

Title: Forcing compliance
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The Australian state of Victoria has a world first: a law which forces doctors to refer women for abortion or to do it themselves -- even if they have a conscientious objection, writes Michael Cook.

Set in a huge mosaic in the lobby of Parliament House in Melbourne is a Biblical proverb, "Where no counsel is, the people fall; but in the multitude of counsellors there is safety." A good number of healthcare workers in the state of Victoria must be wondering now whether this is still true. Last week their Victorian legislators passed the only law in the Western world which forces doctors and nurses to participate in abortions against their conscience.

The [Abortion Law Reform bill](#) decriminalises abortion and forces doctors with a conscientious objection to refer a woman to a doctor who will do an abortion. In the event of a "emergency" abortion -- whatever that is -- regardless of their moral qualms, doctors must do it themselves. Victorian nurses will be in an even worse predicament. They must participate in an abortion if ordered by their boss.

The penalty for non-compliance is not specified, but there is no mistaking what will happen. Conscientious objectors will be hauled before a registration board and stripped of their right to practice. They won't go to jail, but they will lose their jobs. Dissenters will be squeezed out of the Victorian health system in a workplace version of ethnic cleansing.

The worst feature of this legislation is that it legalises the destruction of innocent and defenceless human life. Women may now have an abortion at any time during the first 24 weeks of pregnancy, and later if they obtain the agreement of two doctors. About 20,000 children already die this way in Victoria every year because of a judicial loophole in the old law.

But corrupting the medical profession by forcing doctors and nurses to collude in this is a clear violation of a universally acknowledged human right to freedom of conscience.

Nowhere else in the world does such a draconian law exist, not in New Zealand, not in the United Kingdom, not in Canada, not in the United States. The [Victorian Law Reform Commission](#) devoted only seven skimpy paragraphs to conscientious objection in its backgrounder supporting the legislation. It failed to note that nearly every American state [explicitly allows](#) some health care professionals to refuse to participate in abortion and even to refuse to refer. In states without explicit refusal statutes, a doctor is protected by laws which prohibit discrimination on religious grounds.

According to a survey by a Canadian group, Protection of Conscience, only [Slovenia](#) requires doctors to refer for an abortion. But even there, in an ex-Communist country, another option exists. They can advise their institution of their position and the obligation to refer then falls to the institution.

Why respect for basic human rights in Australia has fallen to the level of Belarus or China calls for some serious reflection. Victorian MPs who would fight to be photographed signing a petition in support of the conscience rights of Tibetan Buddhists have quashed them in their own state. Only two years ago they passed a [Charter of Human Rights and Responsibilities](#) which guaranteed freedom of thought, conscience, religion, belief and expression on any topic – except, astonishingly, abortion.

Even Liberty Victoria is vehemently opposed to granting health care workers freedom of conscience. This self-appointed guardian of civil liberties [told](#) the Law Reform Commission that it did not believe that "that subjective moral or ethical objections should be explicitly protected in legislation." Its motto is "the price of liberty is eternal vigilance" -- but its watchdogs nap during abortion debates.

There is only one bright side to this shameful law: it has exposed "pro-choice" to the world as a rigid, profoundly undemocratic, totalitarian ideology. For pro-choice lobbyists, the content of choice is completely arbitrary; choice needs no moral or medical justification. It must be right simply because it has been chosen. Whether it is a good or a bad choice makes no difference. Only two outcomes are possible -- I get what I want or I don't. Words like debate, dialogue, negotiation, and compromise fall on deaf ears. And because they are not open to rational discussion, they use raw political power to get their way.

Two years ago several Victorian pro-lifers published a book, *Common Ground? Seeking an Australian Consensus on Abortion and Sex Education*. Using polls which showed that Australians have a wide range of attitudes towards abortion on demand, they hoped to pave the way for a rational debate about the issues – mental and physical health risks for women, community attitudes, counselling, alternatives, and so on.

In retrospect, this may have been naive. Only the pro-life side was prepared to be rational and accommodating. It lost. The victorious pro-choice side has offered dissenting doctors and nurses the option that Ferdinand and Isabella gave the Jews: conversion or exile.

The 21st century is already shaping up as an age of anxiety: financial volatility, climate change, an ageing population, increasing immigration, militant Islam and the war on terror will offer many temptations to curtail civil liberties and suppress dissenters. The Victorian Parliament has already failed its first test. How will it cope with the ones to come?

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