

*Criminal Code*

According to this bill, a qualified medical practitioner who would procure the miscarriage of a female person and a female person who would permit a qualified medical practitioner, in an accredited hospital, to procure her own miscarriage, would not in the circumstances be affected by the amendment. They would therefore not be guilty of the indictable offences as decreed in section 237 of the Criminal Code. If before the use of those means, the therapeutic abortion committee for that accredited hospital where the abortion has taken place, has by certificate in writing stated that in its opinion the continuation of the pregnancy would or would be likely to endanger the mother's life or health, the medical practitioners will be protected. Such an amendment thus limits the scope of certain offences: Everyone who, with intent to procure the miscarriage of a female person, is guilty of an indictable offence and is liable to imprisonment for life and every female person who, being pregnant, uses any means with intent to procure her own miscarriage is also guilty of an indictable offence and is liable to imprisonment for two years.

Mr. Speaker, I am dead set against any present or future widening of those ideas, because of the high regard our nation should have for such an opinion.

Medical officers in the province of Quebec are standing pat. We should trust serious and conscientious doctors, specialists in that field; their opinion should carry weight, since they have to perform abortions and the problem concerns them more than anybody else. On January 22 last, the Association of medical officers of the hospitals in the province of Quebec sent me the following message:

Recently, following the introduction of the government bill on abortion, this Association consulted all its members either by letter or during meetings held to discuss the bill.

The Quebec hospital doctors believe that any abortion is a homicide, since the foetus is a human being. According to modern medical science, the foetus is a living human being that has the right to live as well as all other human beings.

● (8:10 p.m.)

Even before the courts, the foetus is already considered as a full-fledged human being since he is entitled to inherit and since the State still feels justified in considering the non-therapeutical abortion as a criminal offence liable to life imprisonment.

Any responsible obstetrician will readily admit that the cases where therapeutical abortion would really save the life of the mother have become extremely rare and tend to decrease with the progress of science.

On the other hand, abortion practised for the sake of improving the health or well-being of the mother or preventing the possible birth of a deformed being tends to become a measure of social euthanasia. If a deformed being can be killed while still in his mother's womb why could not this be done when he is out of the womb?

However, abortion practised when the life of the mother is endangered by pregnancy may be considered as a case of self-defence rather than as an act of euthanasia. Legitimate defence does not necessarily mean unfair aggression. To consider the matter in terms of legitimate defence, however, would require, on the one hand, some balance between act of defence and the act of aggression and, on the other hand, the aggressive act should be the only means of defence. As a matter of fact, according to any doctor, specific medical indications requiring the foetus to be killed in order to save the mother's life are very seldom found. Since the case is so infrequent, one may well wonder if there is anything to justify a law allowing such a thing.

Of all cases of murder, abortion seems to be the one where the state should act with the utmost vigor. Indeed, its duty is to see that the rights of every citizen are respected. Of course, the more the frustrated citizen appears unable to protect his own life and rights, the more the state should be concerned. If the law is really intended to protect the weak, who more than the child in his mother's womb can claim the right to be protected by the state? This protection should be in proportion to his weakness. The similitude with the recent abolition of the death penalty is something that we should have in mind when we think of this bill.

Wherever it is accepted, therapeutic abortion is practised, according to official statistics, much more for very contentious psychiatric reasons—and with equally contentious results—than to save the mother's life.

In fact, the proposed legislation on abortion forces us to ask ourselves whether we are willing to accept certain forms of murder in our society.

Because of the abuses this measure may lead to, the Quebec Hospital Medical Board Association opposes the legalizing of therapeutic abortion in those cases which are solely motivated by the health or the well-being of the mother. In addition, the Association opposes formally the present government bill C-195 on abortion, as proposed, for the following reasons:

Although we feel that the doctors who authorized the few therapeutic abortions which have taken place are certainly not criminals, and the doctors agreed unanimously on this, we believe that the proposed measure will multiply illicit abortions. By legalizing therapeutic abortions in those cases where pregnancy may endanger the life or the health of the mother, the government gives the impression that any personal motivation can procure abortion. Requests for abortions will therefore increase. However, according to medical standards, the therapeutic abortion committees will have to refuse the majority of requests as unjustified, which will lead the patients to find other means to achieve their end. According to the current Canadian consensus, there is real danger in associating what is legal with what is morally acceptable.

Psychiatric indications motivating abortions are refused by the majority of doctors and psychiatrists, although a few psychiatrists find limited