

ABORTION

by June Cope

THIS paper sets out to argue that the 1975 Abortion and Sterilisation Act was Nationalist Party legislation based on misinterpreted or misconstructed evidence. This legislation has resulted in a diminishing of human rights; discriminatory medical resources; and a lowering of maternal health standards. It does not argue the 'rights or wrongs' of abortion or whether abortion should be practised, for this is a matter of individual conscience; but rather that abortion exists.

World Background of changing abortion legislation

In assessing the 1975 legislation, it is accepted that in the past few decades widespread legislative change now allows the majority of the world's citizens the right and the means to control their fertility, using the combined resources of information, education, contraception and early abortion. To quote the UN statement on fundamental human rights, 'All couples and individuals have the basic human right to decide freely and responsibly the number and spacing of their children and to have the education, information, and the means to do so!'

During this worldwide legislative change, one result clearly emerged: medical abortion for socio-economic reasons was no longer the privilege of the rich with dangerous back-street abortion the option for the poor. Under liberal legislation women from low economic backgrounds now form the majority of those able to obtain skilled medical help in the event of unplanned pregnancy.

New York statistics provide a classical example of this type of medical levelling.

Originally, a Common Law ruling allowed abortion to be performed only to save the life of the mother. Over the years much had been left to the discretion of the doctor. Going sharply against the world trend of legal and medical reform, the Nationalist Party in 1975 introduced South Africa's first statutory legislation on abortion and sterilisation.

The new legislation was a retrogressive step. It had been preceded by draft legislation coupled with the setting up of a Parliamentary committee. The committee was to investigate the situation, assess comment on the draft, and having done so, submit an amended draft.

As the present legislation resulted from the findings of this committee, it is important to study aspects of the committee and its report. Appointed to chair the committee was Nationalist MP Dr C V van der Merwe. The committee was all-male, and, in spite of protest, when it was subsequently converted to a commission no woman was appointed to serve on it, for, as Commissioner Dr L A P A Munnik said, 'It is not necessary for a woman to serve on a committee if we wish to sound the conscience of the nation. If we wanted to abolish

capital punishment, we would not appoint a bunch of murderers to go into the matter'.

The commission appointed to 'investigate the matter' stayed in the Cape. By not travelling to other centres it effectively minimised Black representation. In the event the omission paled into insignificance when it later became apparent that the Commission had misconstrued or ignored certain of the public's written evidence. 'Apart from one body' claimed the Report, 'South Africa as a whole was opposed to abortion in any but the most exceptional circumstances.' Protected by Parliamentary privilege, Dr Helen Suzman charged the Commission during the subsequent debate with misrepresentation of evidence. This was ignored.

Commissioner and Nationalist MP Dr W L Vosloo said, 'I want to place on record that this is this Government's legislation. It was not even necessary for the Nationalist Party caucus to argue about this matter because every Nationalist here adheres to the Christian principle that you must respect life, particularly the life of another'. In contrast to the Opposition parties, no Nationalist member was allowed a free vote in the Debate.

All suggested amendments to the Bill were turned down and the legislation which was meant, in the words of the Minister, 'to be restrictive from the start' became law. Later the Dutch Reformed Church openly claimed responsibility for the law in its final form.

Under the 1975 Act, abortion on socio-economic grounds is not to be tolerated. Even if medical sterilisation has failed, stated the Minister of Health in the House, 'I do not see how we can condone an abortion afterwards, because this is tantamount to abortion on request.' Six years after this statement, an amendment aimed at allowing abortion after failed sterilisation was deleted before debate.

The legislation was clearly for whites. The plight of the poor or rural woman was not considered. Structured as it was, within a racial ideology which sees South Africa's future as white, this embargo on choice in the matter of fertility control has a historical interest. Its results were quickly evident.

Results of the New Legislation

An ARAG survey conducted in the twelve months immediately following the Act showed that admission cases to Natal and Zululand private and mission hospitals for incomplete and illegal abortion rose by 33.6%. Again, it is of interest that halfway through this survey, as a trend was becoming apparent, Government hospitals were not allowed to release further figures.

Illegal abortion was clearly on the increase.

