

*Criminal Code*

reform on the basis that hospitals are performing these operations. If hospitals continue this practice, what is to prevent the young people from bringing pressure on the government to change the laws with regard to marijuana or taking the law into their own hands. This is absolutely no basis for reform of the criminal law. There is a greater and more pressing need which arises out of the fact that inasmuch as our laws are designed to preserve health, freedom and property, they should be designed to prevent human suffering.

If any one of our laws brings about human suffering, then it should be changed or at least carefully scrutinized to see if it is necessary to preserve social order. Section 237 of the Criminal Code can cause grave human suffering. As an example I cite the case of a woman who is told if her pregnancy continues she is going to die, suffer mental illness the rest of her life, or a grave defect of that nature. I ask myself whether we should continue such a law?

I recognize there are many women who are quite prepared to accept the risk of death in order to have a child. They are quite prepared, on the basis of religious belief, to accept this risk as the will of God and proceed. This is quite proper and they should not be condemned. However, we must bear in mind there are many women in this country who are not of the same persuasion and if they are to be condemned to die how are we preserving human life? Who is preserving human life? These women are being sentenced to death, just as if capital punishment were being inflicted upon them. Surely, this is a case in which life should be preserved. One life is yet to come but the other life is in existence and unfortunately, has tremendous family and other social responsibilities.

I am not unmindful of the history of the law of abortion and the fact that even in the eyes of the church it has not always been a sin or against the law. It is only in comparatively recent times that abortion has become a sin in the eyes of the church. The church has always moved, and I hope always will, to preserve the life of the unborn. Quite apart from being influenced directly by any religious organization or religious dogma, our law has always been directed to the protection of the unborn. There are countless ways in which this could be demonstrated. It is inherent in many aspects of the civil law, such as the rule against perpetuities advanced in the case of Shelley. I do not think we should treat

the conceived child as something less than unique in human experience. It is not an animal, it is something new because it is going to become a part of society.

I could never agree with the suggestion that the unborn child should be destroyed merely at the whim or fancy of the mother because I think responsibility for the unborn child lies in the field of social order. Despite the very eloquent pleas raised by the hon. member for Vancouver-Kingsway (Mrs. MacInnis) and the hon. member for York South (Mr. Lewis), I do not see how we can say that the question of abortion should be left entirely to the mother and the doctor. I believe society has a responsibility to acknowledge that unborn human life has always been entitled to some protection. In my experience the problem has not been the 16 year old girl who finds herself in trouble and wants to get rid of the child. She might well want to, but she is still dependent upon her parents. She is subjected to tremendous pressure by father, mother, Uncle Charlie and particularly her boyfriend to get rid of that child. Despite the fact this child may have been immorally conceived a girl may be anxious to fulfil her own life by having this child. She should be given the protection of the law and I suggest unborn children should have that same protection.

From time to time when dealing with women involved in matrimonial difficulty, we have been told that they have aborted their third child. Many of us have heard them say, "I would have had the child, I wanted the child, but the old man said get rid of it or get out." It seems to me these women are deprived of the protection of the law. I do not think that should be done in the interests of the social order in the community of the people we represent. There must be a balance. We cannot go whole hog. The Japanese did this and they are now regretting it. There is no other nation in the world with the exception of Japan that has gone so far as to say it is a matter between the mother and the doctor.

It may be the committee will have to scrutinize carefully the word "health". That word is very vague and broad in meaning. Possibly its implementation in the law is not going to carry out the design of parliament and the committee might give this further consideration. With the greatest of respect to the minister, I am equally concerned that the amendment does not go so far as to protect women who have conceived as a result of rape, girls under the age of 15 or imbecilic women.