

*Criminal Code*

passed in England and in support of this position pointed out that there were reasonable grounds to believe that literally hundreds of illegal abortions were performed in Toronto every week, and perhaps as many illegal abortions in Canada as there are births. If this is correct or even only substantially correct, it would seem that the Canadian Federation of University Women and the royal commission have much justification for their stand.

It is generally accepted that a just law is one that applies equally to all persons. Our present abortion law does not. Whether or not a woman can obtain an abortion in Canada would be accidental, depending on the city in which she lives, whether there is an approved hospital, whether an abortion committee has been set up and the interpretation the committee members put on the meaning of "health". If refused, a wealthy woman could go to a foreign nation. It is a relatively short trip to New York state. But a woman of very little means, who may have far greater need for the abortion, could not afford to do so. Daily advertisements appear in the Toronto newspapers offering to arrange abortion services in Buffalo. This may be fine for those who can afford it, but it creates bitterness and resentment for those who cannot.

The Canadian Psychiatric Association, whose members have charge of our mental health and who will have to make the decisions as to what abortions are justified, request that the restrictions in the Criminal Code be removed and that the decision be left, like any other medical matter, to the doctor and patient. In a sampling of his riding, one hon. member found that 85 per cent favoured removal of limitations from the Criminal Code. The topic is full of questions of principle, irreconcilable differences of opinion and emotional overtones. Some hold the religious belief that a fetus from the moment of conception is a human life with a soul. Others disagree, believing it is only potential life. Who can say which view is correct or that their view should be forced upon others and that one must not or may not have an abortion? Are we not better to leave it to the individual conscience?

We all profess to believe in equal application of the law, but in this case we do not give it. Nothing could be more cumbersome and expensive than the procedure now required to get an abortion. For all practical purposes, only the very rich can benefit from the law as it stands. We profess, also, to agree with the principle of the protection of individual rights. If this is so how can we legislate away the right to a medical abortion by calling it a crime unless performed according to the ritual set out in the Criminal Code?

As the law stands today, a doctor who is a member of an abortion committee must decide in which case he will perform the abortion to save a mother's life and in which case he will take a chance and risk her life. This is a heavy and unnatural burden on him, particularly if he has to decide in his conscience whether he is taking a life. It is a cruel position for the woman who is refused the abortion and believes that her health will be permanently impaired, her life lost or she will be incapable of properly sustaining that life after birth. Would it not be better for the person whose body is involved to make the

moral decision whether an abortion would be taking a life, and the physical decision whether to submit to surgery or let the pregnancy continue?

**Mr. David MacDonald (Egmont):** Mr. Speaker, the mini-debate we are having this afternoon is perhaps but a preview of a longer and more intense debate which will take place presumably before the end of this session. I think it has been indicated, perhaps because of the increasing unrest across the country, that one or two days will be given to debating this important question. I am sure that all members are grateful to the hon. member for Peel South (Mr. Chappell) for placing this topic before the House again in this bill taking, as he does, one of the positions espoused by a growing number of people in this country which can best be described as "abortion on demand".

I am somewhat surprised that the hon. member, who is a distinguished lawyer, as is the seconder of the motion for second reading of the bill, should in effect take the route of dealing with this difficult problem by simply suggesting that this part of the law which refers specifically to the question of abortion be wiped from the statute books. My profession is not the law, so I find it rather strange that I should be standing in this chamber telling at least two lawyers—and perhaps others—that the way to deal with a serious social problem is surely not to avoid facing it altogether by removing it from the legislative statutes of the land.

Surely the hon. member for Peel South and others realize that in trying to deal with the question of abortion we are dealing with something that has a host of social consequences. These social consequences are so fundamental that not to observe them in some way or other under the laws of the land in a sense would be to advocate some form of anarchy. For instance, I presume that the hon. member for Peel South would not advocate the removal from federal or provincial statutes of laws with respect to marriage, with respect to the responsibility that guardians have for children, with respect to inheritance, and so on. These are all very important social questions and social contracts.

• (4:30 p.m.)

It should also be stated that in moving this kind of bill the hon. member is not in fact advocating liberalization of the laws; he is advocating that there be no law. That is an entirely different question. It is important for us not to become confused, because we are not dealing with a liberalization of the law; we are erasing the law respecting an important social matter. If we are to maintain order in society, our actions must be governed by law.

The Criminal Code, in a free society, reinforces the freedom of individuals, a freedom derived from democratically prepared laws. If we remove from the present code provisions governing human life from its inception, we shall be removing from the code an area of major responsibility. If we did that, it would be like removing from the code all concerns for humanity. I admit that the code is not in any final and perfected state and that

[Mr. Chappell.]