

Consensus

Volume 22

Issue 1 *Canadian Lutherans and Social Justice:
Sampling of a Heritage*

Article 3

5-1-1996

Two Canadian Responses to Abortion

Matthew H. Diegel

Follow this and additional works at: <http://scholars.wlu.ca/consensus>

Recommended Citation

Diegel, Matthew H. (1996) "Two Canadian Responses to Abortion," *Consensus*: Vol. 22 : Iss. 1 , Article 3.
Available at: <http://scholars.wlu.ca/consensus/vol22/iss1/3>

This Article is brought to you for free and open access by Scholars Commons @ Laurier. It has been accepted for inclusion in Consensus by an authorized editor of Scholars Commons @ Laurier. For more information, please contact scholarscommons@wlu.ca.

Two Canadian Responses to Abortion

Matthew H. Diegel

*Pastor, Immanuel and Our Saviour Lutheran Churches,
Thunder Bay, Ontario*

The 1973 statement on Abortion passed by the twelfth annual convention of the Eastern Canada Synod (ECS) of the Lutheran Church in America (LCA)¹ and the position paper, "Stewards of Life: Respect for Human Life"² adopted by the third biennial national convention of the Evangelical Lutheran Church In Canada (ELCIC), each finalized the response of those bodies to changes in the federal Criminal Code regarding abortion, in 1969 and in 1988 respectively. In addition, the ECS statement came under discussion during the formation of the ELCIC position, and influenced its final wording. This essay seeks to contrast and compare the two statements in four areas: the judicial situations they sought to address, views in society and church on the subject of abortion during the periods in which both evolved, the process by which the statements took shape, and the final statements themselves.

Both statements echo the struggle on this issue in society and in the church in their respective eras. Yet both are similar in that they seek a more central path in the debate. In 1989 the ELCIC tabulated responses to a discussion it had arranged on the topic of abortion. In less than two months it received 90 study group submissions and 185 comments from individuals. These came from all five synods of the church and were divided fairly evenly. The comments about what the church's position on abortion should include "were as varied as the groups and individuals who replied".³ However, many of their viewpoints are apparent in both the 1973 synodical statement and the 1991 ELCIC statement and in their respective debates.

Chief among these were that a statement of the church is needed, and that "the social and individual dimensions to the

issue... must be kept in mind and both Law and Gospel need to be applied". However, there was strong division over whether the church should be strong on the Law and "call sin, sin", or be more deeply on the side of the Gospel, being compassionate. While some sought consensus, others stressed that the statement had to agree with the Bible, not with the feelings of all the members. Of course, this implied that the members should agree with the one interpretation of Scripture being promoted. Many also stated that the church should not only speak but also act, developing and campaigning for programs and resources "so as to reduce the felt need for abortions".

Most people agreed to the following themes: that human life begins at conception and is created in the image of God and therefore sacred; that abortion must not be a means of birth control; that any real danger to the physical life of the mother might warrant an abortion; that counselling was absolutely necessary (to work through the grief and guilt of a necessary abortion; or in cases where the mother's life is not threatened to make the mother aware of alternatives and help facilitate alternatives such as adoption, acquiring practical assistance and emotional support); that the church and its pastors needed more training in the "how to" part of supporting and caring for women who find it a burden to be pregnant and face the prospect of caring for a child.⁴

Extreme differences of opinion, seen also in the later debates, existed over what constituted danger to the physical life of the woman, and what other factors may deem the procedure tolerable, whether abortion should be part of the federal Criminal Code, and whether a person who received or performed an abortion could receive forgiveness.

