

The Catholic Women's League of Canada



"CANADA AND ITS FUTURE -- A NEW CONSTITUTION"

A Brief to
The Prime Minister of Canada
The Rt. Hon. Pierre Elliott Trudeau
and
The Minister of Justice
The Hon. Jean Chrétien

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INTRODUCTION

The Catholic Women's League of Canada was formed in 1920 and incorporated in 1923 as a union of Catholic women of Canada. It is dedicated to the upholding and defence, in the public as well as in the private sectors, of Christian values and education in the modern world, to contributing to the understanding and growth of religious freedom, social justice, peace and harmony and to recognizing the human dignity of all people everywhere and has, over the last 60 years, presented its views on current issues of concern at the national, provincial and regional levels. The most recent presentations include the Statement in 1976, "The Right to Life - a Basic Norm of Society" and the Statement in 1979 on "Human Rights" as well as briefs incorporating resolutions passed at Annual National conventions.

This organization, structured in such a way that each individual member has the ability to make her views known at the Parish, Diocesan, Provincial and National levels is thus able to present the collective views of over 116,000 Canadian women, gathered within that framework; at the same time being cognizant of the regional differences of the members.

Since it is the only national organization of English speaking Catholic women in Canada, the Catholic Women's League is aware not only of its right but of its deep responsibility to address you with its concerns at this time when Canada is proposing to make its Constitution Canadian.

PREAMBLE

"I am a Canadian, a free Canadian, free to speak without fear, free to worship God in my own way, free to stand for what I think right, free to oppose what I believe wrong, free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind." (1)

These sentiments were expressed by the Right Hon. John G. Diefenbaker, Prime Minister of Canada in 1960.

Twenty years later, in 1980, the Prime Minister of Canada, the Hon. Pierre Elliott Trudeau said to the Liberal Party of Canada: "...for 53 years, politicians have been trying to bring the Constitution back. Ten different and distinct attempts during the terms of six different Prime Ministers and politicians have always failed. And that's why it's up to you, the people to decide that this matter must be done...." (2)

After all this time and these many attempts only now is the Parliament of Canada coming to grips with the many individual issues which concern the lives of all Canadians.

The Provincial Governments have been given ample opportunity to express their aspirations as well as their very real fears for the role of their jurisdictions within a united Canada.

During these same 20 years The Catholic Women's League of Canada, sometimes known as the CWL, has repeatedly made representations to the Government of Canada and indeed to the Governments of the ten provinces, on matters of vital concern to Canadians such as Fetal Experimentation, Canada Pensions, Pornographic and Obscene Publications, Gun Control and Family Law Reform.

(1) The Canadian Bill of Rights: An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms. Statutes of Canada 1960

(2) Pierre Elliott Trudeau: "The Prime Minister's Speech to the National Convention of the Liberal Party of Canada", Winnipeg 1980

In 1977, one of the League's most important resolutions to the Government of Canada was on the subject of National Unity and bears repetition at this time.

"....the National Council of the Catholic Women's League, in....convention assembled, affirms to the Government of Canada its belief in and support for the goal of national unity and its willingness to work with any other organization toward that goal."

The British North America Acts under which Canada has operated for over 100 years have confirmed and reconfirmed certain understandings and procedures by which Canadians have regulated various aspects of their daily lives. Before any final decisions are made to entrench or alter these, The Catholic Women's League of Canada wishes to make its views known to those responsible for the repatriation of the Constitution.

As stated by the Government of Canada in its paper "The Constitution and the People of Canada" any Canadian constitution must reflect the views and aspirations of Canadians. It is with this in mind that we offer our views on the topic of the Constitution, pursuant to the motto of The Catholic Women's League of Canada, "For God and Canada".

THE PARLIAMENTARY SYSTEM

We are concerned that constitutional change be viewed by the Federal Government and the provinces as an opportunity to unify the country. The critical decisions as to the division of powers between a Federal Government and each Provincial Government must be made in light of the necessity for Canadian unity and the acknowledgement of the rights of individual citizens.

The Catholic Women's League of Canada agrees with the principles expressed in "The Constitution and the People of Canada"⁽³⁾ that one of the objectives to be attained in a Constitution for Canada is the protection of basic Human Rights and also agrees that the best means of obtaining the objectives of our Canadian society is *the continuation of the Parliamentary System*⁽⁴⁾ which affords to citizens the protection of their fundamental rights, ability to participate in the democratic processes, the maintenance of institutions which will properly reflect the interest in both orders of government and the ultimate protection of citizens by the Courts.⁽⁵⁾

In a country as broad geographically and as diverse economically, culturally and socially as Canada, *a central Government* by those elected from across the country representing a wide variety of interests, backgrounds and occupations *is essential*. A parliamentary system provides a forum for discussion and debate by those elected representatives and a central government provides a framework for the implementation of the decisions made in Parliament.

Universal suffrage and the rights of all citizens to stand for office, periodical elections and annual meetings of legislative bodies, all cited in "The Constitution and the People of Canada"⁽⁶⁾ are among the political rights the CWL endorses as proper guarantees in a Constitution.

(3) The Constitution and the People of Canada, 1975 Information Canada, Government of Canada Publication CP 32-9-1969, page 48

(4) Ibid, page 26

(5) Ibid, page 44

(6) Ibid, pages 8 & 34

At the provincial level as well, a parliamentary system serves the widest possible representation and provides the structures for the implementation of the democratic principles considered to be important.⁽⁷⁾ An obligation to also establish such a parliamentary system within the provinces is properly the subject of a provision in a Canadian Constitution and it is imperative that the rights of the individual citizen within each province be safeguarded.

