

## **The Place and Role of Women in the Catholic Church according to Catholic Canon Law**

This study tries to present the role of women according to the Catholic Canon Law as envisaged and sanctioned by *Code of Canon Law* (1983) and the *Code of Canons of the Eastern Churches* (1990). Very often the Catholic Church is portrayed as not considering women as equal to men, in spite of the fact that the Dogmatic Constitution the Second Vatican Council on the Church *Lumen gentium* categorically taught that “[T]here is, therefore, no inequality in Christ and in the Church, with regard to race or nation, social condition or sex, because "there is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus” (Gal 3:28; cf. Col. 3, 11).

In fact, before the reform of Canon Law that ensued the Second Vatican Council, the Pio-Benedictine *Code of Canon Law* (1917) contained many canons that discriminated women in the Church. However, in *CIC* and in *CCEO*, we can see a paradigm shift in this regard. It is true that through the apostolic letter *Ordinatio Sacerdotalis* (1994), Saint John Paul II taught definitively that the Church has no authority to ordain women to priesthood. However, there are many other offices and functions that are now possible for women in the Church according to the Codes of Canon Law. This study aims to present those offices and functions within the Church which are no more reserved to men alone, and, by comparing *CIC* 1917 to *CIC* 1983 and *CCEO*, it aims to show the positive changes that have already happened within the Catholic legal system regarding the place and role of women within the Catholic Church.

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**Prof. Michele Schumacher**

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*Preparing the Bride to Meet the Bridegroom: Reflections on the Ministry of Women*

The incessant question of the mission of women in the Church is one that will be entertained in this conference in light of the Marian mission of transmitting faith. As distinct from, and complementary to, the magisterial role of handing on the faith of the apostles throughout time, and of the priestly mission of offering Christ by acting in his stead (*in persona Christi*), Mary's mission might be better understood as the fruitful witness of a life given entirely to Christ, who is always the first to give himself. In this way, she exemplifies the bridal response of faith that is required of each member of the Church, who is called to freely cling to Christ as a bride of the one divine Bridegroom. Because, moreover, this « spousal » union with Christ is necessarily fruitful, it might be considered as the origin of the mission of preparing others for the same salvific encounter with her Bridegroom. In other words, faith that is offered as a personal response to Christ is always also a mediation of grace to others. In the final analysis, all faith is ecclesial faith, which is to say, it necessarily shares in the original and eternal Fiat of Mary. In this way, the mission of Mary continues throughout time in union with the one, eternal mission of Christ.

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## **GENDER EQUALITY PLAN – Practical Aspects**

Looking at the data set (e.g. She Figures 2018 and ERA Progress Report 2018) and evaluating progress achieved in the gender equality in HEI area, including under Horizon 2020 and the ERA framework, the inequalities persist.

To make the change more realistic and visible having a GENDER EQUALITY PLAN (GEP) within institutional documents has been made an eligibility criterion. This process is going parallelly to the actions announced in Communication on ‘A Union of Equality: Gender Equality Strategy 2020-2025’ (March 2020).

Gender Equality Plan (applicable from 2022 onwards)

From the 2022 onwards participants that are public bodies, research organisations or higher education institutions (excepted NGO’s bodies) established in a Member State or Associated Country must have a gender equality plan in place, fulfilling mandatory process-related requirements while applying for Horizon Europe projects and others. A self-declaration will be requested at proposal stage (for all categories of participants) and it will include the entity validation process (based on self-declaration).

In my presentation I will explain what makes a successful GEP, and what are the steps necessary to prepare and implement the plan.

