Duffy
and
Marg Bezanson

There has traditionally been a stigma attached to premarital pregnancy and the attitude continues to prevail in today's "permissive society". A recent letter in the Chronicle Herald expressed the smug view of pregnancy as a just punishment for sinning: "If you can't stand the heat stay out of the kitchen".

The fact that few people are aware of the services offered in Halifax probably leads to many unnecessary trips to places such as New York for abortions.

The following organizations offer the pregnant woman counselling and assistance:

The Family Planning Association, 2145 Barrington, 423-8193

N. S. Coalition for Abortion Law Repeal, 453-4087
Birthright, 1546 Barrington, 422-4408

Dal Student Health, 424-2171
Help Line, 422-7444

At the present time there are two opposing poles on the question of abortion. There are organizations which support the repeal of abortion laws and will help a woman get an abortion under existing legislation such as the Nova Scotia Coalition for Abortion Law Repeal, the Family Planning Association and the Student Health Clinic at Dalhousie. There are others who firmly oppose abortion such as the Birthright organization, which helps pregnant women continue their pregnancy.

The members of Birthright oppose abortion on moral and religious grounds, stating that abortion is murder. As an alternative they offer counselling, a private home in which to spend the pregnancy, and make the arrangements to have the baby, as well as find an adoptive home for the child if necessary.

In order to dissuade a woman from having an abortion, scare tactics are used. Pictures of fetuses in garbage bags are shown. The religious aspects of the organization come out with comments such as "Do you think you would have become pregnant if it wasn't the Lord's plan?" The woman receives grim warning of guilt feelings she will later suffer for the "murder" of an "innocent being". They plead "Give the baby a chance to live". They also describe in vivid detail the "butchering" that goes on at abortion clinics, emphasizing the possibility of sterility.

On the other hand there are those who want the matter of abortion left up to the woman and her physician.

The Nova Scotia Coalition for Abortion Law Repeal makes the following policy statement:

The Nova Scotia Coalition for Abortion Law Repeal aims to unite individuals and groups who support repeals of those sections of the Criminal Code which deal with abortion. It is the belief of the Coalition that a woman must have the right to choose according to individual conscience whether or not to have an abortion.

We endorse the statement of Grace McInnes which is appended to her Private Members Bill:

"In a pluralistic society such as Canada it is possible in a number of matters to allow some people to carry out their own beliefs in action without infringing on the freedom of others to follow a different course of action.

"Such is the matter of abortion. The purpose of this bill is to permit those who believe in the necessity of abortion to seek it legally. Those whose conscience is opposed to abortion may continue, as in the past, to have nothing to do with it.

"This bill is limited to removing all reference to abortion from the Criminal Code, thus making it a matter of decision in each case for the medical profession and those directly involved."

The fact that abortion is included in the criminal code causes incidents such as the following to occur. A woman in Ottawa was prevented from having an abortion because her husband had obtained a court injunction against it. This was in spite of the fact that the abortion was a medical necessity.

Abortions may be performed without the husband's consent. However, an injunction can be

obtained by the husband. Although this is not permanent until brought to trial, this procedure can take up to one and a half years. Therefore a temporary injunction is permanent in the case of an abortion.

The removal of abortion from the criminal code would ensure the woman full rights over her own body and prevent similar incidents from happening.

In Nova Scotia, though not by law, the husband is required to sign for the abortion. Also for those under 19, both parents must give their permission.

The Coalition for Abortion Law Repeal states that the complete repeal of abortion laws is necessary. This would eliminate the need to resort to "butchers". It would prevent unwanted children and leave the decision of whether or not to bear a child rightfully with the mother.

Family Planning stress that they are more interested in prevention than cure; they would rather talk about contraception. "We prefer not to do abortion referrals but are willing to do it as a last alternative.

"The other alternatives are discussed first — getting married, having the baby, keeping, or putting the baby up for adoption. If the woman decides she wants to have an abortion they will recommend a doctor who has said he has no theoretical objections to abortion. If he refuses to refer her to the therapeutic abortion committee she can try again with another doctor.

"The usual reason for refusing referral to the committee is that it is too late, i.e. more than 12 weeks pregnant. In some cases refusal has been due to the fact that the woman wanted an abortion for purely social or economic reasons." Surely shunning by society and financial worries would contribute to emotional stress.

Dr. Kushner is a psychiatrist at Dal Student Health and a member of the therapeutic abortion committee at Victoria General Hospital.

In an interview with GAZETTE Kushner made clear that he was speaking as an individual not as a representative of any organization.

