

## **Making Abortion Illegal is Not a Settled Moral Value – Our Laws Should Respect Individual Conscience.**

### **1. About Atheist Ireland**

- 1.1 Atheist Ireland is an Irish advocacy group founded in 2008. We are a voluntary organisation with no paid staff. We receive no government funding or grants and are reliant on membership contributions and donations. As a political lobbying group Atheist Ireland is registered with SIPO (Standards in Public Office). Atheist Ireland promotes atheism and reason over superstition and supernaturalism, and we promote an ethical, secular society. We are participants in the dialogue process between the Government and religious and philosophical bodies. We campaign for separation of Church and State, the repeal of blasphemy from the Irish Constitution and worldwide, the right for ex-Catholics to formally defect from the Catholic Church, the removal of discriminatory religious oaths and for a secular education system in Ireland. Please visit our website [www.atheist.ie](http://www.atheist.ie) for more information on our campaigns.
- 1.2 We participate in events organised by international human rights regulatory bodies such as the United Nations, the Council of Europe and the OSCE.
- 1.3 Atheist Ireland is a member of the Coalition to Repeal the 8<sup>th</sup> Amendment. As an organisation we have taken a pro-choice, human rights based stance on the issue of abortion.

### **2. Speaker biography**

Ashling O'Brien will be speaking on behalf of Atheist Ireland. Ashling is the Regional Officer and Chair of the Dublin Regional Branch of Atheist Ireland. Ashling graduated from the Trinity Access Programme for Mature Students in 2004, holds an honours degree in Psychology from TCD and an MSc in Applied Psychology (Mental Health) from University of Ulster.

### **3. Atheist Ireland supports the repeal of the 8<sup>th</sup> Amendment**

- 3.1 The religiously-inspired or faith-based view on abortion holds no greater authority than that of the non-religious or secular view. In fact the religiously-inspired viewpoint on abortion holds less authority as it is opinion-based rather than evidence-based.
- 3.2 Atheist Ireland argues that the 8<sup>th</sup> Amendment to our Constitution is religiously-inspired. In a secular, pluralist democracy people are free to hold whatever religious, ethical and moral beliefs they wish, but they do not have the right to impose those religious views on women who do not share those values.

- 3.3 The current situation in Ireland with regards to access to abortion does not respect freedom of conscience. Each of us form our own individual ethical and moral beliefs. For some of us those beliefs will be inspired by religion, for others they will not be based on religious or faith-based beliefs. However each of us as individuals form our own ethical and moral beliefs, our laws must be based on human rights, compassion and the best available evidence.
- 3.4 In their submission to the Assembly the Iona Institute argue that holding a referendum to repeal the 8<sup>th</sup> Amendment would be an abuse of democracy. But let us not forget, it was a referendum in 1983 that got us into this position in the first place. It is also worth noting that repealing the 8<sup>th</sup> Amendment does not mean that pro-choice legislation would be introduced, although Atheist Ireland would hope that this would be the case. Rather, it means that we could now have a conversation about abortion without the restriction of the 8<sup>th</sup> Amendment.
- 3.5 Only a full repeal of the 8<sup>th</sup> Amendment will allow for us have this conversation and only a full repeal of the 8<sup>th</sup> Amendment will allow for legislation that is nuanced enough to address this issue. Atheist Ireland asks the Citizens of the Assembly not to recommend any rewording of article 40.3.3., but rather to recommend a referendum to be called, at the earliest possible date, that looks to fully remove all reference to abortion from our Constitution.

#### **4. The State must protect each individual conscience**

- 4.1 Most Irish people are aware that the right to freedom of religion protects the rights of those with a religious conscience. But this right goes further than that, it is actually the Right to Freedom of Thought, Conscience and Religion which means it also protects the conscience of atheists, the non-religious and those who do not base their conscience on religious teachings.
- 4.2 The State should not impose laws on all citizens based only on the conscience of religious people. It should enable everyone to act in accordance with their own conscience, whether that conscience is religious or non-religious.

#### **5. Secular morality versus religious morality**

- 5.1 Many Irish people assume that ethics and morality can only be based on a religious value system. However, this is not the case. Religion is only one way in which people form their ethics and morality. Religious-based morality comes from commandments in holy books, dogma, traditions and from the authority of religious leaders. There are approximately 126 different religions in Ireland and religious-based morality varies between different religious belief systems and can change over time within religions.
- 5.2 Secular morality is not based on any dogma, commandments from books, traditions or on the authority of any leaders. Rather, secular based morality is evidence-based, involves critical thought, is focused on the reduction of harm and the increase of well-being and is grounded in human rights. Secular morality holds that humans are neither inherently good nor inherently evil and that there

are seldom easy answers to the difficult questions. When society engages with ethical dilemmas the goal must be the reduction of harm to the individual members of our society.

## **6. Irish people have different moral values about abortion**

6.1 In the A, B and C case in the European Court the Irish State claimed that the 8<sup>th</sup> Amendment is a reflection of the 'profound moral values' deeply embedded in the fabric of Irish society.

