

The proposed abortion law: both sides hate it

by Jessica Rudolph

Is there anything Pro-Choice and Pro-Life activists agree on? Three weeks ago I would have said no, but the newly proposed abortion law changed my mind. Both sides hate it.

Bill C-43 had its first reading November 3. If passed, abortion will be reinserted into the Criminal Code and will be deemed an indictable offence unless performed by a medical practitioner of the opinion that a woman's life or health is in jeopardy. Should the conditions not be met, a woman and her doctor would be liable to two years imprisonment.

Pro-Life advocates argue that the broad definition of health, defined vaguely as "physical, mental and psychological health," allows for virtual abortion on demand. Pro-Choice activists maintain that the bill treats women as if they were incapable of making a responsible personal decision free from medical control and criminal restrictions.

Furthermore, Pro-Choice groups are concerned that the proposed law will pave the way for more cases like those of Chantal Daigle and Barbara Dodd, as aggrieved men take their lovers to court claiming the pregnant woman's health is not endangered and, therefore, she has no right to an abortion.

How do York students feel about the proposed bill and the issue as a whole? If the graffiti in the women's restroom nearest *Excalibur's* office were any indication, one could estimate that the York community favours a Pro-Choice stance at a ratio of 2:1. The copious amount of abortion-related writing on the walls and the abusive nature of much of it certainly suggests that York

women have very strong views on this issue.

Excalibur spoke with a number of religious, political and women's groups on campus to gauge their feelings about the proposed legislation.

The Muslim Students Federation quoted Islamic law, which states that the soul enters the fetus after 30 to 40 days into a pregnancy. Abortion, in Islam, is prohibited in all cases unless a woman's life is endangered. Though not familiar with Bill C-43, they said they support restrictive abortion legislation and approve its place in the Criminal Code. Politics is not separate from morality, they explained; Islamic law dictates behaviour in all spheres of life.

Furthermore, Islam teaches that all children are considered Muslims until they are brought up in accordance with another faith. They stressed, however, that they are not actively involved in the abortion issue, as it is of negligible relevance within their community. Muslims abide by national law but are governed primarily by their religion.

The Chinese Christian Fellowship explained that as an evangelical Christian group it stands adamantly opposed to abortion. Members believe the ovum has a soul at conception, therefore, personhood is conferred at that moment and all abortion is considered killing. They said they realize it is difficult for non-believers to understand their stance, and that in a community of Christians and non-Christians it is politically necessary to compromise, yet they think it is important to have restrictive legislation, which they believe will prevent abortions from taking place.

The York Christian Scientists commented that their organization tends to be very apolitical and stresses individual decision-making. While the Church itself may differ, the college organization has no official platform on abortion.

Similarly, the Jewish Students Federation (JSF) does not have a set position on abortion. The JSF represents a wide range of students and personal beliefs differ greatly. A representative added that Jewish law does not apply to non-Jews, so the question of how a national abortion policy satisfies the demands of Jewish law is moot.

None of the political groups on campus were pleased with the proposed legislation. President of the York Progressive Conservatives, Stephen Reid, compared the abortion issue to a tennis game, with the ball being passed back and forth between Parliament and the courts. He maintained that by throwing responsibility onto the medical profession, the bill was more a cop-out than a compromise, but he predicted that his club would probably support the bill. Currently, members' opinions are fairly evenly split, half supporting, half rejecting the legislation.

The secretary of York's Liberal Association, Stephen Tiele, said that his group has not yet formulated a club policy regarding the bill either. He suggested, however, that the bill is reasonable, in the sense that it balances opposing viewpoints, but it does nothing to address the problem of access, which he sees as a major issue.

Only the New Democratic Party and the Green Party unequivocally opposed the legislation. The York NDP stated that there is no need for a law; that women are not

criminals for wanting control over their bodies, and NDP MPs will vote against it as a block. The Green Party was also severely critical of the bill. Co-spokesperson Tim Inkpen stressed that its focus is too narrow; that it deals with the mechanics of abortion without dealing with the social context. He pointed to the fact that women earn 64 per cent of what men make, and insisted that issues that must be addressed include equal access to abortion, family planning, comprehensive day care, and women's poverty. By introducing community support systems, he maintains, a compromise solution is achieved by eliminating the economic pressures that often make abortion a pregnant woman's only feasible solution. Furthermore, equal access would ensure that abortions, when performed, would be performed earlier.

The York Pro-Choice Network and York's Women's Centre both made a point of comparing this proposed legislation to that which existed almost two years ago. Canada has been without an abortion law since January 1988, when the existing law was found to be unconstitutional as it denied "bodily integrity" and was both arbitrary and inequitable.

This bill, they explain, is just as bad. It replaces the opinion of three doctors on an abortion committee with the opinion of one doctor, which places greater accountability on individual doctors. Under the previous law, a doctor performing an abortion was not allowed to serve on the abortion committee, and the committee's deliberations were confidential. Under the new legislation, the doctor performing the abortion must be able to justify his

or her decision that the woman's health was endangered or else risk a jail term.

The two groups added that the government could have used the Canada Health Act to impress provinces into providing equal and comprehensive access, as it did regarding the extra billing issue, but instead resorted to criminal regulation. By way of illustrating the inequality of access, they cited the example of Prince Edward Island. No abortion services have been available in that province since 1982.

The Pro-Choice Network and the Women's Centre also reiterated their belief that emphasis must be placed on resources for vital preventative services such as birth control counselling and sex education. They explained that restrictive legislation does not prevent abortions but merely forces them underground, so women are forced to endure unsafe illegal abortions.

Finally, women's groups on campus remark that in light of the recent Supreme Court reasons for overturning the injunction against Chantal Daigle, which were brought down November 17, it seems unlikely that Bill C-43 will withstand the test of Constitutional scrutiny. Justice Minister Doug Lewis, when introducing the bill, explained that it was a compromise that balanced the rights of a woman against the rights of a fetus. Two weeks later, however, the Supreme Court declared that a fetus is not a juridical person and is not guaranteed rights under the Constitution. Pro-Choice advocates question the legitimacy of restrictive legislation that justifies itself by claiming to protect the rights of an entity that has no rights.

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