

Criminal Code

they should give in this particular instance, although personally I am not anxious to have even that. But I submit to you it is perfectly reasonable, it is highly moral and in tune with the development of the social conscience to leave the question as to whether or not a pregnancy ought to be terminated to the woman and her medical advisers.

Some hon. Members: Hear, hear.

Mr. Lewis: I have often had occasion to disagree with members of the medical profession because of their attitudes, the attitudes of some of them I should say, with respect to medicare and the like. But I do not speak with tongue in cheek when I say to my fellow members who are doctors and physicians outside this chamber that I have complete confidence that all but the unethical members of that profession—and every profession has unethical members, mine as well as other professions—would be as careful about doing an abortion, or advising a woman to have an abortion, as any law on the statute books could require. The very training of the physician from the first day he goes into medical school is a training to preserve life, to improve life and not to do away with it. The attention which the physician gives to maintaining existence for a human being who has passed any capacity to act like a normal human being is evidence of the length to which members of the medical profession go to protect life, not to abandon it.

I am most anxious that with respect to this important measure in our social law there be a real amendment, a real change in our law, not the kind of change which the minister has proposed and that the Prime Minister (Mr. Trudeau) was originally responsible for, which makes no change in the law at all. It is not an act of radicalism or even liberalism, small "l". It is an act of timidity to avoid the tremendous political difficulties that might be in the way of presenting a more thorough amendment such as modern society requires.

There are social questions that enter into the matter as to whether or not a pregnancy should be terminated, as well as purely medical questions about the life and health of the patient. There are social questions surrounding the family, surrounding the woman. There are psychological questions involved in whether or not a pregnancy ought to be terminated. There are problems related to whether or not the child, when it is born, will be a whole child or a deformed child. The amendment does not even deal with that

point. It does not make legal an abortion in a case when the physician is convinced the child would be a deformed child, with all the unhappiness and the misery that that creates not only for the child but for the environment and the family.

All these problems as well are involved in the very soul-searching question as to whether or not a pregnancy should be terminated. The minister does not touch on any of these questions in his amendment. He does not come near any of these questions by the amendment which has been proposed. I welcome the amendment because it clarifies the law a little. It makes it more certain that the health of the woman will be considered. I hope the courts will interpret health to mean the health of the mind and of the spirit as well as physical health. Therefore, I welcome the addition of that word, but it does not go anywhere near as far as in my view the amendment should have gone.

• (9:40 p.m.)

I want to deal briefly with the homosexuality changes which have caused a great deal of discussion. I know that to normal people this practice is an odious one, an unaesthetic one if you like; but to make it a crime in all cases is to be insensitive and cruel because this deviationism obviously is due to certain psychological and other factors. This behaviour requires charity and treatment rather than criminal prosecution. I find it very difficult to see how the change which is proposed in the bill can be seriously opposed except by those who would discard compassion and understanding toward people who suffer from tendencies we may consider unacceptable and undesirable but for which they obviously are by definition not responsible.

We support the amendment with respect to breathalyzer tests. I am not personally worried about the intrusion into civil liberties and rights in this case because personal freedom is not absolute either. We constantly require the freedom of individuals and the freedom of their actions to be circumscribed to the extent, and only to the extent, that the public good requires it. The fact that someone may be inconvenienced on occasion is irrelevant and certainly unimportant in comparison with the fact brought out by the Minister of Justice with regard to slaughter on the highways. If this law should enable society collectively to save one life in the next year, let alone several hundred lives, it is worth while and we support it.

Some hon. Members: Hear, hear.