The 1969 reform of the section of the federal Criminal Code dealing with abortion replaced a section dating back to 1892, with precedents to 1882. It was part of an omnibus revision of the Code. Other sections rewritten included those dealing with divorce, birth control, and homosexual relations between consenting adults.⁵ The original law made the procuring or performing of an abortion an offense subject to imprisonment for life, although judgments had nullified this if the procedure had been necessary to save the life of the woman. Women who attempted to perform abortions on themselves were subject to sentences of up to seven years.⁶

The changes to the Code maintained the illegality of abortion generally, except under certain conditions. A woman could

ask a doctor to perform an abortion at an accredited hospital. If willing to do the procedure, the physician would then ask the Therapeutic Abortion Committee of the hospital to rule whether the continuation of the pregnancy would threaten the life or health of the woman. At least three doctors, excluding the attending physician, sat on the committee. The woman could not speak before the committee, and if the request was denied she could not appeal the decision.⁷

The arguments in favour of the liberalization of abortion in 1969 reflected the 1967 recommendations of the Standing Committee on Health and Welfare of the House of Commons. It had considered three private members' bills, and had recommended that abortions be permitted when women's life and health were seriously threatened. Those involved in the shaping of the new Section 251 in turn stressed that unless more avenues opened for abortions, death and injury would continue to escalate from illegal procedures performed by persons lacking proper training. Many examples were given of the need for abortions in cases of incest and birth defect. Account was made also of the liberalization of sexual behaviour and of the problems this created if abortions were only available by illegal means. On the other hand, issues such as the social consequences of unwanted pregnancy, especially among the poor, did not receive much consideration. Neither did the voices of those opposed to abortion completely.⁸ The new law put those who were qualified, the doctors, in charge of policing abortions. Meanwhile, its committee structure showed that the law considered women not as involved participants capable of making a decision but as objects to be operated on by those who knew better.⁹

The issue reached the floor of the 1971 ECS convention through a resolution given to the committee on Reference and Council.¹⁰ Those who drew up the document consisted of four pastors (including one seminary professor) and one lay woman. All the pastors were male, since no women who were ordained served in the synod. Speaking later, the writers said that in presenting the paper they had wanted "to foster an honest, balanced, critical process that would elicit a responsible synodical decision".¹¹ Reference and Council endorsed their recommendation and asked that the convention forward the resolution to the parishes, "that it be studied in conjunction with the LCA social statement on sex, marriage and family", and that the

next convention act on the resolution. The convention adopted the motion.¹²

Points made in the resolution corresponded closely to those made in the arguments for the new bill. It acknowledged that "Christians should be given the fullest freedom to accept, participate in, and come to responsible decision making concerning the issue of abortion". Further, "physicians, social workers and clergymen should enjoy the freedom of being able to exercise these capacities...without being subject to arrest for conspiracy to commit an illegal act which is morally a matter of conscience and medically a safe procedure."¹³

However, the framers also held that "we affirm it to be in the best public policy for the state to withdraw legislation concerning when to terminate or continue a particular pregnancy, leaving that decision to those most deeply involved".¹⁴ This mirrored part of the reaction to the 1969 law and also drew a line between those who opposed or favoured abortion.

Opponents to the law argued that it gave hospitals the right not to set up the required committees. Those run by the Roman Catholic church had immediately chosen this option. Small hospitals with fewer than four doctors on staff could not have the committees, leaving many rural and isolated women without access to abortion services. Another common complaint was that the Section did not define 'health'. Because of this committees varied widely on their reasons for approval or rejection.¹⁵ In 1970 the Royal Commission on the Status of Women in its final report recommended that abortion be made available to any woman up to twelve weeks of pregnancy, solely upon her request. After that she would still be able to have the procedure, if her doctor thought her pregnancy threatened her physical or mental health.¹⁶

Women across the country reacted to Section 251 by forming the Abortion Caravan. Organized by "new women's liberation groups", this demonstration made its way from Vancouver to Ottawa. Once there, participants called for changes in the law, and stated their resolve to fight by, among other protests, chaining themselves to the railing of the Visitors' Gallery of the House of Commons.¹⁷ Mixed sex groups opposed to abortion soon also formed, and included representatives of the union movement and the organized left. Some of these wanted to liberalize the law, rooting out the injustices seen, while others

wanted to abolish it completely, creating abortion on demand. The National Advisory Committee on the Status of Women had formed during 1971 and 1972 as one result of the Royal Commission on the Status of Women. One of its aims was to work for the decriminalization of abortion.¹⁸

