Liberal party we described in 1957, almost the peons of parliament.

• (3:50 p.m.)

Mr. Hyl Chappell (Peel South): Mr. Speaker, I support the amendments and other changes to our criminal law proposed by this bill. I also wish to compliment the minister particularly on declaring it a government bill. There are many contentious issues, and because of this I believe the government should take the responsibility for leadership rather than leaving it to the uncertainty of a free vote. Since its predecessor, Bill C-195, was given first reading in December, 1967, the subject matter has been discussed, at least in part, I believe, by almost every adult Canadian. Because the content involves our moral and social beliefs, the entire nation has had to revalue its attitude toward individual behaviour and rethink the basis or ground rules for legislative interference with individual freedom.

Many people have made their views known to hon. members and we have had an opportunity to pass our suggestions to the minister. Seldom has proposed legislation stimulated so many to become involved in the legislative process. I have received hundreds of representations with respect to lotteries, control of firearms, the compulsory use of the breathalyzer and other subjects of the bill, and have communicated my thoughts to the minister. Because I have received so many representations, both personal and by mail, in respect of abortion I shall give my views here in this house.

The amendment respecting abortion has raised the greatest conflict. Why is this? Some regard the foetus as a human life. Needless to say, if one accepts this premise it would indeed be difficult to pass judgment as to which life should be saved as between the foetus and the mother. Personally I cannot accept this premise and do not believe it to be a life, certainly not at the stage when therapeutic abortion is possible.

There is no agreed-upon definition of when, if ever, short of birth, the foetus becomes a human life, but by inference the law does not accept the foetus as a human life and regards it as a potential life only. The difficulty arises when individuals and groups adopt their own, and thus differing, definitions as to what the foetus is. Religious and philosophical discussions do not help much. Medicine recognizes there is a life of a kind in the foetus but it is, of course, a wholly dependent life. The law recognizes a potential life which warrants protection and for which one may make provision, but at the same time it clearly recognizes the foetus as only a potential human life. At the other end of the scale, and from a practical point of view, many regard the existence of the foetus as only a physical condition of the pregnant female and that the life and health of the female stand paramount and should be the only consideration.

In the new British act, abortion is referred to as the induced termination of pregnancy, that is, the termination of a condition, which lends support to the view that pregnancy is only a condition of a female. Obviously, if the foetus is not a human life, our only concern from the social or legislative standpoint is the life and, less directly, the health of the mother, the pregnant female. To be diverted from this stand through a prolonged and indefinite discussion concerning the validity of the belief that the foetus is a human life merely prevents us from directing our minds to the real issue, namely, the preservation of the life and health of the pregnant mother.

If the purpose of the legislation is to put the life and health of the pregnant woman first, the age or moral status of the female in question should not make any difference; it is simply a matter of health science.

Until last year the relevant provision of the British legislation read as follows:

> —whosoever, with intend to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her or cause to be taken by her any poison or any noxious thing, or shall unlawfully use any instrument or any means whatsoever with the like intent, shall be guilty of felony.

This section came into existence in 1861, and as interpreted by the courts it means that in England since 1861 a therapeutic abortion to preserve the life or health of the mother has been lawful. That was also the law in Canada, as expressed by a court in Saskatchewan in 1909, until by a drafting error the word "unlawfully" was omitted from the Canadian section which was similar to the English section. Did this drafting error throw us back and beyond the law of 1861 in respect of therapeutic abortion?

Since then, although the law in England remained constant until further clarified in 1968, there has been a cloud of uncertainty in respect of the Canadian law. Judicial pronouncement in England recognized that health could be depressed to such an extent that life was shortened, and the continuance