

Government Orders

word "health" now than they were able to do some years ago.

• (1630)

Where the life or the health of the mother is threatened, I cannot conceive, law or no law, of any judge or jury convicting a doctor or a woman where the doctor testified under oath that in his judgment the life or health of that woman was affected and that the abortion was necessary to meet the situation. Nor has there been a conviction in this country on those issues for many, many years, or in the United States, Australia or Great Britain.

I would say again, from a pro-life point of view, maybe this is the best law we can achieve in the circumstances.

You might say that is not a very theological position to take; that it is not a very philosophical position to take; it does not reflect too much of a moral impulse. If one has a view one way or the other, which each one of us does, then examine this piece of legislation from the process that I have described and let us come to the conclusion, I believe, that this may be the best result we are going to get. That is why I am prepared to see this bill go through second reading to committee.

I am prepared to listen to the arguments of the government as to how this bill meets the tests put forward by the Supreme Court under the Charter. I would hope that the minister, who will appear before that committee with his officials and whatever other outside counsel he deems to retain, will satisfy members of the House. I also hope the government is prepared to listen carefully to arguments put forward by those who may not share his confidence in the constitutionality of the bill, who may not share his confidence that the bill meets those tests. He may, I hope, want to look constructively at amendments that may be put in committee. Undoubtedly, there will be counsel from across the country who will state their views to the committee. I hope he will allow the widest range of good medical, judicial and legal advice to have a fair hearing before the committee.

None of us individually possesses the absolute wisdom to solve this problem. I dare say, without any fear of being in contempt of the House, that collectively we do not have the absolute wisdom to solve this problem. I

believe we will come nearer to that wisdom if throughout this debate we listen in a spirit of tolerance and respect to the views of all members who choose to speak.

Some Hon. Members: Hear, hear!

Mr. Jim Karpoff (Surrey North): Mr. Speaker, I rise to speak in strong opposition to this bill. This bill recriminalizes abortion by making it a criminal offence for even a doctor to perform an abortion, except in certain circumstances where the life or the health of the woman is threatened. It must be understood that the doctor is the one who has to make that determination; the woman no longer has the right to make that determination. This bill narrows and limits the circumstances under which a woman may seek an abortion and under which a doctor may legally perform an abortion.

I think we should look at some of the background of the introduction of this legislation. It was precipitated by the January 1988 Supreme Court decision concerning Section 251 of the Criminal Code. In order to understand why the Supreme Court made its decision to disallow Section 251 we must look at some of the statements made at that time.

Justice Wilson stated: "The right to reproduce or not to reproduce, which is the issue in this case, is one such right and is properly perceived as an integral part of a modern woman's struggle to assert her dignity and her worth as a human being". This legislation does not assert her worth and dignity as a human being.

Justice Dickson stated that by interfering with bodily integrity, forcing a woman by threat of criminal sanction to carry a foetus to term, unless she meets criteria unrelated to her own priorities and aspirations, is a profound interference with a woman's body and thus is an impingement on security of person.

This bill still carries a sanction of criminal law. The sanction is shifted from the woman to the doctor. If the doctor performed it illegally, then the woman is also liable as an accessory to a crime.

Since January 1988 there has been no criminal law restricting abortion. There has been no criminal law for nearly two years. I think this House must acknowledge that during this period, women, as they always have, have acted responsibly. They have demonstrated that there is