committee. Bill C-43 fails to define that what is being aborted is the life, the human life, of the preborn child. There is no explanation in the bill of why and how the child *in utero* loses a presumed innocence or the right to live. I ask honourable senators: What is the substance of the preborn's lack of defences? Without a right to a hearing, even by proxy, Bill C-43 as it stands today implies that the preborn child is not one of those included in the term "everyone" as used in section 7 of the Charter of Rights and Freedoms. We must ask the Minister of Justice for an explanation why that is so.

There are also questions that we as legislators must answer, or so said the Supreme Court in the 1989 *Daigle* case and in the 1989 *Morgentaler* finding. Health is provided in Bill C-43 as grounds for an abortion. I ask: Where is it demonstated in that bill that abortion is healthy? A great deal of psychiatric and physiological evidence exists that abortion is not healthy. The term "abortion" does not describe justifiable medical interventions to save the life of a mother imperiled by serious complications in pregnancy. Abortion is the intentional and direct killing of a preborn child—precisely that act against which just law must stand.

Bill C-43 has either misnamed an intervention as abortion or has promoted abortion on spurious grounds, implying that it is a desirable service for some women. Bill C-43 would greatly harm the aspirations of Canadian women, which are surely part of the common good. Abortion is an affront to a woman's dignity, as many misled victims of that procedure attest. Yet, by making abortion widely available, Bill C-43 is a meaningless deterrent. Furthermore, Bill C-43 does not treat abortion as a crime. If it did, at least the information of parents and counselling of young mothers would be regarded as important deterrents. However, Bill C-43 does not even prevent unconsenting mothers from having an abortion.

Honourable senators, please observe the manner in which Bill C-43 would treat abortion as a crime—only if it is not authorized by a doctor. This is senseless, as it implies that something essentially felonious loses that essence as soon as a medical practitioner decides it does. By a doctor's writ, the act of destruction of society's first good becomes a service. By Bill C-43, practitioners may decide who will live and who will die. The vital interest of the state in its own progeny is then relegated to non-legislative hands. That, honourable senators, imperils the future of Canadian society.

I have already spoken in this chamber in support of Bill S-16, in 1988, and Bill S-7, last month, the latter of which is presently at second reading stage. Both offer superior legislation; that is, superior to what we find in Bill C-43. The explanatory note showing the proper purpose of the legislation that I introduced in this chamber reads:

> The purpose of this Bill is to reassert society's vital interest in its unborn children. That interest is as fundamental to the continued existence of our society as it is to the existence of the human race.

Every abortion kills a presumed innocent preborn human being. That is a grave peril to a fundamental principle of justice. Without a hearing, without witnesses, without evidence or proof, it is serious enough that anyone's security of the person be threatened, but that his very life should be taken is unthinkable. Rather than offering abortion, the state must demonstrate care, support, and sincere interest in the offended mother and her family.

It is false to claim that abortion law criminalizes women. A sturdy fence around a precious property does not criminalize everyone as trespassers.

Honourable senators, let us now briefly review the Supreme Court findings, as Bill C-43 was, in my opinion, faultily designed by the misinterpretation of that court's ruling. As honourable senators know, on January 18, 1988, the Supreme Court decision in the *Morgentaler* case struck down section 251 of the Criminal Code relating to abortion after the law had been amended in 1969. The case did not consider evidence concerning the humanity of children before birth, nor did it consider the abundant evidence of adverse effects of abortion on the lives of mothers, an important factor in upholding the desired security of the person. The principles reiterated in the *Morgentaler* case can be summarized as follows: One, security of the person within the meaning of section 7 of the Charter includes the right of access to suitable medical treatment for conditions dangerous to life; two, protection of the preborn child is a perfectly valid and pressing legislative intent; three, in seeking to protect the unborn child according to the valid interest of the state, the right of security of the person of the mother and her child is to remain intact; and four, abortion is not a right, it was said—far from it. Abortion is the threat against which substantial legislation is required.

These points have not been well presented in the press, and clarity of these points has already been occluded by the present Minister of Justice. The subjective pursuit of women's aspirations has already been incorrectly cited by the Minister of Justice as a good reason for aborting babies. That, honourable senators, certainly cannot be inferred from the Supreme Court's findings.

• (1800)

In the *Morgentaler* decision and the subsequent decision of *Tremblay v. Daigle* from the Superior Court of Quebec in 1989, the Supreme Court of Canada refrained from answering whether the word "everyone" in section 7 of the Charter includes the child before birth; neither did that court determine an answer in the *Borowski* challenge heard in 1989. The invitation is resoundingly clear for us, as legislators, to give an answer through the aegis of a sound law.

We know that the Charter codifies fundamental rights and freedoms of the individual vis-à-vis the state. Its primary function is to circumscribe the power of the state to infringe what are regarded not as state-given rights but primary and natural rights. The decision of whether the fetus is a person, the court admitted in *Daigle*, is a normative task for legislators, which clarifies the recognition of rights and duties. In that context personhood is not susceptible to narrow, legalistic interpretations and fictions. In *Morgentaler* the court found a glaring lack of parliamentary direction on the spirit and