

Criminal Code

Mr. Dumont: I rise on a point of order, Mr. Speaker. The hon. member for Bellechasse (Mr. Lambert) just asked the unanimous consent of the house to table documents and I would like to know whether he was given leave to do so.

[*English*]

Mr. Deputy Speaker: In respect of the point of order I might mention that it is not the practice or custom of the house to proceed in this way. If there is unanimous consent there is no way, of course, that the Chair can resist, but I would point out that it is not a custom of the house to follow this procedure.

Mr. Robert P. Kaplan (Don Valley): Mr. Speaker, a great deal has been said about the implications of Bill C-150 from the point of view of conscience and morality. This concern is quite justified. Questions of conscience do arise and for some hon. members and many people in the country there has been a need to consider the relationship between criminal law and morality as well as the role of law in our society. We are a pluralistic society containing divergent groups, religious and secular, representing a wide variety of moral views and standards. There are some important moral values shared by all of us or by a very broad majority. We cannot in this house use our legislative authority to express the morality of one group and suppress the freedom of others to give expression to the things they believe are right.

On the other hand, we have the responsibility to prevent the development of our society to a state where one group's or individual's expression will threaten or undermine the values of the rest to the extent that we cannot co-exist in harmony. Our Criminal Code should be such that in addition to maintaining order it permits the safe co-existence and expression of a variety of moral standards. By this test our Criminal Code has served us badly or at least is ready for the revision which is now before the house. In this connection I refer particularly to the abortion legislation.

There are many people in this house and in the country whose moral views are accurately reflected by the law which prevents abortion in any circumstances. These individuals are being asked to support amendments which would permit limited voluntary abortion. In so doing this group is being asked not to surrender its own morality but to surrender its grip on our laws in order to accommodate

[*Mr. Lambert (Bellechasse).*]

the beliefs and practices of those of different views.

I respect the views of those who sanctify the new life which is created at conception and who would not under any circumstances condone the termination of such a life. This is a pure faith which has been re-examined and tested by them and has survived. But there are many Canadians whose beliefs and values are different and more complex. All hon. members have received a vast number of submissions on all sides of the question. Because the bill is being supported by many on the ground that the law should not reflect a particular morality, the supporters of the bill often are accused of lack of any morality. Some of the criticism is vicious and small-minded. We have been accused of being Nazi butchers for sanctioning the murder of innocents and of seeking through murder to avoid a serious confrontation with our social evils.

In answer to these charges I should like to elaborate on the morality of the many Canadians whose support for abortion is based on moral grounds. To me the existence or non-existence of human life from the moment of conception is a question of definition and semantics. Surely no moral weight inheres in the label. Whatever it is called its existence demands moral consideration. But personally I am unable to rest the moral question entirely on this fact, important as it is. New life is a moral fact, but there are a number of other factors which to many Canadians also have moral weight. There is old life, that is, the lives, health and welfare of the mother and the existing members of the family.

Second, there is the value representing the quality of life. What will the child's physical condition be? What will his mental condition be? How will he be received by his family? Is there a family to receive him? Many people in Canada go so far as to believe a child born in this country should have the right to be born, loved and wanted by his family. It is no answer to say that the fault for an inhospitable environment for a child lies with the society and not with the child. That fact is small consolation to its victims.

The abortion section does not go as far as would be required to accommodate the moral considerations I have described. Abortions are to be permitted only when there is danger to the health of the mother, but it permits to a greater extent the expression of the moral