

**Submission on the Health Insurance Amendment (Medicare Funding for Certain Types of
Abortion) Bill 2013**

on behalf of the Institute for Judaism and Civilization Inc

Prepared by Rabbi Dr Shimon Cowen,

Director, Institute for Judaism and Civilization¹

This submission is presented in support of the proposed Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013. The provision of this Amendment is that Medicare funding should not be made available where a pregnancy “termination is carried out solely because of the gender of the foetus”.

Many arguments have been made in support of this amendment, such as that it allows cultural prejudices against girls to take effect; and along the lines of the United Nations Population Fund, which urged fulfilment of the 1994 Cairo Population Conference resolution to take “necessary measures to prevent infanticide, prenatal sex selection, trafficking in girl children”. The Cairo Conference noted that gender selection abortions in a number of countries “have drastically skewed the sex ration”. This is mentioned in the Information Background Paper for this bill.

This submission, however, proceeds from the joint position of traditional Jewish, Christian and Islamic teaching that abortion on demand – i.e. where there is no danger to the mother or fundamental deformity of the foetus making it unviable, or in the early days after rape or incest– is forbidden. The notion of abortion for the purposes of sex selection – i.e. aborting

¹ Email: director@ijc.com.au.

a child because one does not want a child of its sex – extends abortion on demand to its ultimate frontier. It effectively establishes abortion as a “universal right”, an indiscriminate power of life and death over the foetus. This constitutes a complete reversal of the tradition of universal values, in which life (including the life of a foetus) is a primary right that can be waived only in very exceptional circumstances.

Instead of the traditional right to life being primary, a supposed “right to abort” supervenes without qualification in much contemporary abortion legislation. Nowhere is this more evident than in abortion for sex-selection. The defence of “women’s health” and “reproductive rights” are irrelevant here: the mother’s life is not threatened and she has been able to decide whether or not to reproduce. The mother wanted a child, but does now not want *this* child, a healthy child, but of the “wrong” sex. This abortion for sex-selection expresses a capricious “sovereignty” over life via a claimed unqualified and unlimited “right” to abort.

The religious objection to this is simple. Life – the body and soul of a human being and even of a pre-nascent human being - is the property of G-d. No human being has jurisdiction of his or her life or the life of their children born or unborn, to dispose of it like material property, as a matter of simple preference. This is not the same as embryo pre-selection in IVF, since the abortion is an intervention to destroy an ensouled foetus developing in utero.

The nadir of abortion on demand, abortion for the purposes of sex selection alone, highlights the tyranny of some contemporary abortion legislation. A corollary of this claimed “right over life” is the end of freedom of conscience for those who believe in the primacy of

the right to life. In the 2008 Victorian Abortion Law Reform Act, freedom of conscience is eliminated. The current abortion bill before the Tasmanian Upper House extends closure of conscience to counsellors and freedom of assembly: a counsellor who will not refer a client to a pro-abortion counsellor faces under this bill a \$32000 fine, and a protestor within 150 metres of an abortion clinic a \$65000 fine or 12 months imprisonment or both. The sham concession that a doctor or counsellor has the choice of referring to another who will abort merely makes the doctor or counsellor into an accessory instead of a principal in an act of killing prohibited by his or her faith.

Medicare currently does not cover “medical services which are not clinically necessary, or surgery solely for cosmetic reasons”² There is no clinical necessity for the mother for an abortion to select the gender of a child. Society and its law can prohibit, turn a blind eye to, or legalize an activity. This does not mean that it has endorsed it: it might simply tolerate it, for whatever reason. But when a society it funds it, it exalts it as a right and entitlement.

For society to fund – to exalt as a right and entitlement – the most capricious form of abortion on demand – abortion for sex selection – is to educate against and to overturn altogether the value of life. It flies in the face of the world religions and of the traditional standards of civilization, for which the value of life has been primary. It runs against the ethical heritage and foundation of our society and civilization at large. The Institute for Judaism and Civilization joins traditional Christianity and Islam in opposing Medicare funding for abortion for the purposes of sex selection.

² (<http://www.privatehealth.gov.au/healthinsurance/whatiscovered/>).