

Criminal Code

expresses a good moral objective and serves an immensely useful purpose, has a psychological and educational effect on a community, and amendments which achieve this result are good for the law and for the country. Therefore, Mr. Speaker, I want to say that my colleagues and I welcome this bill, that is, so far as it goes. I am going to express on the part of some of us, objection to the short step which has been taken.

• (9:30 p.m.)

But together with my colleagues, and I am sure with other hon. members, I do want to see a public law in this country, and a criminal law as part of it, which is modern, humane, compassionate, responsive to the technological age in which we live, responsive to the fact that we no longer live in little rural communities but in huge urban conglomerations, responsive to the developments in psychology and psychiatry; a criminal law based on compassion and on the determination to give people a chance to rehabilitate themselves and be much less concerned with an eye for an eye, blood for blood, and life for life as being the major objectives of our law.

Now, in the time at my disposal tonight I want to turn to some specific matters which are in the law and some specific matters which are not in it. I want to deal with the most controversial matters first. I therefore come directly to the amendment to the abortion section. In my view, Mr. Speaker, the amendment does not go nearly far enough.

Some hon. Members: Hear, hear.

Mr. Lewis: In saying this I must in all honesty, as the leader of my colleagues in the house, inform the house that there may be one or two of our members who do not agree with what I have just stated. However, I am speaking for the party, for the caucus, for the overwhelming majority of my colleagues when I state this, and of course when I state it I want to emphasize that I have nothing but absolute respect for those who disagree with the position that I put forward.

I appreciate that the question is a matter of individual conscience and everyone must act by his conscience. It would be the height of presumption and cruelty not to respect that, but it would be the height of timidity and political expedience for me not to state fully and frankly the views which I hold.

I say first of all that the hon. member for Calgary North was right when he said that if

[Mr. Lewis.]

the old section with regard to abortion is read together with an exactly similar law interpreted by the British courts, courts as high as the House of Lords in that country, then there is no addition to the present abortion law at all. All you have is the word "health" added to the word "life".

The hon. member for Calgary North proved to this house, in a way that makes it unnecessary for me to cite one of the things I have here with me, the fact that the interpretation of a similar section in the English law by the House of Lords—which undoubtedly would be followed by our courts here—meant that life encompassed health, a perfectly logical conclusion, and that therefore the change in this section of the Criminal Code dealing with abortion does not change the law at all.

But what distresses me even more, Mr. Speaker, is that the proposed change in the abortion law will not decrease illegal abortions by one single case. It will not have the slightest effect on the number of illegal abortions in this country. Because the old law made no change, and the new law makes no change in the old law, therefore the new law makes no change—it is a perfectly simple syllogism. I submit to you, Mr. Speaker, that the private bill introduced by the hon. member for Vancouver-Kingsway (Mrs. MacInnis) is the only intelligent and modern way to deal with this question of abortion, and at the proper opportunity in the standing committee we will put it to the test of that committee. It is to remove from the Criminal Code any reference to abortion.

Some hon. Members: Hear, hear.

Mr. Lewis: Don't let anyone be shocked by this. The decision should be one which is made by the patient and the medical advice which the patient obtains. It is not a matter for lawyers to decide. It is not a matter for courts to interpret. It is not a matter for legalistic arguments about the meaning of words. I can almost hear the hon. member for Calgary North in court—he is obviously a very able counsel—interpreting health, as lawyers do, in one way and, in another situation where his case requires it interpreting it in another way. When you are dealing with the health and happiness of people in that context, there is no room for that kind of legalism and there is no need for that kind of legalism.

It may be necessary to have a law in the Criminal Code or elsewhere putting certain responsibilities on the members of the medical profession with respect to the advice which