## **The properly understood principle of equal rights of a wife and a husband**

### **Abstract:**

Article 23 sentence 1 of the Polish Family and Guardianship Code (the FGC) of 1964 highlights that spouses have equal rights and obligations in marriage. This regulation is commonly understood as establishing the principle of equality between a wife and a husband in Polish family law. That principle has its foundations in international law, including the Universal Declaration of Human Rights, which provides that men and women are entitled to equal rights as to marriage, during marriage and at its dissolution. After the enactment of the Polish Constitution of 1997, the principle of equality between a husband and a wife derives directly from its Article 32(1) and Article 33(1). It constitutes a basic element of the institutional guarantee of marriage which cannot be altered by ordinary legislation. Hence it should be discussed whether Polish law on marriage provides exceptions from the rule of equality between spouses, and if so, whether they are justified. It is worth noticing, that at least two regulations of the FGC treat a man and a woman differently, and both were established *prima facie* in favour of a woman.

Article 23 sentence 1 of the FGC is situated within provisions on mutual rights and obligations of spouses. It can be argued that this regulation also grants each of the spouses a subjective right to be treated equally in the relationship by the other person. It should be analysed what exactly does this right entail. There are no doubts that one spouse has neither more rights or responsibilities in the marriage than the other. However, properly understood right to equal treatment should also mean that one spouse cannot demand the other to perform specific (e.g. 'traditional', 'modern') functions and roles. As a result, one of the spouses cannot require the other to play a predominant (and not equal) role in raising their child, regardless of his or her age. At the same time, one spouse cannot unilaterally rule out the will of the other to participate equally in both the care of the child and duty to support the family.

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Abstract for the international conference, „Feminism and law”, 23rd September 2021 (Thursday) at the Faculty of Law and Administration University of Warsaw

### **Division between the public and private sphere - the case of violence against women.**

WHO and partners warn that the COVID-19 pandemic has increased the risk of violence against women. Most cases of such a violence happen in the private sphere.

Violence intensifying during a pandemic requires specific legal regulations concerning the private sphere. Legal norms do not work in a vacuum. They are only effective when accompanied by public support. This, in turn, is related to social recognition. In short, it is not enough to introduce regulations, it is important for the society to recognize them as just and justified. The broadest framework of justification for specific legal norms are philosophical concepts.

The thesis of the presentation is the statement that the real protection of the female body requires a reconstruction of the public-private sphere division and also the reconstruction of the justification for bodily integrity and private property.

The presentation will be divided into three parts. In the first, the feminist discussion on the private-public division will be presented. In the second part, specific legal solutions will be indicated, such as the protection of bodily integrity, in particular the protection of women's bodily integrity, the Istanbul Convention and Polish regulations related to violence against women. This will be accompanied by argumentation referring to broader philosophical concepts related to self-ownership and broader justification of private property.

Historically feminists have questioned the public-private distinction. The law regulates both spheres, but only one of them is visible - the public sphere. Claims about the relationship between the public and private are central to feminist theory. It is important to reconstruct the main lines of the discussion and its positions. Examination of feminist critique on public - private reveals some presuppositions regarding women. It allows them to be revealed and analyzed. This is important especially because of the practical consequences. Violence against women mostly takes place in the private sphere. The protection of women often requires the state institution to enter the private sphere, and requires also the activity of citizens. Therefore, it is necessary to justify specific solutions that will be convincing to citizens. That is the reason why numerous references to philosophical concepts will be presented.

In the philosophical dimension, it will be pointed out that care should be treated as the source of property. Such a transformation increases the value of direct relations and indicates the importance of work performed most often by women. Only recognizing the activities related to reproduction as essential, would value women's activity and secure their rights in the private sphere.

## Women and Feminism in Biblical Narrative (The Pentateuch).

JHH Weiler

The point of departure is, and must be, that the Bible as a whole and the Pentateuch in particular are texts, based on and infused with, a patriarchal Weltanschauung. It is in many ways an Anti-Feminist text. No apologetics can or should obscure this reality. Given the huge influence of the Bible on Western civilization it accounts for many of the attitudes which prevailed and still prevail in our societies, including secular societies (which is most of Europe). Since the Pentateuch is in large part Nomistic, this Weltanschauung has also permeated into language and into law. The most striking example, disconcerting, is that Revelation at Sinai and the Covenant were addressed to men.

