

*Criminal Code*

The United States has just been engaged in an election campaign during which many of those who sought solutions to the social problems of that great country took refuge in simplistic slogans. One of the slogans which was trotted out was "law and order". If one reflects upon it, Mr. Speaker, there is presumably a good deal of law and a fair amount of order in any federal penitentiary or in any jail. In other aspects of institutional life, too, there is presumably a good deal of law and order. But those who had the wit and the ability to criticize oversimplified views with regard to the crushing social burdens of our great neighbour, some of which, unfortunately, we share, were quick to point out that law and order without justice is a concept repugnant to civilized man.

Although at times I think our optimism can be challenged by events I do, on the whole, share the view of one who is not always optimistic about the human condition, Mr. Philip Toynbee, when he says the general level of morality is higher than it has ever been in the past. He bases this statement on a general improvement which he has discerned in our concern for others. This is a statement which the minister in his preoccupation with certain aspects of this legislation would, I believe, approve. Certainly I would. I might refer at this point to an aspect of the legislation which has not been discussed very much, the changes in the provisions governing the national parole board. I, for one, welcome these changes.

If improvement is measured on the basis of our concern for others, let us get right down to the tough question, that of abortion. We have been flooded with extreme statements on this issue by those who in their concern or alleged concern for life are so immoderate in their views as to make one doubt whether they really have a fair understanding of the issues which parliamentarians have been asked to face. In the December 7 issue of the *Saturday Review* I came across what I submit to be one of the fairest statements on this subject that I have read for a long time. It was written by Dr. Robert E. Hall and is one of a series of articles entitled "The Child—What Science Is Learning about Human Personality and Growth". This particular article is entitled: "His Birth Without Permission".

• (4:10 p.m.)

Before I read the paragraph I have in mind, may I reflect on something that puzzles me in connection with this issue. It seems odd

that it is always men who appear most preoccupied with discussing this question. I hope, with great respect, that the hon. member for Vancouver-Kingsway (Mrs. MacInnis) will enter the debate shortly. I wish there were 50 or perhaps 150 women members of parliament who could discuss this subject. It smacks of vanity for a man to discuss a topic which concerns something that womanhood should decide. Everyone is hung up on the issue of abortion, although methods of dealing with it represent a relatively new encrustment on both ecclesiastical and civil law. Until 1801 in Britain there was no law on abortion; the right to terminate pregnancy was left with the woman. In the Roman Church until 1865 there was no dogmatic rule concerning abortion. What we are discussing is the so-called civilized man's aspect of a problem that is really a problem of the woman. Having entered that caveat, I find that I can override my own concern for presumptuousness and discuss the issue. A paragraph from the article is as follows:

Abortion is a medical issue only because it is the doctor who wields the necessary instrument. He is no better able to judge who qualifies for an abortion than the patient's minister, the patient's lawyer, or the patient herself. Who of these four principals would you deem best suited to make such a decision? I would argue that the pregnant woman, with the counsel of her doctor and the concurrence of her husband, should be allowed to decide for herself. Realistically, of course, she cannot. In the final analysis the decision rests with the politician and the priest.

Although I feel that the provision in the bill is too restrictive, a view that remains unaltered having heard not only the minister's speech but other speeches, speaking as one politician I am prepared to shift that decision to the pregnant woman.

As to the issue of homosexuality I have had, as I am sure the minister and other hon. members have, some extraordinarily cruel letters about what is a psychiatric and medical problem. It appears from some letters that the nation as it is about to deal with this problem is headed down the road to hell. I am prepared to take my chance, though that may be a rather profane thing to say. Nevertheless the issue has to be faced. The government of the United Kingdom faced it. The United Kingdom faced it, first of all, in the House of Lords, because it was from there that a committee was formed to study the issue, as a result of which the Wolfenden report made its recommendations.

I for one would have no difficulty with my conscience, if that is the way one judges a