Kushner believes that the laws are inadequate and is of the opinion that it should be up to a woman and her physician.

"I strongly support the Canadian Psychiatric Association which says abortion should be lifted out of the criminal code. I cannot agree that a woman should have the right to control her own body. She needs to talk to someone sympathetic to her needs." He added that a full examination is necessary as well.

An abortion is not advisable for every woman. Some women have psychological problems and abortion won't solve anything. Out of guilt feelings for destroying the fetus she may become pregnant

again or even commit suicide, according to Kushner.

The main problem is lack of information. "It's not the promiscuous, sinful girl who gets pregnant. She's on the pill. It's the nice young innocent girl who goes to a party and gets drunk and screwed the same night. I've seen four cases where pregnancy occurred without intercourse — a case of mutual masturbation".

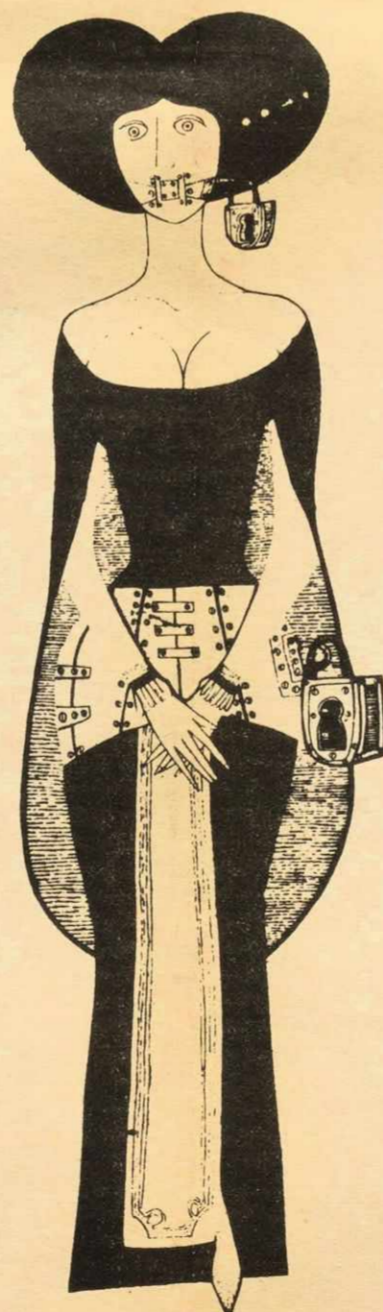
Very few abortions are done for physical reasons. A woman can be put to bed for nine months if need be. About 90% of abortions are done for emotional reasons. This does not mean that the woman appears insane. The fact that she is depressed is sufficient.

"There is no need to go to New York. The earlier a girl comes in the easier it is to get an abortion. Probably no one under 12 weeks is turned down." For technical reasons an abortion cannot be done between 12 and 15 weeks. After 15 weeks more risks are involved.

MSI pays 85% and most doctors don't charge full price. If you are a student at Dal the expenses are covered. The university has paid for several foreign students since the abortion was a medical necessity.

Proposed free birth control and abortion clinics are "bloody nonsense". "Abortion is not a means of contraception", says Kushner. "And you can't hand out the Pill like sweets."

Kushner suggests that people work with groups like Reach-Out. In this way the information that is so badly needed can be provided to the community.



The view from the Medical Society

by Don Johnston

Medical Society of Nova Scotia Student Rep

Technically, there are two kinds of abortion currently requested by certain groups in our populace. One is abortion on demand and the other is therapeutic abortion. The first is legally in operation in New York state and supported by a number of women's liberation movements. The second is officially supported by the Canadian Medical Association, the Medical Society of Nova Scotia and other Canadian societies.

Abortion on demand usually means any woman may ask for an abortion on any grounds including therapeutic reasons. If she can obtain a willing qualified physician in a legally recognized institution, then she may legally get the abortion.

There is no legal question here as to why she wants the fetus removed from her body. In New York State where this type of law applies, the key statement is that "an abortion act is justifiable when committed upon a female with her consent by a fully licensed physician... within 24 weeks from the commencement of her pregnancy."

This law has no restrictions on residency or age,

except that (as yet untested) a physician would likely be held liable if abortion was performed on an unmarried minor (under age 21) living with her parents without the consent of her parents. There is no law in Canada similar to New York's abortion law.

Therapeutic abortion entails getting approval from qualified medical personnel for the abortion following consideration of a variety of restrictions. These restrictions vary according to place and persons involved and the interpretation of the law in any given instance.