*"The protection accorded under Irish law to the right to life of the unborn was based on profound moral values deeply embedded in the fabric of society in Ireland and the legal position was defined through equally intense debate" (1)*

6.2 However, different Irish people have different moral values on abortion. For many Irish people, both religious and non-religious, abortion is against their moral conscience. No one who has a moral stance against abortion should ever be pressurised into having an abortion. For other Irish people, denying women access to abortion is against their conscience as it denies women bodily autonomy.

6.3 The Irish State talks as if it was a settled moral value that abortion should be illegal. There are issues on which moral values have been settled in Western democracies, for example it is pretty much a settled issue that an unprovoked assault or robbery should be illegal.

6.4 But abortion is different for two reasons; firstly there is far from a settled consensus that abortion is morally wrong and secondly there is even less support for the idea that abortion should be illegal and women who have abortions should be criminalised.

6.5 Countries that have decriminalised abortion do not force women to have abortions. Instead they respect the bodily autonomy of women, their right to decide for themselves and they ensure that the health of the woman is given priority over the foetus.

6.6 In order to protect the supposed 'profound moral values' of the Irish society the 8<sup>th</sup> Amendment denies access to abortion to women who have a different conscientious view on abortion.

6.7 If we recall, moral arguments were put forward to deny access to contraception, divorce and marriage equality. We were told that the fabric of society would fall apart. This has evidently not been the case. Rather, what we have achieved together is a fairer, more compassionate society that respects its individuals.

## **7. The religious moral view on abortion as being the only or correct moral choice for all must be challenged**

7.1 Over the preceding weeks the citizens of the assembly have been presented with clear, strong, evidence-based information on abortion. The religious viewpoint will also present their arguments against abortion. The religious moral argument on abortion makes some assertions that must be challenged.

7.2 In their submissions to the Assembly various religious bodies make a number of claims on the morality of abortion:

7.2.1 In their submission the Irish Catholic Bishops Conference include commentary on the issue of life limiting conditions and fatal foetal abnormalities (although they wrongly conflate the two). The religious moral argument that is presented is that despite the diagnosis of a fatal foetal abnormality the woman should not have the choice of an abortion, but rather should have to carry a pregnancy to its natural conclusion, be that miscarriage or birth. This assertion is made, despite acknowledging the distress that such a diagnosis causes. I would ask the Citizens to take the time to read the submission made to the Assembly by the advocacy group Terminations for Medical Reasons, an advocacy group of women and couples who have personal experiences of having to travel to access abortion services after receiving a diagnosis of a fatal foetal abnormality. This submission, with its collection of personal experience, stands in stark contrast to that of the Bishops Conference which does not acknowledge that while for some the choice to carry a pregnancy is right for them, for others the choice to terminate the pregnancy, while complex and painful, is the right decision for them. It is worth stressing that for many people a morality, and subsequent legislation based on this morality, that forces women to carry such pregnancies to their natural conclusions is grossly unjust, cruel and inhuman. Such morality undermines the dignity of women and profoundly goes against their conscience.

7.2.2 In their submission the General Synod of the Church of Ireland recognises that the Constitution is not the place to be dealing with matters of healthcare, we welcome this. However, they consider abortion only to be permitted in cases of 'undeniable medical necessity', Atheist Ireland believes this approach is too limited and will not address all circumstances were a woman will consider an abortion. We would like to draw the Citizen's attention to the lack of consensus between differing religious morality.

7.2.3 The Iona Institute claims that the pro-choice argument ignores the humanity of the foetus. This is not the case. The pro-choice argument acknowledges that a foetus is biologically a potential human, after all the developing foetus most certainly has human DNA. However, the pro-choice argument asserts that the woman is most definitely human. The difference here is between biology and biography. The foetus is biologically human, but does not have biography. The woman, on the other hand has biography. She has hopes, aspirations and plans. She has friends and family. She loves and is loved. She has people in her life who rely on her. She has experiences and memories. She has autonomy and rights. The humanity of the woman must be recognised and protected, she

cannot be reneged as a mere vessel or incubator. A woman does not forfeit her biography once she is pregnant.

7.2.4 The Iona Institute also makes the argument that it is never permissible to take the life of a human being, except maybe in self-defence. The problem with this assertion is that it is a false equivalence. We simply cannot continue to equate a fully grown woman with biography to a developing foetus. As a society we must afford women the respect they deserve and recognise their autonomy.

## **8. Abortion should not be dealt with in our Constitution**

8.1 Access to abortion is a healthcare issue. We have dealt with no other health care issues in our Constitution. This is because we understand that the Constitution is not the place to deal with matters pertaining to healthcare.

8.2 Atheist Ireland requests that the Citizens should not only recommend that a referendum on the 8<sup>th</sup> amendment is held at the soonest possible time, but that it should not be replaced by any alternative wording. The 8th should be repeal and not replaced.

8.3 Only a full repeal of the 8<sup>th</sup> Amendment will allow the Oireachtas to properly formulate legislation on abortion in line with the highest standard of maternal and healthcare practice, human rights and the best available empirical evidence. Anything less than a full repeal will result in us simply having to return to this issue over and over in the future.

## **References**

1. <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-102332&filename=001-102332.pdf>