

*Criminal Code*

a number of provinces and territories. The need for the reform of government in our two northern territories is long past being urgent. Deep and wide cracks are appearing in our national life. It is not a question of patching over; it is a question of getting down to the basic problems.

The need for social legislation covering abortion and sexual aberration is apparent, but it must not blind us to the need for long overdue action in fields vital to our national integrity. The Prime Minister has said that the government has no place in the nation's bedrooms. That is an extremely facile generalization hardly worthy of one whose task it is to lead the nation.

I am going to leave the bulk of the remarks on this next subject to those more familiar with it than I, but I do say that the danger in homosexuality lies not in what occurs between consenting adults but in proselytism. In abortion the question is simply one of destroying human life, under whatever guise you want to give it.

The pattern that we are asked to accept in adopting a more permissive approach, which is creating a situation that is turning us into a permissive rather than a just society, to those things which mankind for centuries has kept under lock and key must be viewed with some scepticism. The argument is that in the electronic and space age human nature has reached a stage of development where we are no longer to be subject to the taboos and shibboleths of a more primitive era. It is a question of how wide we open the door.

Yet permissiveness is always characteristic of a primitive society. It is only in a sophisticated society that self-imposed discipline is tolerated. That is the whole ideal of the Criminal Code, indeed of all our laws that govern living conditions in the society in which we live. Human nature has remained pretty well what it was in the days of the Sumerians, in spite of McLuhanism and a greater facility in communications. We may be lapsing into an era of electronic permissiveness.

• (2:20 p.m.)

The problem we have to face in legislation having profound social consequences and which is both moral and ethical in its implications lies in the extent to which the law should attempt to deal with matters of conscience. It would have been simple for the minister to separate the provisions having to do with mechanical amendments, such as

those affecting bail and present sentences, from those dealing with moral aspects of human life. The provisions dealing with moral aspects could have been extracted from the bill so that hon. members who wished to could vote on them according to the dictates of their consciences.

Generally speaking, the law should not deal in matters of morals any more than should medicine. It is the social consequences of legislation which must concern us. We must not legislate to permit activities which are repugnant, morally degenerative or socially destructive. The legislator does not have unbounded jurisdiction over the human spirit. Let me make plain that I do not speak today as an adherent of the Roman Catholic religion, as will be the case with a good many hon. members who will be speaking in this debate. It is hard to separate matters affecting moral conscience and religious belief. In my view, to hold that the legislator has unbounded jurisdiction over the human spirit is to uphold spiritual tyranny.

I now want to speak about abortion. The bill provides for an abortion committee of doctors to be set up in hospitals under provincial or territorial authority. The committee or board would certify as to the need on health grounds for an abortion, following which an abortion could be legally procured. The effect of this is to bring within the purview of legality artificially procured abortions which now take place outside the law. It means that those who under the present law are securing or procuring abortions in a criminal fashion will be able to do so in future within the law in a number of cases. But what of those who go before such boards and are rejected? Having gone to a hospital board and having endeavoured to secure authorization for an abortion on grounds of health or danger to life, what do such persons do if they are rejected by the board? Some will accept the verdict. Others will go ahead and have the abortion anyway, and to do so they will resort to clandestine and illegal means. Therefore I suggest to the minister that the amendments will fall short of their objective in this regard in that they will not necessarily remove the sinister, shady, sordid and dangerous activity of the undercover abortionist.

And what sorts of pressures will these provisions of the bill place on the hospital board? Medical men are being asked by this bill to take in their hands the question of life and death affecting an unborn child. They