As an aside, when we read in Genesis 1:27 So God created man in his own image, in the image of God created he him; male and female created he them (a radical statement of equality) or when St Paul teaches in Galatians 3:28 There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus (another radical statement of equality) – these are the exceptions which prove the rule – statements which were subsumed, forgotten, twisted, take you pick, but with little impact on the ensuing civilization including within religious civilization.

But, at least for the dwindling community of the faithful, who regard the Bible as containing eternal wisdom and some pithy truths, it is possible and, in my view, necessary (and I am certainly not the first, second or third to suggest this) to see below the surface a much more nuanced Weltanschauung to the standard patriarchal stereotype, a worldview which privileges the role of women in unexpected, *and decisive*, ways.

Nota bene: This is not to say, ‘if you only read carefully, it is not a patriarchal text. It is. But a focus on these below-the-surface readings enables us to discover or highlight not simply that women played a much more decisive role than would appear (and not simply underscoring so called female virtues like care, and love and support, the usual patriarchal apologetic) but also a deeper understanding of the underlying Biblical theology.

I will illustrate this – and I can do no more than give brief illustrations – by reference to Eve, Sarah, Rebecca, Leah, Batya and Miriam.

**Prof. Outi Lehtipuu**  
University of Helsinki

*Let your women keep silent in the churches ... as the law also says.*  
*1 Cor 14:34–35 in feminist historiography*

In his First Letter to Corinthians, the apostle Paul famously writes: “As in all the churches of the saints, let your women keep silent in the churches, for they are not permitted to speak; but they are to be submissive, as the law also says. And if they want to learn something, let them ask their own husbands at home; for it is shameful for women to speak in church.” (1 Cor 14:33b–35) The passage seems to contradict his teaching earlier in the letter (chapter 11) where he instructs how women should veil their head when they prophesy, i.e., speak publicly. In my talk I introduce different ways how scholars have dealt with this discrepancy and analyze critically what kinds of presuppositions lie behind their solutions.



## **Gender and Determination by Sexuality. The Czech Situation.**

### *Abstract*

The situation of the Czech society is different from the Polish one, among other things in the attitude to religion and also to the concepts of feminism, equal rights of citizens or LGBT community, gender, standing and authority of the Catholic Church etc.

The influence of the Catholic Church in the Czech Republic is rather limited, and so is also the influence of anti-gender propaganda of the Church.

The concept of gender is value neutral, it does not have any religious significance and has no roots in the Bible and God's revelation.

By using this concept people are trying to promote equal rights of men and women, equal pay for equal work, role of men and women in educating children, role of women in politics and public life or in management of large enterprises, the rights of LGBT community.

By using the term *gender* people express their opposition against violence against women and their support for the Istanbul convention. Domestic violence, mostly against women, is a widespread problem in the Czech society.

Using the term *gender* respects the role of medical doctors and other specialists in helping individuals with problems in their sexual life, esp. discrepancy between sexuality and the role in the society, homosexuality etc. It also respects the right in some exceptional cases to change sex medically, including a sex surgery.

Gender theory thus appears to be liberation of people from the bonds of the centuries long tradition that limited rights of women and of people representing a minority in sexual matters and sexual orientation. That tradition enforced on people sexual roles of the majority, or the ruling majority, and did not allow them to behave according to the nature of their personality.

It is necessary to make a division between gender theory, as it is studied at some university faculties, and gender ideology. *Gender ideology* is attacking its opponents and accusing them that they are trying to keep people in the old obscurantism, nevertheless it is not being spread in the Czech society. Probably its success was only introducing the law giving women the right to abortion up to 12 weeks of the age of foetus.

*Anti-gender ideology* is a violent ideology accusing gender ideology or gender theory that it wants abolish difference between men and women, disrupt families, let children be educated without knowledge of their sexual or gender identity, be free to change their sex according to their feeling etc.