Opponents of the 1969 law also surfaced and gradually became more organized. In 1968 'Birthright' was formed as an agency with the aim of supporting unmarried mothers, providing alternatives to the felt need for abortion. Local and national 'Right to Life' associations came into being also for the purposes of both education and political protest.¹⁹

All sides in the debate were ready when the matter returned to the synod convention in 1972. According to the framers of the resolution, responsible debate during the past year and at the beginning of the convention had been rendered impossible, due to "a sniping and tense atmosphere of win-lose competitiveness".²⁰ A substitute motion was introduced by one pastor at the beginning of the debate. It stressed that the unborn child was life created in God's image, heir to the promises of grace and freedom. Therefore the church could do none other than "declare the deliberate taking of the life of an unborn child contrary to its understanding of life as a gracious gift of God and a sacred trust".²¹ Congregations were to seek ways of giving assistance to women in unwanted pregnancies, so that they might carry the fetus to full term. The government was to hear that the church opposed abortion on demand and that it desired new legislation which allowed abortion only to protect the physical health of the mother.²² In a very real sense, then, this was a request to go back to the law of 1892.

After much intense debate, the issuers of the original resolution received consent to modify it by adding "all life is a gift of God, to be lived in light of His grace, mercy and forgiveness". Further, all Christians had "been called to a ministry of hope and reconciliation".²³ It asked the Executive Board of Synod to "establish a task force to find, establish and support those means by which persons who are faced with the crisis of an unwanted pregnancy may more fully receive the guidance, counsel and support they need", and those means by which the knowledge of birth control may be extended so as to lower the risk of unwanted pregnancy in the first place.

This proposal did not end the debate, however, as both the modified and the original resolutions now were on the floor. The discussion was so spirited that the secretary chose not to record all the defeated amendments, "in light of the final action and for the sake of clarity".²⁴ Finally, when the debate had "reached a stalemate", a motion passed that the entire report "be referred to the Executive Board with instructions to form a proper study committee to make a statement, carefully worded, to present to our next convention". Attempts later to change this failed.²⁵

The Task Force established consisted of three women and nine men, five of the latter being pastors. Six members participated most fully in the three meetings. None of the participants was a framer of the original resolution nor of the substitute. Rather they included workers in health care, the law profession and politics. This thus mirrored those involved in the 1969 debate before the House. Dr. Kathryn Kopf, the chair, reported that at the final session one member had withdrawn, one more had decided not to support the report, and one more had chosen to support only part of it. Yet in spite of this, it was hoped that the statement could still "provide Christian guidance for pastors and others in the Church who must counsel with women involved in problem pregnancies".²⁶

This represented a shift away from whether abortion should be allowed or not, to one indicating how those regarded to have expertise and authority should deal with the question when confronted with the issue. The statement did not envision that a woman could make a choice about abortion on her own, although it did allow the woman to make the final decision. Nor did it speak primarily to Canadian society in general. Rather, it turned inward, focussing solely on pregnant women who sought the opinion and concern of the church or of health care professionals who were Lutheran.

