

It is also a difficult question for members of Parliament because this is a bill which is submitted as a free vote issue. Members of Parliament must make up their own minds on the bill and must provide their own reasons for voting for or against it. They cannot fall back on a party position.

I am personally opposed to abortion on moral grounds because I believe that life starts at an early stage and must be protected no matter how undeveloped or incomplete the unborn child is. On a moral basis, I would only accept abortion when the life of the mother is seriously in danger. That is my personal, moral position.

On the other hand, I recognize that there are many persons all around me, both here in this House and in my community, who do not share these views. These are individuals who are just as sincere, just as intelligent and just as altruistic as I am and yet they have a completely different view with respect to this subject.

The Christian churches have different views on this subject. They are all opposed to abortion but they differ with respect to the grounds on which abortion should be permitted in the criminal law, and they differ with respect to the period when the foetus has human life, and they differ on other grounds as well.

My point is that personally we have strong views with respect to abortion and those views are based on moral principles, but there are others who are just as sincere and intelligent and altruistic who have different views.

We must recognize that in Canada we live in a pluralistic society which has many views on an issue such as this. In these circumstances, how should we deal with this subject under the law? How should this subject be treated, in particular, by the criminal law?

While many moral codes, both religious and personal, say that abortion is wrong, I do not know of any moral code which says that every moral law should be incorporated in the criminal law. As a matter of fact, in this country, we have many types of behaviour which are considered immoral and which, at one time, were forbidden by the criminal law but which today are not forbidden by the criminal law. I give as examples, adultery, homosexual acts, birth control, blasphemy, suicide, gambling, drunkenness, addiction and so on. As a matter of fact, in some jurisdictions in the world, these things are still considered criminal, and in some countries there is a consensus that they should be considered criminal. But in this country, although we believe very strongly that some of these types of behaviour are immoral, we do not

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believe that they are proper subject matter for the criminal law.

The question that we must determine in a debate like this is that despite our different, strongly held moral positions, what should be the criteria for certain behaviour to be covered by the criminal law? In answering that question the first principle is that the criminal law should be used with discretion and restraint because it involves penal consequences. It involves prison, and the curtailment of freedom. Consequently, the criminal law should only be used as a last resort in controlling behaviour in a democratic and pluralistic society.

If that is not done, and there is not a strong consensus in respect of a matter being covered by the criminal law, then it will be almost impossible to enforce that particular law. We saw that in the past. I was in this Parliament when lotteries were illegal under the Criminal Code, but nobody paid much attention to that article of the law. While that matter was covered by the criminal law, people turned their heads and pretended that they did not see what was happening, because in fact there was no consensus in the country that it should still be considered a part of the criminal law. The reason was that there were many different views with respect to the morality of gambling.

The same applied with respect to homosexual acts by consent, in private. It was the same in respect of suicide and other matters which were finally taken out of the criminal law. So if certain individuals insist on putting certain behaviour in the criminal law when there is a wide variety of views in respect of that behaviour, then it will not be enforceable. And when it is not enforced, the whole criminal law is brought into disrespect and disrepute.

I believe that totally controlling abortion in the criminal law, when there is no consensus to do so, does not really do very much to reduce the number of abortions or does not deal with the problem of unwanted pregnancy.

It is my strongly held view that there is no consensus in this country with respect to the criminalization of abortion in the early stages of pregnancy. It is very difficult to detect such a crime in the early stages of the pregnancy and such a law would be almost impossible to enforce. I do not believe that abortion should be criminalized in the early stages of pregnancy and I believe that it should be left to the woman and her doctor to decide what must be done. In doing that, the woman in question must wrestle