

Right to Life

arrived in Canada and in many other countries. Certainly that view was not arrived at among the people who wrote The Bible. There is no foundation for the speaker's view in the teachings found there. If there were more time I could go into one of the few examples which shows a different attitude in the Old Testament, the laws of Moses, that rated the life of the foetus distinctly lower than the life of the pregnant woman, distinctly lower, not only the life, but the well-being of the pregnant woman. If the Member wants to check on that he can look up Exodus XXI and XXII.

We should not rush to a decision on this while people of good will are so strongly and, roughly speaking, so evenly divided on it. If we were to go by polls we might notice that 70 per cent of Canadians, according to polls, support the right to choice, as it is called. It is perfectly possible for a person to be opposed to abortion but in favour of the right of choice. It is perfectly possible to say that I wish women would not choose abortion. Because I wish that, I would do whatever I can to encourage that choice and to encourage the consequences of that choice rather than the consequences of the other choice. It is perfectly possible to take that view and yet to take the view that if she disagrees then my obligation is not to punish her in some way, because that is really what is at stake here—we can talk about the doctor but it is the pregnant woman who is the focus of concern when we talk about legal action—by perhaps delaying an abortion that she still seeks or preventing her or penalizing her for having it. We have to say that for the sake of that woman's life, even if we disagree with what she is doing, for the sake of the foetus which perhaps will be born and be clearly a person or perhaps will not, for the sake of both we have to make sure that the medical conditions are satisfactory. If she insists on the abortion, that means medical conditions of a sound abortion procedure.

I have just read a very interesting speech which was delivered in 1984 by Mario Cuomo, Governor of New York. I do not know whether he still is the Governor but I hope he is. He speaks as a Catholic layman to the Department of Theology at the University of Notre Dame. He speaks of himself as a graduate of the university. He says that as a Catholic he is obliged to protect the right of non-Catholics to do things that he would disagree with because that right is reciprocal.

● (1620)

As a legislator, both as a member of city council and here, as someone responsible for making laws, that responsibility being given to me by a plurality of voters, I will not choose to enforce the sort of law implied by this motion on the foetus or even on people who I think may do something I wish they would not do. I do not believe enforcement of the law in that way will help life, either the life of the pregnant woman or the life of the foetus. Therefore, I urge the Hon. Member and other Hon. Members to consider that this is a matter for much further and deeper public soul-searching. We should not be attempting to coerce by legislation.

[Translation]

Mrs. Anne Blouin (Montmorency—Orléans): Madam Speaker, first of all, I want to congratulate the Hon. Member for Grey—Simcoe (Mr. Mitges) on his concern for the rights of the foetus. I realize the matter is very important to him, and I respect his views and praise his courage.

Madam Speaker, the issue is one of the most serious ones facing Canadian society today: What legal protection should be given the human foetus? We must not lose sight of the fact that if this motion were adopted, it would have a major impact on our abortion legislation. Agreed, many Canadians would applaud this kind of change. And many would be appalled.

It is an extremely controversial issue, on which Canadians are divided. And because this is such a burning issue, I have some reservations about the avenue chosen by the Hon. Member to amend the relevant legislation. Is a five-hour debate the right way to amend this country's fundamental laws? Hon. Members will no doubt recall the long and impassioned debate that followed the proposal to amend the Criminal Code in 1969. I am not at all convinced that a five-hour debate will be sufficient to give thorough consideration to the many aspects of this issue. I do not believe that five hours will be enough to examine the various interests at stake.

The Hon. Member for Grey-Simcoe is proposing to have Section 7 of the Charter of Rights and Freedoms amended so that a foetus, like a person, has the right to life, liberty and security and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

The Hon. Member is no doubt aware that amending the Constitution is a serious matter. Remember how long it took to develop an amending formula for the Constitution.

Madam Speaker, experience has shown how difficult it is to obtain a consensus among the provinces and the people of Canada.

We must not forget there is a set procedure for amending the Constitution. Part V of the Constitution Act, 1982 provides that an amendment, in addition to being approved by the House of Commons and the Senate, must also be approved by two-thirds of the provinces that represent 50 per cent of the population.

The amending procedure involves consultation with the provinces on the impact of the proposed changes. Any change in Section 7 can have major implications for the provinces.

Before we start consideration of an amendment to Section 7, I would like to know how this will affect family law.

I think it would be advisable to continue consultations that have already begun on amendments to the Constitution. Madam Speaker, we must keep encouraging co-operation between the provinces and open up the fullest possible debate on the issue. It is imperative that we obtain a national consensus on this fundamental issue.