The task force reaffirmed the statement of the substitute motion that all life is created in the image of God. Further, it agreed that abortion was not acceptable as a means of birth control. It did allow, however, that in some problem pregnancies, abortion "may be the lesser of evils". This situation might arise due to "such factors as age, health, emotional stability, marital and financial status".²⁷ This seemed to be an attempt to define what the 1969 law meant by 'health'. It echoed

also the Social Statement on Sex, Marriage, and the Family, adopted by the LCA in 1970.²⁸ Whatever the situation, the professional was to strive to make the woman aware of all alternatives and implications. This was to be done with an "open mind", "guided by the compassion which Christ taught", and, finally, respecting and supporting the decision of the woman. However, physicians should have the right to refuse to perform abortions for moral and religious reasons. They were to refer the women to doctors who would do the procedure.²⁹

In its concluding recommendations, the task force entered the fray of the debate going on in the country by arguing that abortion should be removed from the Criminal Code and that those who performed abortions who were unqualified should be prosecuted. It also asked for government funds for counselling services, both contraceptive and pre/post abortion, "at least in all centres where abortions are performed". Meanwhile the church itself was to provide its members, and advocate for, family planning and birth control information.³⁰ Congregations were to pay for their pastors to take Clinical Pastoral Education in order to help them learn how to co-operate with the helping professions on this and other issues. Pastors and parishes were also to form study groups on the issue of unwanted pregnancies.³¹

Immediately a substitute motion came to the floor, with forty-four signatures. This was in effect the same as the substitute introduced in 1972.³² Much debate, over several sessions, then ensued, with much the same content as during the previous year. The only new wrinkle was the emergence of parliamentary procedural wrangling. The substitute finally lost closely (104-114), and "time ran out, even for prayer".³³

Not surprisingly, when the resolution of the task force returned to the floor, motions were introduced to change it to incorporate at least some of the arguments from the defeated substitute. A resolution to strike the reasons listed when abortion may be an option lost narrowly (88-113). However, the convention then compromised by deleting the phrase "When she has arrived at her decision, the counselor must respect it and support her in it" and added the phrase at the beginning of the statement that the church opposed abortion on demand.³⁴ The convention also revised its demand that the government remove abortion from the Criminal Code. Rather, it asked

that revisions to the 1969 law be made, “only so as to enable counselling within the spirit of the above statement”.³⁵

The amended motion passed in this ambiguous state, and the issue passed from debate, except for an addition in 1976 which diluted the support of the decision-making capability of the woman even further. That amendment stated that not only the woman but also the “family unit” should be involved in the counselling and that the needs of the “family unit” be also considered when assessing the need for an abortion. Further, those health professionals and organizations opposing abortion should “not be penalized in any form or discharged from duty”. Rather, they should refer the woman/family unit so that “she/they may consult another physician”.³⁶

Unlike the 1973 synodical statement, the 1991 ELCIC response did not arise after the federal law was changed but rather right in the midst of the court decisions and debate surrounding the striking down of the 1969 law altogether. Moreover, the reasons given by the Supreme Court of Canada for its decision in 1988 included some of the concerns addressed above about the ambiguity of the changes made to the report of the synodical task force as well as the diminished rights of the woman to be the decision maker in the process.

On 28 January 1988, the Supreme Court declared Section 251 unconstitutional, in response to an appeal by Dr. Henry Morgentaler. Morgentaler had been charged in 1983 with conspiracy to procure a miscarriage, after opening an abortion clinic. He had been acquitted, but the Ontario Court of Appeals had ordered a new trial. Writing for the 5-2 majority decision, Chief Justice Dickson cited Section 7 of the Charter of Rights and Freedoms in the Canadian constitution, a section that had not been in existence in 1969. It stated that all Canadians had the right to life, liberty and the security of the person.³⁷ Dickson wrote that

Section 251 clearly interferes with a woman’s physical and bodily integrity. Forcing a woman, by threat of criminal sanction, to carry a foetus [sic] to term unless she meets certain criteria unrelated to her own priorities and aspirations, is a profound interference with a woman’s body and thus an infringement of security of the person.³⁸

One of the judges for the majority argued also that a woman should have uncontested right to abortion in the early stages of pregnancy. Others suggested that the state should have an

interest in protecting the rights of the fetus. The Supreme Court concluded by asking the federal government to draft a new law.³⁹

