



The Church of Scotland

Official Response

Subject: Proposed Abortion Services (Safe Access Zones) (Scotland) Bill
Requested by: Gillian Mackay MSP
Date: 11 August 2022
Prepared on behalf of: The Faith Impact Forum

Aim and approach

Which of the following best expresses your view of the proposed Bill?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure**

Please elaborate on your response.

The General Assembly of the Church of Scotland most recently considered issues related to access to abortion in the 1980s. A separate report on the ethics of campaigning was received in 2010. The specific questions raised by this proposed Bill have not been considered by the Church. We offer this response to draw attention to the earlier work that has been done in order to offer suggestions and questions for those involved in decisions.

In the absence of a recent or specific view expressed by the General Assembly there is likely to be a broad diversity of opinion within the membership of the Church of Scotland, both on the question of abortion choices in general, as well as on the specifics of this Bill. This will be reflective of wider society.

We shall consider the question further over the coming weeks and months and it may be that by the time a Bill is introduced we will be able to share further the views of Church members.

Abortion

As agreed by the General Assemblies held in 1966, 1986, 1987 and 1988, the Church of Scotland recognises there are criteria for abortion which include a “serious risk or grave injury to the health, whether physical or mental, of the pregnant woman”. It is also possible that many members of the Church think that the current law on abortion is leading to too many abortions; in the 1980s reports there was repeated anxiety that the law was being interpreted to allow ‘abortion on demand’. However, allowing service users and staff safe and unimpeded access to legitimate and lawful treatment is an important principle.

We note that supporters of the Bill have suggested that it is not about the pros and cons of abortion, but about how people can access and deliver healthcare services without fear of harassment. It is probable that some members of the Church of Scotland would have sympathy with this view. However, it is also probable that some members of the Church of Scotland would not consider abortion a normal medical service. It is not likely that there is consensus.

Ethics of Campaigning

The General Assembly of 2010 received a report on the Ethics of Campaigning, commissioned in the light of campaigns for nuclear disarmament.

A concern with the proposals in this Bill is what precedent might be set which might limit or create a chilling effect to deter protests on other issues, such as disarmament or immigration policy (which happen regularly at Faslane and Dungavel). There may be people who object to these protests such as staff engaged in administration, public service, defence and national security: would they constitute such actions as harassment?

One response to this is considered in the 2010 report – and which was confirmed in a Deliverance of the General Assembly – which is to say that “there are times when non violent direct action, involving potential or actual civil disobedience in the form of deliberate lawbreaking, may be regarded as a legitimate approach to expressing the Gospel”. If the Church, or more likely an individual member, believes in a cause to a significant extent, then it or he/she may consider non-violent law-breaking as a legitimate and appropriate response. If the Bill is passed, it is possible that Christians witnessing to their beliefs would be prepared to continue with their protests, even if it meant breaking the law.

In our discussions the observation was made that a distinction could be drawn between arms/immigration protests and abortion protests, in that the former are aimed not at private individuals but at the policies of the state and those with power; the latter is aimed at people who are seeking medical advice or treatment, and those who are employed to provide such services.

Legislation

Legislation can have both statutory and symbolic power. There is a risk in trying to resolve a public controversy where the more popular or powerful side uses legislative and moral force to attempt to silence or delegitimise the minority voice. In this case, protection of people seeking or offering services may be the aim of the legislation, but the symbolism is that expressions of anti-abortion opinion are wrong. This proposal is unlikely to change the opinion of the minority group (in fact it may simply harden their approach), and is therefore likely to be an imperfect solution.

The symbolic role of legislation may deter future protests without leading to any prosecutions. A reasonable person might find some of the invasive and hostile approaches such as direct confrontation and video recording to be unacceptable. However, they may consider a person praying silently with a candle to be acceptable. It may be hard to define activity on the face of the Bill. There might be parallels with legislation which regulates parades and marches in Northern Ireland, which allows for limited and restricted gatherings and expressions of religious beliefs or cultural affiliations in a way which aims to secure and uphold the public good.

Although we recognise it is not within the scope of this consultation on a proposed Bill, we might ask in the context of ‘is legislation the best tool’, What efforts have been made to seek to engage with those who are protesting? The Church, and church-related organisations involved in mediation and conflict dispute may be able to offer some channels for bridge building and communication that would be difficult for state or secular organisations to provide. From our tradition of the Reformed Church the involvement of faith leaders should not just be based on religious teaching but with an acknowledgement that clergy have a particular experience of walking alongside and speaking with people from all walks of life and at every stage and especially at moments of crisis and turmoil. This provides a particular perspective and wisdom which is worth honouring.