The official documents of the Catholic Church warn against excesses, but generally they support feminist movement for equal rights etc., respect freedom of conscience and also freedom of expression of the person's gender identity.

The position of most of the Czech bishops is different. They are opposed to the concept of *gender* arguing that God created human being as male and female and no other variant may exist. They are not ready to admit that their argumentation transfers our modern question to an old text of the Bible that can give us no answer.

Some parents are demanding freedom in educating their children, meaning freedom from the influence of sexual education at schools. They probably want to avoid any mention about these topics, but they want to do so in the middle of a society which is full of sexuality in all forms.

In the matters of female rights, gender equality etc. it is paradoxically a positive development that the influence of most of the Czech bishops and part of the clergy on the public opinion is diminishing. For the growth of faith among people, especially young, and for the position of the Church, though, it is positive as they must find their own freedom. The future of the Church and of the society is going to be one with equal rights and gender equality.

17.9.2021

Libor Ovečka

**Renata Siemienska - professor**

**Affiliation: Warsaw University; M.Grzegorzewska University, Poland**

**Title:**

**Shrinking women's rights and opportunities in pandemic time in Poland (Growing gap between attitudes and values of society and legislation)**

**Abstract:**

Mass migrations of young people abroad, increased level of education, growing life expectancy, decreasing level of fertility are changing situation in many countries including Poland. Unemployment which has particularly affected young people had led to their precarisation. Democracy and free-market economy – has proven unsatisfactory to many young people. Many studies (e.g. Inglehart, Welzel 2009; Inglehart 2018) note the intensification of individualism, especially among the young. COVID 19 has worsened situation in the mentioned areas. At the time rightist government has implemented new legislation limiting opportunities to have abortion, to modify schooling programs emphasizing traditional concepts of family, women and men, rejection of rights of sexual minorities (LGBT).

**Warsaw conference on Feminism and Law**

**Panel: Women's rights in the religious communities**

***Contribution by Hanne Petersen, Dr.jur. Professor of Legal Cultures, UCPH***

**Title:** *Changing Normativity and Solidarity: European/Nordic Legal and Trans-religious Perspectives on women's rights in religious communities.*

**Abstract:**

Europe is characterized by both religious and legal pluralism involving mainly the monotheistic Abrahamic religions, which have all historically been dominated by patriarchal and hierarchical values and attitudes. The Protestant north, and especially the Nordic countries with state churches under absolutism and continued strong state influence on church matters after democracy have since WWII seen a legal, political and cultural development where women have been given legal rights to become priests. This has led to a 'caring church' and a generation where women dominate among priests, while male priests go in retirement. This influences both religious practice, interpretation and implementation. It has also inspired the establishment of the female led Mosque in the Nordic countries in Copenhagen. This presentation will reflect on these developments and their relation to law and legal culture.

**Dr Deborah Savage**

Franciscan University of Steubenville

**“Woman’s Equality: the Final Redemption”**

The aim of this presentation/paper is to correct an historical error: the ancient claim, grounded in a flawed understanding of the reproductive act, that woman is inferior to man. My claim is that it is this error that contemporary feminism is attempting to combat without, however, fully grasping the nature of the problem. I will show that the lineage of this can be traced as far back as the pre-Socratic philosophers, finally finding its earliest concrete expression in a claim most have either dismissed, forgotten, or never heard: Aristotle’s argument that women are merely “malformed males” and are therefore “inferior to man.” The theory found support in the first century with a historical interpretation of Genesis 2:18-23, traceable in particular to the Hellenistic Jewish philosopher, Philo (BC 13-AD 54). Philo’s own theory about woman echoed that of Aristotle’s; his legacy includes the vague feeling that Scripture itself declares that, since woman is created after man, she is necessarily subservient to him. She becomes, as it were, the “second sex.” I dispute both these accounts and show that they can be defeated on their own terms. Through the lens of Hebraic and Aristotelian-Thomistic anthropology, and building on the insights of St. John Paul II, I provide a robust, philosophically and theologically grounded account of man and woman from within the Catholic exegetical tradition. I demonstrate that Scripture itself reveals that man and woman are unequivocally equally human, both instantiations of the same human nature, possessing intellect, will and freedom in equal measure, and who both occupy a certain “pride of place” in the created order in distinct though equally significant ways.