The decision brought all sides into the debate. Those opposed decried abortion as murder, an attack on family values and a source of moral instability. They protested that life began at conception and that the rights of the unborn had to be recognized, even above those of the mother. Women were not autonomous but responsible for the safety of the human life they were carrying. If they could not, or did not want, to care for the baby after birth, adoption was a far better alternative than abortion. Anti-abortion groups sought to support women through pregnancy, if non-support was the reason behind wanting abortion.⁴⁰ In contrast, pro-choice groups advocated for the rights of women, especially for the freedom of choice. Women had the sole right to decide what happened to their bodies.⁴¹ The law had discriminated against women, especially those who were poor and otherwise marginalized. It had given doctors power over a decision which should be the woman's alone.

Unlike 1969, when the adoption of the Criminal Code shifted the issue of abortion to the public debate, the decision of the Supreme Court also brought the House of Commons back into the debate. A new bill came under discussion in the summer of 1988 but met defeat. The Government did not introduce another bill before it called a general election. Anti-abortion forces waged a large campaign during the latter and succeeded in influencing the election or defeat of a number of candidates. Meanwhile, the provinces developed differing regulations for funding abortions.⁴²

Many court challenges arose also. One of long standing was that of Joseph Borowski in the Supreme Court of Canada. He argued that abortion should be illegal because fetuses were protected as persons under the Charter of Rights and Freedoms. In March 1989, the Court unanimously announced the challenge moot, based on the striking down of Section 251. This led to increased demonstrations by anti-abortion advocates, including violent protests at abortion clinics.⁴³

Following that, two expectant fathers attempted to prevent women from having abortions. They won injunctions, which in turn were appealed to higher courts. In Ontario, Barbara Dodd

won her appeal. However, in Quebec the Appeals Court upheld the injunction against Chantel Daigle, eighteen weeks pregnant at the time. She appealed to the Supreme Court, but in the meantime went undercover to the United States to have an abortion there. The Supreme Court decided to continue with the case and unanimously overturned the injunction. It stated that neither the Quebec Charter of Human Rights, the Quebec Civil Code, nor Canadian common law granted the fetus right to life unless born alive. It also rejected the argument that the father has any interest which allows him to prevent an abortion.⁴⁴

This last court challenge was current as delegates met for the 1989 ELCIC convention in Saskatoon. There the issue of abortion came to the floor. However, unlike 1969, it came not by way of a private resolution but rather from the Division for Church and Society (DCS). The Social Ministry Advisory committee of the Division had been studying the issue of sexuality. However, in light of the court decision and a "call from the church for leadership on the question of abortion", it asked permission in September of 1988 to "provide study materials for congregational use".⁴⁵ The Division agreed, and in January 1989 congregations received such a study and discussion guide. The committee met in March of that year to consider the responses mentioned near the beginning of this paper and formed a recommendation for adoption by the 1989 national convention.⁴⁶

As in the earlier statement this recommendation affirmed that all life comes from God and that all life is precious. Because of this the church should be concerned about the life of the woman and of the unborn. However, the issue of abortion was a complex question to which "faith does not give simple answers". Unwanted pregnancies were "not resolved by an affirmation that there is human life at conception".⁴⁷ Abortion did have to be considered in certain circumstances (not outlined), but the decision must only come after consultation with family, friends, pastor and appropriate health professionals. Whatever decision was made there must be by a supportive community.⁴⁸ Again this parallels the 1973 statement. So were its concluding recommendations, aimed at reducing the felt need for abortion, with the notable additions that called on the government to create a society which affirms children by

providing such necessities as child care, school systems which supported pregnant women and efforts to deal with and eliminate wife and child abuse.