After pressure, the Government recorded and released figures of those women hospitalised for

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Spirits of nobility

by Rene de Villiers

former President, SA Institute of Race Relations

WITHIN A MONTH South Africa has lost three women of exceptional quality and ability. They happened to be of an age were friends of many years standing and they shared one over-riding ideal: dedication to the cause of human achievement.

Two, ELLEN HELLMAN and MONICA WILSON, were anthropologists (and a great deal more); HANSI POLLAK was a sociologist (and much besides). Ellen Hellman and Hansi Pollak found the Institute of Race Relations the vehicle for their labour of love and contributed immeasurably to the work and achievements of that body. Monica Wilson, while in complete sympathy with the ideals of the Institute, made her particular contribution through her writing and the Church.

All three were true scholars to whom propaganda as such was distasteful. They sought the truth and went wherever the quest led them.

All three had to incur occasional wrath of criticism from those who thought the facts could be bent just a little to achieve one or other end.

All three were liberals in the very pure sense of the term: people who believed passionately in liberty and who sought it for all, not only for themselves and their associates.

All three were sustained by their own particular faith, whether this originated in religion or in science. All three were driven, to the very end of their days, by a determination to spread knowledge and improve the quality of life for people of all creeds and colours in all walks of life.

All three, who, in their own way and time had shown remarkable physical courage, whether it was in the outback of Africa or in urban townships, or in ravaged post-war Europe, became victims of crippling illness towards the end of their lives. But they never let up: they never gave in.

Hansi Pollak, I know, used to work to three or four in the morning on her beloved education bursary trusts. Ellen Hellman read proofs and manuscripts for others when she was hardly able to move from one room to another. Monica Wilson kept on writing — and gardening — long after the onset of a terminal illness. They never spared themselves, no matter what the price their efforts exacted in suffering.

Above all, in spite of setbacks and disappointments, yes even disillusionment from time to time, they never lost faith in the ideal of the dignity and potential worth of all men and women.

Blessed is the land that can produce spirits of such nobility.

With acknowledgements to the Cape Argus and the Sunday Times

NORA SMOLLAN

IT IS ALWAYS difficult to write about friends who are no longer with us. Nora Smollan is one of them. Not widely known even in her own Transvaal region she was one of those loyal, hard-working, gutsy back-room people who do much within their own limits but get none of the credit and never ask for it either.

She worked at the Temple Emmanuel synagogue employment/advice office (an extension of the Johannesburg Advice office) assisting black domestic workers with their pass problems, trying to find them jobs and educating the "White Madams" that even if the law does not state it, a domestic worker should have certain rights. She loathed the work but her sense of humour kept her going and she used to comment that she was never sure which was the more depressing — the ghastly pass laws or the ghastly "Madams".

For the last two years of her life she continued her work in spite of much pain and the battle to live. She was a gentle, kind and thoughtful woman, tough when she had to be but always fair in her judgements and much respected by her friends and colleagues.

Without the likes of Nora Smollan the Black Sash would cease to exist. She will be sadly missed.

Robin Harvey

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the 'removal of the residue of a pregnancy'. The figures are alarming and indicate the extent to which backstreet abortion has become the dangerous alternative to skilled care for South African women, in particular the poor.

Taking a two year period from 1979 to 1980, a mere 770 women obtained legal abortions. Of them 535 were white and 235 were black. Compare these figures with those of the 66 830 women hospitalised for 'the removal of the residue of a pregnancy' in the same period. Of these, 15 555 were white and 51 275 were black. These figures represent a fraction of the women who have resorted to backstreet abortion.

It is clear that few black women have the time, money or proximity to more than one doctor to comply with the law. It is also clear that maternal health standards in South Africa are at a dangerously low level.

But the effects of uncontrolled fertility and enforced childbirth do not end here. Poverty, malnutrition, and unstable living conditions are part of the fabric of our society. They can only be exacerbated by legislation which denies individuals the basic human right to control their fertility.

The known facts are of sufficient concern, but more research on this legislation is imperative.

SUGGESTED RESOLUTION. BLACK SASH URGES THE MINISTER OF HEALTH TO APPOINT A JUDICIAL COMMISSION TO EXAMINE THE WORKING OF THE 1975 ABORTION AND STERILISATION ACT.