***This is such a friendship between us mothers - milksharing practices and its social and legal aspects from feminist perspective.***

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Practices such as informal sharing, selling, and donating human milk are emerging in Europe, and are raising several questions of social, ethical, and legal nature, as well as considerations regarding their safety in the context of public health protection. The aim of this paper is to present the practices of milksharing (informal, peer-to-peer sharing of expressed human milk, between individuals, often via social media platforms) using the feminist perspective.

Feminist perspective delivers a toolkit for better understanding of milksharing practices and placing them - as well as their critique - in the wider context. It enables interpreting milksharing as an act of support and solidarity among individuals facing ineffective health care system and focus on the relationships and community that lie at the root of it.

However, milksharing practices are also subject to the public policies and legal regulations. First, they are rooted in the narration of superiority of breastfeeding over formula feeding, which is actively promoted by the states and healthcare authorities. Breastfeeding promotion can be at the same time empowering and oppressive towards women - especially when is not accompanied by sufficient tools enabling them to join motherhood with participation in public sphere. Second, regulatory approach toward human milk can make practices such as milksharing illegal.

Currently, there is no regulation regarding human milk on European level. Member States regulate it very differently, with most of them lacking any regulation (eg. Poland). Legal aspects of practices regarding sharing human milk are rarely discussed in the scholar literature, thus this paper aims to start such discussion, especially in the context of current revision of European Commission's Directives regarding Blood, Tissues and Cells, which may include human milk within its scope.

Using feminist framework, this paper questions if the legal regime should regulate practices such as milksharing. Moreover, it highlights legal, ethical, and social questions related to these practices and propose some answers based on the results of empirical study conducted by the author in 2018 among mothers who shared their milk online.

## The feminine contribution to «social friendship» (R.Petrini, FSE)

In his latest social encyclical *Fratelli tutti* (2020), Pope Francis addresses men and women of good will, who are all called to cultivate universal fraternity beyond borders. This is a unifying appeal that recognizes an openness of heart in every human being, an openness which knows neither boundaries nor differences of origin, nationality, color or religion (FT 3); an openness that is capable of seeing and valuing the goodness of the other. Nevertheless, *Fratelli Tutti* has proved to be particularly significant from a *feminine* perspective, for it offers some basic principles for outlining a different «epistemological paradigm» centered on «care». This «epistemological paradigm» is meant to counteract the logic of manipulation and exploitation of the so called «technocratic paradigm» that leads people to apply to personal relationships a «technological» logic, using rational procedures leads to gaining control of the «other» as an external object to be mastered for individual preference and interest. In the spirit of *Fratelli tutti*, women are called in a special way to protect the most fragile in every dimension of human existence – family, market, politics, social life – and in caring for fragility they are called in a renewed way to offer a relevant contribution to the common good, building relationships of trust and reciprocity that are at the core of human fraternity.

**Dr Barbara Godlewska-Bujok**

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### **Work-life balance - the role of employers?**

Work life balance is a management concept that has recently become very popular. Although it is not new, in view of making working time more flexible, it allows for posing new questions about the limits of the employer's interference in the family life of employees. On the basis of this concept, you can also search for organizational solutions in employment law.