Reaction to this proposal also echoed the debate in 1971, albeit in a stronger and more radical fashion. In this sense it mirrored the debate across the country. Four congregations had submitted counter resolutions. These called for abortion to be illegal unless it could save the life of the mother and for laws to protect the unborn. Abortion was never to be an option for a woman facing an unwanted pregnancy. The church should, however, be ready to offer forgiveness to those who had helped or participated in an abortion, if they repented of their sin. God would help women through their trials, and the church should also, supporting alternatives for expectant parents and providing alternatives for expectant babies. Above all, the church must teach that "abortion is not a matter of personal choice" and that it is the taking of human life and a factor in the decay of the nation.⁴⁹

In contrast to this the Eastern Synod committee for Church and Society reintroduced the statement of one of its predecessor bodies, the 1973 ECS statement, with three changes. First, the reference to the family unit being involved in the decision had been deleted. Secondly, there was a new section on sin as a factor both for unwanted pregnancies and for making decisions about abortion. Finally, there was no longer a recommendation for restrictions in the Criminal Code, rather a call for laws for improving the quality of life.⁵⁰ These changes reflected the court cases just completed. The statement itself offered a middle road between the presentation to the convention and the congregational resolutions.

However, just as during the synodical debates, the national delegates could not agree on such a path. Finally, the convention asked that the national Bishop form a committee to draft a new statement overnight, in consultation with the framers of the counter petitions.⁵¹ This attempt at compromise had three main sections: 'Theological Basis, Our Ministry, and Our Application'.⁵² The Theological Basis reflected the initial portion of the 1973 position, with scriptural passages added for emphasis. All life was created in the image of God, and from conception humans are valued by God. Life was a gift of God, to be held in sacred trust. Abortion was the taking of life and

as such is the reflection of human sinfulness. The 'Our Ministry' section paralleled the earlier position also, with several important differences. It stated that all levels of the church had an obligation to minister to those dealing with problem pregnancies who came for help. Thus, the statement was no longer directed to society at large but rather to the members of the ELCIC. Further, the ministry was "to listen with compassion" and to "explore redemptive alternatives". However, abortion was not really to be one of these, for in light of abortions being performed the church was to offer assurance of pardon for those seeking forgiveness, both those who facilitated the abortions, and those who participated in them. Meanwhile, 'Our Response' steered away from this anti-abortion stance, offering much the same recommendations as both the proposed position and the 1973 statement.

However, this effort did not receive approval either. Rather, the convention chose to adopt it as an interim statement only and referred it back to the DCS and to the parishes for further study and for a new proposal to be presented at the next biennial convention.⁵³ In essence the convention pushed itself back to the beginning of the process, asking the church for leadership, while disagreeing with the leadership it had provided already. It directed the DCS to use exactly the same methods, but to come up with different results. A stalemate existed, much as would soon happen in the government.

In the fall of 1989 new legislation came before the House. C-43 returned abortion to the Criminal Code. Performing one would be punishable up to two years in prison, unless the physician saw that continuing the pregnancy would threaten the physical, mental or psychological health of the woman. The bill received criticism from all sides, chiefly because it either still allowed abortion, or made doctors liable to challenges of malpractice. On 29 May 1990, the House passed C-43, 140-131.⁵⁴ However, the Senate defeated it in a tie vote, on 31 January 1991. The Progressive Conservative government then announced it would not draw up more legislation on the issue.⁵⁵

On the other hand, the DCS presented a much longer and more detailed statement to the 1991 national convention. New in the process for both statements, it asked the two seminaries for their responses. Input from congregations also came, but

at a much lower response rate than in 1989. Only seven clusters, twelve parishes and two individuals made submissions. It appears the church was becoming as fatigued with the issue as the general public was. On the basis of this input, the DCS revised the interim statement "in order to express the evangelical ethic which is at the heart of Lutheran theological ethics".⁵⁶

The proposed statements showed that this ethic prompted a more compassionate approach to the issue, deleting the centrality of the argument that abortion is a sin and those involved are sinners in need of repentance.⁵⁷ A Preamble had been added, its basis being a brief prepared by the Saskatchewan Synod's Church and Society committee. It introduced for the first time in the debate the need for "the repentance of the church in its treatment of those in unintended pregnancy". Then followed a Social Analysis, guided by the response of the faculty of Waterloo Lutheran Seminary. It argued that abortion must be placed in the context of other social issues, and that until some of these received attention, the need for abortion would still unfortunately be present. The issues addressed included most of those listed in the synodical statement as circumstances when abortion may be the lesser of other evils.