At present, the Canadian Criminal Code (section 251 (4) — b & c) says that abortion is legal if the continuation of the pregnancy will be injurious to the mother's health. In more detail, it states that a pregnant female who will permit a qualified medical practitioner to use, in an accredited or approved hospital means necessary to end pregnancy, must have the therapeutic abortion committee for that hospital, by a majority of the members of the committee state in a written certificate that "in its opinion the continuation of the pregnancy of such female person would or would be likely to endanger her life or health..." There is no mention of fetal health or malformations.

This can be interpreted in different ways. The WHO (World Health Organization) defines health as being a state of complete physical, mental and social well being and not merely the absence of disease or infirmity. Webster's call it the condition of an organism which allows it to perform its vital functions normally. There can be implication of well being, vitality and prosperity.

Presently the decision is in the hands of the patient, her physician and a hospital committee made up of six persons. There must be a minimum of three physicians. At the Victoria General Hospital there are an obstetrician, radiologist, anaesthetist, internist and two psychiatrists.

Most Nova Scotia abortion committees today recognize that the criminal code can be read to encompass abortion on certain social grounds. For example, if a student in university becomes pregnant and who was considered normal mentally and physically previous to impregnation presented her case to certain physicians in Nova Scotia, she would qualify for an abortion on social grounds. Part of those grounds would be her mental anguish suffered by missing classes and the fear of moral judgement being passed on her by the society surrounding her.

The problem here is that someone is going to bring an abortion case to court soon and claim that it was illegal. So far this has not been done. It seems apparent that some physicians wonder how they qualify to be part time lawyers and interpret the

criminal code. If a case based on abortion on such above mentioned social grounds was brought to court, who is to say the judge will agree with the physician. Perhaps the criminal code should be made more explicit to avoid this danger.

However ambiguity may be a blessing in disguise as it can be interpreted to fit the opinions of several opposing factions. The Canadian Medical Association (C.M.A.) has passed resolutions which will reduce this ambiguity for the medical personnel involved but does not recommend any revisions of the criminal code to make it more explicit. They do ask for one important revision (resolution #6) to the criminal code for other reasons and it remains to be seen if it will be accepted. The CMA is only one group in the battle to change the criminal code and the government will have to listen to all — or none of them.

The CMA recommends the following among others and the Medical Society of Nova Scotia (MSNS) is in agreement with them.

Resolution #1 — The C.M.A. recognizes that there is justification on non-medical social grounds for the deliberate termination of pregnancy.

Resolution #6* — That section 237 (251) of the Criminal Code be further amended so that all references to therapeutic abortion committees be omitted.

Resolution #10 — That in view of the significant hazards both of morbidity and mortality from induced abortion the council wishes to recommend in the strongest possible terms that induced abortion should not be considered as an alternative to contraception as a method of responsible family planning.

Resolution #11 — That no physician or other health personnel should be required to terminate a pregnancy; and that no patient should be forced to accept the termination of a pregnancy.

Resolution #13 — That abortion be defined as the termination of a pregnancy before 20 weeks of gestation.

*To Resolution #6 — The MSNS would add that the decision to do a therapeutic abortion be left to the patient, her physician and the physician (consultant) who would be doing the procedure. The CMA resolution suggests that the decision be left only to the patient and her doctor.

These resolutions and others not shown indicated that the CMA and MSNS are against abortion on demand and that therapeutic abortion must still be carefully weighed and agreed to by at least one physician.

The idea of agreement of one or two physicians plus utilization of abortion on social grounds would make abortions easier to get. A hypothetical case on point in the courts which, we'll say, gave the decision to the physician, who, for example, recommended abortion on the grounds so given to the university student previously described, would help because physicians would feel legally more secure in their recommendations. These factors would partially satisfy those with the more liberal opinions. Conservative elements in society would feel that abortion was fully controlled and their conscience would be soothed.

The CMA and MSNS do not recommend that the criminal code be restated to clarify the indications for abortions set out in it.

They recommend that pregnancy termination decisions be made by fewer people which would conceivably make abortions easier to get depending who the woman asked to make the decision. This draws reference to CMA resolution #8. "That faced with a request for an abortion, a physician whose moral or religious beliefs prevent him from recommending and/or performing this procedure should so inform the patient so that she may consult another physician.

At present, in spite of the six member abortion committee which considers whether the pregnancy will be terminated or not, therapeutic abortion is becoming a not too distant synonym for abortion on demand in Nova Scotia. It is likely a number of unnecessary trips to New York have been made.