Dorota Dzienisiuk

## Women in digitalised work regulation

Digitalisation of work is more and more reflected in law: domestic, international and European. The details depend on features of a given work legislation and existing legal forms of work. Some of those legal acts or their motives directly refer to the position of women in a new and constantly changing working environment, significantly different from the “old-fashioned” factory governed by labour law. Even that “classical labour law” many years ago acknowledged that labour conditions connected with digital reality may influence women and men in different ways, especially during the pregnancy and breastfeeding periods. Increasing widespread of digital work and of our knowledge on its features and social and economic consequences lead to the amendments in previous legislation and to introducing new, binding and non-binding, acts dealing precisely with various aspects of such work. The most important examples in the European Union law are autonomous European Social Partners Framework Agreements: on telework (16 July 2002) and on digitalisation (22 June 2020), as well as European Parliament resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)). The COVID-19 pandemia triggered digitalised work in an unprecedented way and thus emphasised impact of this work on life and social standing of women. Consequently, hard and soft law adopted in recent months deals, expressly or indirectly, with problems of women resulting from digitalised work.

In the Framework Agreement on Digitalisation the social partners agreed that the presence or introduction of digital technologies or tools has an impact on several topics that are often interrelated, i.e.: work organisation (the distribution and coordination of work tasks and authority), work content and skills, working conditions (work environment, employment terms and conditions, such as working time or work-life balance) and work relations.

In the paper such issues as health and safety at work., recognition of family responsibilities and non-discrimination shall be addressed. Another important issue is the thread that digitalisation equals to jobs losses and assuring adequate social security in the digitalised world with less and yet unknown form of work for people. The question is if and how the specific problems of women should be addressed in this field of law.

**Topic:**

The critique of human rights „inflation” objection from the perspective of women’s rights expansion

**Abstract:**

Without a doubt, the concern about “human rights inflation” reflects the modern world's increasing ambition, breadth and complexity in developing the human rights regime. This rapidly expanding catalogue of rights has generated discussion about human rights proliferation, devaluation and too vast interpretation. As a consequence, some critics perceive new generations of human rights as less relevant, which ultimately is supposed to alter its whole purpose, legitimacy and effectiveness. This presentation seeks to disentangle the inflation objection from other concerns about rights expansionism and to critically assess it. Therefore, it will both analyze the phenomenon of rights inflation and consider its scope of implication based on women’s rights development in last 50 years.

To underline only few examples, the striking ones will be presented and relate to (i) the evolution of women rights invigorated by the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and interpretation of its provisions by the CEDAW Committee, (ii) the recognition of crime of sexual violence in armed conflict as well as a more accurate definition of the crime of rape and lastly (iii) to exponential progress of second generation rights, which include social, economic and political emancipation of women.

Instead of calling it human rights devaluation, one should perceive it as human rights evolution, which encompasses both a constant adjustment and reinterpretation of rights according to the rapidly changing world as well as humans’ understanding of it. The example of evolution of women’s rights recognized gradually as an important and distinctive sphere of human rights serves as a best example of how societies need the international human rights law to expand according to ever-changing times and evolution of our culture, global society and growing economics.

The presentation will reach its conclusion by explaining the importance of generating a *sense* of closure in human rights interpretation by drawing strict boundaries around the corpus of ‘proper’ human rights without entitling for a suspicion of claims of too far-reaching cultural and political transformations within societal structure.

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**Prof. Ivana Tucak**

University of Josip Juraj Strossmayer of Osijek

*The future of abortion in Croatia*

Access to abortion in Croatia is regulated by the Act on Health Measures for Exercising the Right to Free Decision on the Birth of Children (1978). This law was passed while Croatia was still part of the Socialist Federal Republic of Yugoslavia (SFRY), which means before the democratic Croatian constitution of 1990. On 21 February 2017, the Croatian Constitutional Court gave the Croatian Parliament a two-year deadline to pass a new abortion law, which should be harmonized with the 1990 Constitution. A deadline that is instructive, not binding, has passed, and Croatia is still waiting for new abortion legislation. This article examines the issue of abortion from the perspective of women's human rights and points to problematic items that the legislator could incorporate into abortion legislation, such as mandatory counseling and the waiting period for a woman seeking an abortion.