Meanwhile, the 'Theological Basis' section was greatly expanded. It presented Scriptural and Confessional foundations for making decisions on moral and social issues in general. Topics discussed included many named earlier: 'The Church as the Body of Christ', 'God's Gift of Life', 'Created in the Image of God', 'Original Sin', 'Justification by Grace through Faith', and 'Preservation of Structures for Family and Community Life'. The bottom line was that God calls the church "to exhibit the care and nurture of life on earth...a gift of God; thus we believe that abortion is at best a tragedy".⁵⁸ The community of faith was to respond to woman as a child of God and work together to be stewards of life, expressing the Gospel. Problem pregnancies were not problems for individuals but opportunities for sisters and brothers in Christ to support and care for each other. This stewardship would also include working both in the church and in the wider community to change structures that do not express value for human life.

'Our Ministry' condensed the earlier arguments, stating at the outset "while abortion may be deemed justifiable under

exceptional conditions, we are called to explore redemptive alternatives that would eliminate the felt need for abortion".⁵⁹ Pastoral care must exist before and after the decision is made either to continue or to abort the pregnancy. Most importantly, all, regardless of the decision reached, were to have the promise of the Creator's love and mercy. The concluding recommendations resembled almost exactly those of the 1973 statement, calling for the church on all levels to work for change and support.

In light of the changes to the interim statement it was perhaps understandable that reaction would be swift and strong. Yet in all the debate only three amendments were proposed, and two received approval. A motion to add the question 'Do we value life enough to support the life of the unborn child that began at conception', lost narrowly (174–198). Yet one which changed the statement to say that the church was to work to change structures so as to 'eliminate' the need for abortion, instead of merely 'reducing' it, passed easily (223–151). This seems to suggest that the majority of the delegates still held the hope of abortions not being necessary, despite the picture presented by the 'Social Analysis'. Finally, reflecting the spirit of community being encouraged, a motion passed which called on all levels of the ELCIC to "establish networks of people who would open their hearts and homes to women who need housing, support and nurture during and after their problem pregnancies". The amended motion carried. Five persons asked that their objections be duly recorded. The official debate ceased, as it had in the House of Commons, but in this case agreement had been reached.

Both the 1973 statement and that of 1991 reflect the influence of public, legislative and judicial opinion. The earlier position emphasized the role of the counselor and lessened the independence of the woman. In the latter, there was still community involvement, but the role of the professional was decreased in favour of the whole community of faith. Both papers called for the respect of the woman's decision, yet abortion was never to be a decision made in isolation by one person. Both statements envisaged contexts where abortion should not be considered sinful. Delegates voting on both called for a change in societal structures to eliminate the need for abortion and

expected the church to accomplish both through its own resources and through the authority of the state. In both instances, human life was affirmed as a gift of God and abortion as a complex tragedy. Compassion and Gospel are stressed, rather than law and judgment.

There is also an air of incompleteness to both statements. The issue would remain. This, however, is a topic for a future paper, as is a comparison to statements made by other Canadian church bodies. Are we working toward the day when the felt need for abortion is eliminated; are we acting in compassion and in stewardship; are we listening to the voice of women? Or, as with the federal government, do the actions of the church represent the closing of the door on the subject? Have we walked away?

