

*Abortion*

How can we move into this debate on the question of legal abortions in Canada, without first, and absolutely first, considering the rights of the unborn? I continue to be astounded by the fact that in spite of well-known advances in medical technology and observations of the foetus in early stages, the rights of women were the only rights considered by the judges in the decision last January 28. It is puzzling, to say the least, why the majority of Supreme Court judges believed they should not have to consider the question of the rights of the unborn in the Morgentaler case. If there is a constitutionally guaranteed right to life, then the Supreme Court will have countenanced the death of countless unborn children because it struck down the only law providing any protection of that right. It would clearly have been preferable for the court to address the constitutional right of the unborn, possibly hearing both cases and then rendering a simultaneous judgment.

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By the way, one might also ask why men have been legally, psychologically and medically bypassed at a time when they are changing roles and becoming increasingly involved in raising their children. Yet they are systematically denied the right to be involved in life or death decisions affecting their unborn children.

Somewhere in this debate we must ask this question, and indeed we will end this debate by answering it. At what stage of embryonic or foetal development does a child become sufficiently like the rest of us to earn the right to life even if the mother wishes otherwise? Such discussion is rendered difficult by the fact that there is no qualitative difference between someone who is conceived a week ago and someone who was conceived 70 or 80 years ago. To distinguish, you must have to invent some arbitrary line based not on morals or principle but on size or appearance. No matter where you draw your imaginary line, the decision nonetheless affects a distinct and defenceless human life.

The question that simply has to be answered is: When does life begin? Madam Justice Bertha Wilson noted in her decision that the state's interest in the unborn child could not in any circumstances be paramount in the early stages of pregnancy, and that a differential abortion policy with a time limit in the second trimester is in operation in a number of countries, and the examples given were the Soviet Union, China, and some Eastern European countries.

Certainly I cannot accept that line of reasoning. Medical advances and common sense make it absolutely clear that the foetus in the second trimester is the very same human being that it is in the first trimester. We must refrain from supporting measures which fail to give the unborn full legal protection from the moment of conception. The fundamental right to life must always be in place and only put under consideration when the life of the mother is in jeopardy.

The eventual law we are seeking will have to deal with possible conflicts of rights of mother and child, for once we recognize the unborn as children or human beings or people then we are back to the Charter, and under the Charter lives of people or persons are protected. Surely if there is a conflict between the rights of mother and child, the right to life is primary.

There can be no quick fix of this complex issue, but the country's whole future is at stake and time is of the essence. Since Section 251 of the Criminal Code was struck down, the Ontario Government has taken the most sweeping and liberal approach possible. Almost immediately the Ontario Minister of Health, Elinor Caplan, announced that therapeutic abortion committees would be abolished and that the provincial health plan would fund abortions whether they were conducted in hospitals or doctors' offices or in clinics such as the Toronto facility operated by Doctor Morgentaler. We are now in a state of complete abortion on demand at any stage and this is not only disturbing, it is frightening and totally unacceptable.

I realize there is no doubt that many women consider abortions because of social as well as economic pressures. No one can ignore the terrible agonizing effect on the women who find themselves carrying an unwanted child. Many of these women are abandoned by their families and sometimes by the father of the child. I am aware of the problems that would result if an abortion were denied to these women, and much work needs to be done by society to assist in this area. By that I mean assisting in sex education, planned parenthood, as well as finding homes for unwanted children.

However, the results of abortion and the agonizing effect on so many women, both physically and mentally, are equally important and as common. I am in no position to criticize the medical profession, but I have often wondered about doctors and surgeons taking so much time with a patient who is about to undergo any kind of treatment or surgery other than therapeutic abortions. They will explain with pictures and sketches and drawings exactly what the patient will be subjected to during that treatment or surgery. Every detail of the operation is explained and even what are expected to be the feelings experienced during the period of recovery.

Yet I am told over and over again that none of this is explained to women who enter an abortion clinic. Afterwards, the stark reality of what really took place begins to come about. So many people experience guilt and depression beyond their ability to cope partly because the unborn child was denied humanity, or that he or she was denied a grave or a grave marker, and the grieving process is left unfinished. Worse still is finding out later what the doctor or the abortionist really physically did to the child.