

*Criminal Code*

Belgium, in a book entitled "The rights on the body and the corpse of man" which can also be found at the parliamentary library—writes that any man can claim a right to the preservation and inviolability of his being. As a lawyer, he rejects the pretension of those who assume that man enters the legal world when he is born, and I quote:

Far from being a beginning, birth ends already an important, even decisive period of man's life which begins with conception. It is fecundation which creates a person in its entirety and individuality.

Quoting Jean Rostand of the French Academy, he writes:

From the moment when, in the fecundated egg, chromosomes of that ovule have joined those of that spermatozoon, the hereditary personality of the child is determined once and for all... and that egg includes virtually not any man but a particular man, a person.

One must conclude therefore that since human life marks the duration of personality, the latter begins, not at the time of birth, but from the moment of conception.

Until now, our Criminal Code recognized the existence of a human being in the womb of a woman, not as part of her body but as a being distinct from its mother. An attempt on that life is condemned as a criminal act even though it is committed by the mother or with her consent.

Furthermore, at one time, the execution of pregnant women condemned to death penalty was deferred until the birth of their child.

That means that from the standpoint of natural law and human positive law, abortion has generally been disapproved in Canada and in the world.

I should now like to deal with the law of God and of the Church. What do they say in that connection?

As Catholics—and we are proud of that—we cannot accept the amendments to the Criminal Code proposed by the Minister of Justice (Mr. Turner), with regard to abortion.

The fifth Commandment does not distinguish between adult and foetus. The principle of the Decalogue is absolute:

Thou shalt not kill.

All through the centuries, the precepts of the Church and its penal legislation have always condemned abortion. The Council of Elvira in 300, the Council of Ancyra in 314, the Council of Lerida in 546, the Council of

Constantinople in 692, and others afterwards have all provided very severe penalties against abortion; penalties as severe as excommunication of the perpetrators and the abettors.

However, it was during this century, during the onslaughts of materialism, which, nowadays, have even invaded this house, and on account of atheism, that the teachings of the Church dealt more clearly with the subject of abortion.

In his encyclical on Christian marriage *Casti Connubii* (chaste union)—copies of which can be found in the Parliament library—Pope Pius XII spoke in the following terms of attempts on a child's life, that is of abortion:

Another crime extremely serious, by which an attempt is made against the life of the child still hidden in his mother's womb, has to be mentioned. As regards medical or "therapeutic" direction—

The matter dealt with in Bill No. C-150.

—we have already expressed the great pity we feel for the mother who, by carrying out her natural duty, is exposed to serious dangers for her health, even for her very life; but which reason could never justify the "direct murder" of an innocent? For that is the matter in point here. Whether death is administered upon the mother or upon the child, it goes against God's and nature's precept: "Thou shalt not kill!" The life of either one is equally sacred; nobody, not even the public authorities, could ever possess a right to make an attempt against it."

That is the voice of our Church. And the pope goes on in the same vein on the inviolability of human nature. His successor, Pope Pius XII, talking to midwives and referring to the nature of their profession, reassumed the teachings of Pius XI on the inviolability of human life, and I quote:

Every human being, even the child in his mother's womb, owes immediately to God, and not to his parents to society or to human authority his right to live. Therefore, no man, no medical, eugenic, social, economic or moral counsel can produce or confer a judicially valid right to dispose directly and deliberately of an innocent human life, that is to dispose of it with a view to its intended destruction considered either as an end or as a means to achieve an end which perhaps in itself is not at all unlawful.

Thus, saving a mother's life, for instance, is a noble achievement, but the direct elimination of the child as a means to attain such an end is not permitted. The life of an innocent is intangible, and any direct attempt or aggression against it violates the fundamental laws without which a secured life in society is not possible.

I shall now talk about respect for life. In an allocution delivered November 26, 1951 before