Notes

- 1 Eastern Canada Synod, Lutheran Church in America, *Minutes of the Twelfth Annual Convention* (Waterloo: June 4–7, 1973) 147f. [References to *Minutes* of the Synod conventions will be ‘MS##’. ‘ECS’ will be the abbreviation for the Eastern Canada Synod of the Lutheran Church in America (‘LCA’).]
- 2 Evangelical Lutheran Church In Canada, *Minutes of the Third Biennial Convention* (Edmonton: July 10–14, 1991) 253–265. [References to the *Minutes* of the national conventions of the Evangelical Lutheran Church In Canada (‘ELCIC’) will be ‘NC##’.]
- 3 Evangelical Lutheran Church In Canada, *Minutes of the Second Biennial Convention* (Saskatoon: July 12–16, 1989), 222f.
- 4 NC89, 223.
- 5 Jane Jenson, “Getting to Morgentaler: From One Representation to Another,” in Janine Brodie, Shelly A.M. Gavigan and Jane Jenson, *The Politics of Abortion* (Toronto: OUP, 1992) 20.
- 6 *The Politics of Abortion*, 10; Jenson, 24.
- 7 Alison Prentice et al., *Canadian Women: A History* (Toronto: Harcourt Brace Jovanovich, 1988) 354; *Abortion in Law and History: The Pro-Choice Perspective* (Toronto: Childbirth by Choice Trust, 1990) 21.
- 8 Jenson, 34.
- 9 Brodie et al., 11; Jenson, 25.
- 10 Eastern Canada Synod of the Lutheran Church in America, *Minutes of the Tenth Annual Convention* (Waterloo: May 31–June 3, 1971) 128f.
- 11 Eastern Canada Synod of the Lutheran Church in America, *Minutes of the Eleventh Annual Convention* (Waterloo: May 29– June 1, 1972) 156, 5.

- 12 MS71, 129, 44.
- 13 MS71, 129.
- 14 MS71, 129.
- 15 Jenson, 25.
- 16 Jenson, 49; Prentice, 354.
- 17 Prentice, 354.
- 18 Prentice, 362f, 350.
- 19 Prentice, 364.
- 20 MS72, 156.
- 21 MS72, 154, 4f.
- 22 MS72, 155.
- 23 MS72, 156f, 5.
- 24 MS72, 5.
- 25 MS72, 5ff.
- 26 MS73, 5, 148f.
- 27 MS73, 148ff.
- 28 David Pfrimmer, ed., *Horizons for Justice: Lutheran Contributions to a Social Vision. Social Statements and Study Documents of the Lutheran Church in America, the Lutheran Church in America—Canada Section, the Evangelical Lutheran Church of Canada, and the Evangelical Lutheran Church In Canada*, Revised and Updated (Waterloo: Institute for Christian Ethics, Waterloo Lutheran Seminary, 1993 [1987]) 404.
- 29 MS73, 148f.
- 30 MS73, 149.
- 31 MS73, 148.
- 32 MS73, 6, 150.
- 33 MS73, 6, 10.
- 34 MS73, 12.
- 35 MS73, 12f, 150.
- 36 Eastern Canada Synod of the Lutheran Church in America, *Minutes of the Fifteenth Annual Convention* (Waterloo: May 27– 30, 1976) 10.
- 37 Prentice, 403.
- 38 Abortion, 22f.
- 39 Janine Brodie, "Choice and No Choice in the House," in Janine Brodie et al., *The Politics of Abortion*, 59, 64.
- 40 Jenson, 53, 55; Brodie, 80f, 85.
- 41 Brodie, 69.
- 42 Brodie, 87–90.
- 43 Abortion, 23.
- 44 Abortion, 23f.
- 45 NC89, 221.
- 46 NC89, 221, 44.
- 47 NC89, 225.
- 48 NC89, 226.
- 49 NC89, 121f, 125.

- 50 NC89, 123ff.
- 51 NC89, 44f.
- 52 NC89, 66ff.
- 53 NC89, 69.
- 54 Abortion, 24.
- 55 Brodie, 97, 115.
- 56 NC91, 253.
- 57 NC91, 253-265.
- 58 NC91, 259.
- 59 NC91, 261.