

*Human Tissue Transplants*

In other words, scientists have become able to produce complete human embryos apart from the social context in which the embryo, upon reaching the stage of birth, is delivered into a family context. We have now come to the situation of being right on the verge of being able to produce human beings in foetal or embryonic form that do not belong in any particular family. If we produce an embryo, a human child, and if this child is sustained—and scientific knowledge now enables us to sustain life until such time as that child can function as an independent individual apart from incubators and special laboratory equipment—whose responsibility is that child? First, is it the offspring of the mother from whose body the female egg, either fertilized or unfertilized, was drawn? Is it the legal responsibility of the father as the donor of the sperm, or is this offspring the product of and therefore the legal responsibility of the originator of the laboratory in which this experiment was conducted, or of the technician so involved?

Also, to go one step further—this has a more direct bearing on the hon. member's motion—what happens to the initiation of life in a test-tube or the bringing together of egg and sperm outside of a female body, outside of the natural environment when this tissue develops? It is more than tissue, really; it is more than a limb in the sense that my hand is a limb or any other part of my body. Here we have in tissue form, because everything ultimately stems from tissue development, a complete human being. If for some reason the life is terminated or a decision is made to terminate it after one week, one month or five months of development, then this also comes directly under the question that is raised by the hon. member. Does this tissue have a special value, and what legal framework do we have in Canada or should we have today for the whole new set of circumstances which is being developed?

I will go one step further. All of us in our culture are familiar with the phenomenon of identical twins. What do we do when we perfect the art of what I would call, in semi-laymen's terms, primary fission in the sense of being able to make complete duplicates at an early stage of embryonic development so that we not only have identical twins but thousands of identical people reproduced over and over again? Theoretically you could populate a whole world with people who are all of the same chromosomal structure. This, again, means that we are starting to deal with tissue in areas that were not even dreamed of as recently as a decade ago.

It is true that the hon. member for Algoma pointed out that what has caught the public's imagination is the transplanting of heart, of kidneys and of different organs, but it seems to me that the real urgency is in evolving the process and procedures and the rules and regulations toward which the hon. member aspires in the whole realm of laboratories to create, to sustain, to direct and to reproduce life. In this sense I think we have not only to talk about kidneys and hearts but we have to talk about complete embryos, and we even have to deal with the question of who is the owner, if you want to call it that. Maybe you do not like that way of putting it. Perhaps I could put it as the question of who is responsi-

ble for the offspring that does not derive his or her existence from what we call the traditional family context.

● (4:20 p.m.)

These are questions that are far more urgent than people in our culture realize them to be. But because they are horribly frightening that does not mean they are not pressing on us. By adding that dimension to the hon. member's motion, I hope he will not be too dissatisfied that I have taken the liberty of the idea he has placed before the House this afternoon to draw attention to what is on our doorsteps. I want to now refer in concrete terms to some items he mentioned briefly or tangentially. They are the following: Unless specific statutes exist in Canada permitting persons to make donations of their bodies or of tissues or organs from them, there is, as we all recognize, the possibility that liability could be imposed upon physicians and institutions acting in accordance with the wishes of a donor made before death.

A lot of Canadians do not seem to realize that once they die their corpses are not their own property. They do not seem to appreciate that once death is legally pronounced, the corpse, the remains of the individual, becomes the legal property of the next of kin. Because of this, although you or I or the next person may very much want certain transactions to take place concerning, for example, funeral rites, concerning burial, concerning cremation, concerning removal of cornea or tissues of any kind, if we have failed to convince that person who is our legal next of kin of the merits of our recommendations or desires, then we have no right to assume that our wishes will be followed out.

For this reason doctors have been traditionally, and I think rightly so, reluctant to charge in, in the sense where angels fear to tread because this is a very emotional context. Anyone has any experience with such a routine procedure as post mortems is aware of how much difficulty most doctors have in simply obtaining permission to perform post mortems, even without taking portions of the corpse or body to be used for perhaps good reasons, in the sense of being laced in another human being or used for medical research. Therefore, it would seem to me it becomes extremely important that we have legislation along the lines that the hon. member hopes to have, and that we should have it uniform. It seems important that we should have the agreement of all provinces and also agreement stretching across international lines.

If we are going to pursue this subject with full information, it is important for the House to recognize that provision already exists in law, in the Canadian provinces and territories for donation of human tissue, and is of two distinct kinds. Newfoundland, Prince Edward Island and the Yukon have what are known as corneal transplants acts which relate only to the donation of eyes for use in improving or restoring sight. The Northwest Territories and all other provinces except Quebec have human tissue acts which permit donation of the entire body or of certain organs or tissues for medical education

[Mr. McBride.]