

[English]

## ABORTION BILL

### SECOND READING

On the Order:

Resuming the debate on the motion of the Honourable Senator Doody, seconded by the Honourable Senator Atkins, for the second reading of the Bill C-43, An Act respecting abortion.—(*Honourable Senator Haidasz, P.C.*)

**Hon. Stanley Haidasz:** Honourable senators, it is indeed a great responsibility and privilege to take part in the debate on second reading of Bill C-43. As I will be referring in my remarks quite often to basic principles recognizing the supremacy of God and the rule of law, I think it is proper to recall the preamble of the Canadian Charter of Rights and Freedoms, which reads:

... Canada is founded upon principles that recognize the supremacy of God and the rule of law.

In this debate we are specifically dealing with proposed legislation about life and death. This is a matter of the gravest responsibility and the most awesome duty. In particular, we will be legislating on both the life and death of preborn children, the future generations of Canadian society.

Abortion always kills a preborn child growing in its mother's womb. It also has grave impact on distressed mothers and families. Furthermore, abortion is not a service or a therapy for health.

Another point we should recall in this debate is that the Supreme Court found in the Canadian Charter no such thing as a "right to abortion." Also important in considering this bill is that the same Supreme Court decided on January 28, 1988, that the state has a valid, substantial and pressing interest in the life of every child before birth, as well as in the security of person of a mother and all other persons.

In the *Daigle* case of 1989 the Supreme Court justices acknowledged that it is for legislatures to define those "normative principles" upon which they may interpret the term "everyone" in section 7 of the Canadian Charter to include the preborn child. When we legislate a just law on abortion, we must fulfil that requirement so that the defence of preborn children may be truly interpreted and applied.

As creatures of God, who is supreme in Canada's Charter of fundamental principles, we are disposed to seek and to find in nature itself the very imprint of the rule of law. The natural law never contradicts God's justice: Our Supreme Court seeks to observe those "principles of fundamental justice." The judiciary has a profound role as just men and women in applying legislation and its principles. Because of this justice the law is the greatest teacher.

Just law defends and promotes the common good. Fundamental to this is existence itself. The essentials of the common good, recognized in the Canadian Charter, are natural rights inherent to life and recognized by the state, not conferred by it.

The natural freedom to live and grow is not the right of anyone to take away. The Canadian Charter upholds security of person, closely related to the goods of life and health. Security of person could never bestow on anyone the freedom to offend the security of another, let alone to threaten their life. No human being, including the least one resident in the womb from conception, is dispensable for the presumed security of person of another.

A threatening condition of illness, requiring alleviation by medical intervention that unfortunately cannot save the life of the preborn child, is not direct killing, but because of a natural right to life that "everyone" has, and their Charter-recognized security of person, even this intervention must not be taken without due urgency to save the life of the mother.

Another point we have to consider in this debate is the "rule of law." The "rule of law," as it is related to the supremacy of God, requires not "raw juridical might" but that the law be just, according to the natural law placed in man. If natural law were not found in man's makeup, he could never have acknowledged God's supremacy at all. He could never have upheld justice as a virtue. A crime such as abortion rejects mankind's benevolent justice. A just society must at least defend its weakest members.

● (1740)

Defence of the innocent and the presumption of innocence, so fundamental to justice, comes from the origins of all our codified law: "Thou shalt not kill." The rule of law expresses the authentic role of legislators very mindful of justice. We codify statutes for the sake of peaceful order. The first goods of society, the lives of all of its members and the good health that sustains the life of each, are always sheltered and promoted in the well-ordered state that just law defends. A good law is authority's instrument to uphold the common good of society. A bad law is an instrument that fails to reflect the natural order. An unjust law cannot win the assent of conscience and the dutiful obedience among just men and women.

All constitutional language envisions the continued generation of a society. If the rights and freedoms of a charter, such as our own, are suspended for those in their mothers' wombs, they may be suspended for the next generation, eventually ceasing to apply at all. This is the foundation of the nation's most pressing and substantial interest in the lives of all subjects from the moment they are conceived.

When we fail to recognize that requirement of continuity, we fail in our duty to uphold the Constitution, and we allow the heart and soul of the nation to suffer degeneracy. Honourable senators, let us not allow our country to fall into the degeneracy that occurred in Hitler's Germany. It is a sad irony that Henry Morgentaler, a leading promoter of the permissive holocaust in Canada, is himself a survivor of the holocaust in Europe that was dictated by Hitler.

Dr. Abraham, Director of the Department of Medicine at the Shaare Zedek Medical Centre of Jerusalem, recognized a parallel between the Nazi holocaust of six million Jews and the millions of abortions that have occurred throughout the world.