

HOUSE OF COMMONS

Tuesday, July 26, 1988

[English]

The House continued its sitting.

Mr. Howard Crosby (Halifax West): Mr. Speaker, let me begin by saying that I fully realize and am cognizant of the fact that most of what can be said about the issue of abortion in Canada has been said in this debate. However, I think it behooves every Member of the House of Commons to take the opportunity to express his or her own views on the issue of abortion, for the benefit of their constituents and all other Canadians who are willing to listen to that expression of views.

In order to express my views, for the records of the House of Commons, and anybody else who is interested enough to review them, let me begin by examining the motion placed before the House of Commons. Basically, the Government in this motion has asked the House of Commons in Parliament to achieve a balance between the right of a woman to liberty and security of her person and the responsibility of society to protect the unborn.

I think that that is a laudable goal, but I am afraid that it is not the issue that now exists in Canada. I say that because we are here debating this matter simply because we cannot bring Canadians to a consensus on this issue. Even though the Government and Members of the House of Commons may try to be even-handed, may try to come down the middle of the road, there are in fact two totally different views with respect to abortion in Canada, that is to say, there are groups of people who have banded together on one side or the other of the issue and demand that their view be accepted. That is the problem we face. Coming down the middle of the road is not the solution. It is indeed the problem because too many Canadians will not accept that approach to the issue of abortion.

• (2210)

Quite frankly, and contrary to the resolution, I think the House of Commons and the Government of Canada and every other person must take a position and then be judged on that position. It may seem difficult, it may even be cruel in the circumstances of a real and growing and living society, but it is the fact of the matter, in my view.

What am I talking about? I am talking about the pro-life view or anti-abortion view on the one hand and the pro-choice or the individual right of the woman on the other hand. How do you rationalize those two opposing views? We are here because the Supreme Court of Canada failed to rationalize those two views. If an individual looks at the decision of the Supreme Court in the Morgentaler case, one might say that

the judges of the Supreme Court in some cases were Solomon-like in their decision. They looked at the two opposing views, that is the right of the mother and the right of the unborn, and tried to make a compromise between those two connected but in a sense different views.

I recall specifically that Madam Justice Bertha Wilson, in expressing her judgment, took that kind of Solomon-like approach by saying simply, here we have a problem, it relates to the termination of pregnancy, so what we will do is look at the whole of that pregnancy and in fact cut it off in the middle. On the one side we will say pro life or preservation of life in the later stages, and on the other side we will say the right of the mother to terminate the pregnancy in the earlier stages.

That obviously represented an attempt similar to what Solomon did in the famous case involving cutting the baby in half and looking for the real mother to object. Unfortunately, that view has not, in my opinion, been accepted by a great majority of Canadians. They do not believe in compromise on the issue. That is the problem we have to face. If compromise could be achieved, if Canadians could come to a consensus on the issue, then the difficulty would dissipate. Therefore, let us not put that aside. The choice has to be made between the two opposing disparate positions.

As I said, Madam Justice Wilson tried to deal with it, and our problem is that that decision is not accepted by a great many Canadians. The solution is not to rely on the Supreme Court of Canada decision. The solution lies in Parliament making a decision.

What can Parliament decide? Is the House of Commons capable of rendering a decision on the issue of abortion? That leads me to a review of the current situation.

In 1982, Members of this House of Commons, with the consent and concurrence of nine of the 10 provincial Premiers, adopted the Charter of Rights and Freedoms. That Charter contained very specific provisions. I do not recall, when I attended here on Parliament Hill in the presence of Her Majesty the Queen at the signing of the Charter, anyone standing up and saying: Do not sign the Charter of Rights and Freedoms. There was almost unanimous support for the Charter, although there were some very important objections.

However, the point is that we made the Charter of Rights and Freedoms the law of Canada, and now we must live with its provisions. One of those provisions grants to individual Canadians rights which the Supreme Court of Canada, I think quite properly, has interpreted as meaning in the case of a pregnant woman the right to terminate a pregnancy in certain circumstances and at a certain point in time.