

*Criminal Code*

that this amendment was a way of improving the legislation. I submit that it destroys the whole attempt to bring our abortion laws in line at least with modern thinking and modern practice.

If we were to take out the words that the hon. member for Gatineau wishes to be removed, then the section would permit therapeutic abortions only when a therapeutic abortions committee was absolutely certain, beyond any doubt whatsoever, that the continuation of the pregnancy would endanger the life or health of the pregnant woman. I submit, Mr. Speaker, that that would mean practically no abortions at all. What therapeutic abortions committee could be absolutely certain that that would be the result?

As a matter of fact, Mr. Speaker, one of the reasons that members like the hon. member for Hull (Mr. Isabelle) and other medical men in the house have supported the idea of improving our abortion laws is that at the present time they are in a difficult position. At the present time the law is unclear, and many a time a doctor just does not know what to do because of the uncertain state of the law. If the amendment put forward by the hon. member for Gatineau were carried the law would be worse. No therapeutic abortions committee could ever be in a position of absolute certainty, and so there would be no such certificates and no matter how much an abortion might seem to be necessary there would be a very real danger it would not be permitted at all.

In such circumstances you would still find doctors who were human beings, who had compassion, who felt in certain cases that this should be done and who would go ahead in spite of there not being a certificate from the committee, and the law would be still in a mess. So, Mr. Speaker, as I said at the start I cannot but give my hon. friend across the way full marks for moving an amendment that does not have the support of his party, but I think the position stated by the Minister of Justice (Mr. Turner) is absolutely right. If we are going to write this new abortion law into our statute books let us not destroy it by wording it in such a way that it would not have any operative effect at all. Therefore I ask the house to reject this amendment.

[Translation]

**Mr. Gaston Clermont (Gatineau):** Mr. Speaker, would the hon. member for Winnipeg North Centre (Mr. Knowles) permit a question?

**Mr. Knowles (Winnipeg North Centre):** With pleasure.

**Mr. Clermont:** If the hon. member followed attentively my remarks, he must have realized that I was dealing strictly with the French version of paragraph (c), subclause 4 of clause 18 and I even gave the Larousse definition of the word *certainement*. And that word, even according to the Larousse definition, leaves some doubt, Mr. Speaker, for according to that dictionary, the word *certainement* also means *sûrement*. But that does not mean that there is no doubt. So I referred to the French version.

As I am not a linguist, I cannot comment on the English version. But according to my interpretation of the word *certainement*, if doctors have a valid doubt, I believe that word would justify their performing an abortion.

What I do not accept, Mr. Speaker, is the use of the words "ou probablement". If the officials of the Department of Justice find a more adequate expression, I will have no objection. But I cannot see—

**The Acting Speaker (Mr. Béchard):** Order. The hon. member asked permission to ask a question, but I believe he is now making another speech.

**Mr. Clermont:** Maybe I should have raised a question of privilege, Mr. Speaker, as I would not like the hon. member for Winnipeg North Centre, by his remarks, to leave the house under the impression that I am absolutely against abortion. But in my opinion, the word *certainement* leaves the doctor free to perform an abortion, if there is a valid doubt.

[English]

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, may I take a moment to answer the hon. member's question which I am very pleased to have on the record. May I say that I am less an expert in the two languages than he is, much less, and I appreciate the fact that he is concerned about the French text, but it does seem to me that we need to have in the English version the two concepts, namely, that it would endanger or that it would be likely to endanger the life or health of the female person and, by the same token, it seems to me that in the French text there must be the same two concepts. There must be the idea of certainty but there must also be the idea of reasonable probability.

If better words can be found by experts in the French language I am sure the Minister of Justice would be quite happy to accept