While the Federal Parliament must have the legislative authority over such areas as the national economy and international trade, unemployment insurance, the defence of the country, the monetary system and marriage and divorce etc., other matters are more properly within the jurisdiction of the provinces. These would include such authority as regulating the provincial economy, agriculture, education, municipal institutions in the province, property and civil rights, etc.

(7) The Constitution and the People of Canada, 1975 Information Canada, Government of Canada Publication, page 8

THE SENATE

Concomitant with our Canadian concept of a truly Parliamentary system, in effect a provision for "checks and balances", is the idea of a Senate that is part of the Legislative process but separate from that part of the Parliament now known as the House of Commons.

The Senate as now constituted under The British North America Acts has powers, immunities and privileges as defined by the "Act of the Parliament of Canada". Only its structure is dealt with in The British North America Acts.

It is the view of the CWL that a Canadian Constitution should include the provision not only for the organization of the Senate, also known as the Upper House, but also should include the powers, immunities and privileges of those sitting in that House.

The Catholic Women's League of Canada supports the inclusion in the parts of the Constitution dealing with the Senate of provision for members from each of the provinces so that the interests of the provinces may be properly represented and also supports the inclusion of a provision enabling the provinces to determine their respective representatives in the Upper House.⁽⁸⁾ The inclusion of provincial representatives should in no way preclude appointments through and by the Federal Government. This new Upper Chamber would create a truly unique Canadian system reflecting our mosaic of diverse cultures, ages and walks of life and would be a more effective forum for the discussion of regionally-based concepts.

One half of the population of Canada is female, and in recent years women have taken their places in society and politics and their abilities became available to the public sector. In spite of this however, there are only nine women currently in the Senate. At this date it is necessary to emphasize that A CONSTITUTION NEEDS TO INCLUDE PROVISION FOR A METHOD WHEREBY IT IS ENSURED THAT THERE WILL BE THE APPOINTMENT OF A SIGNIFICANT NUMBER OF WOMEN TO THE UPPER HOUSE. The Document "Women and Constitutional Renewal" makes the statement "It cannot be that the lack of

(8) The Constitution and the People of Canada, 1975 Information Canada, Government of Canada Publication, page 30

qualifications is keeping women out...a time of constitutional change may be the best time to require governments to reaffirm their commitment to equal opportunity for women."⁽⁹⁾ We endorse this statement.

The Supreme Court: Reform of the Senate could allow for a broader view of the basis from which the selection of Supreme Court Justices be made.

"The very cautious performance of our Supreme Court in human rights areas may be in part attributable to the fact that the judges are drawn from a very narrow group: successful, middle-aged, white, male lawyers.

"Having a more representative composition in the approving group may ensure over the years that potential judges with different backgrounds are sought out.

"Perhaps another stipulation requiring A CERTAIN NUMBER OF WOMEN JUSTICES SHOULD BE ADDED.

"...it is imperative that A COURT with greater responsibilities....BE DRAWN FROM A WIDER GROUP IN SOCIETY than is now the case." (Emphasis added)⁽¹⁰⁾ The CWL supports these views.

(9) Women and Constitutional Renewal, prepared for the Canadian Advisory Council on the Status of Women by Mary Eberts, September 1980, page 25

(10) Ibid, pages 26 to 28

EDUCATION

The objectives of Confederation as expressed by the government include the promotion of national economic, social and cultural development including the opportunity for education. (11)

The British North America Acts have provided for individual differences by setting out in Section 93 a guarantee of Denominational Schools and the retention of a system of Separate or Dissident Schools. For over one hundred years parents have been assured that no provincial authority can affect the right or privilege of a minority in relation to education.

The CWL most emphatically ENDORSES THE RIGHT OF CHILDREN TO EDUCATION AND THE RIGHTS OF ALL CANADIAN PARENTS TO SCHOOLS OF THEIR CHOICE. THIS INCLUDES SCHOOLS WHICH ARE CHOSEN BECAUSE OF LANGUAGE OR BECAUSE OF RELIGION.

Because of the gravity of this provision in The British North America Acts, earlier this year The Catholic Women's League of Canada passed a resolution at its National convention dealing with the matter as follows:

"WHEREAS in view of the continuing Constitutional discussions at the Federal-Provincial level;

THEREFORE be it resolved that we, the National Council of The Catholic Women's League of Canada...do direct member councils to make written representation to their Premiers insisting that in any review of the Canadian Constitution the rights of parents to denominational schools as presently enshrined in the B.N.A. Acts, Section 93, be preserved; and

BE IT FURTHER RESOLVED that as a National Council we make our views known to the Prime Minister of Canada; and

BE IT FURTHER RESOLVED that without prejudicing present denominational rights in any way, we insist that the Federal Government recognize in any Bill of Rights the right of other minority groups to choose an education for their children which conforms to their legitimate requirements."

We urge the Government of Canada in its deliberations on repatriating the Constitution and on entrenching the Bill of Rights TO PROVIDE EVERY GUARANTEE THAT THE FUNDAMENTAL RIGHTS OF PARENTS TO CHOOSE THE TYPE OF EDUCATION REQUIRED FOR THEIR CHILDREN WILL BE UPHELD AND WILL BE FUNDED BY THE APPROPRIATE JURISDICTION.

(11) Constitutional Amendment Bill, June 1978. Sec. 21(1)

The newly organized Federation of Independent Schools in Canada has brought together most Federations, Associations and Independent schools for the purpose of exchanging ideas, educational concerns and to develop common approaches in Governmental areas, particularly at the national level. In addition the Federation, by its nature and make-up will hopefully act as an effective liaison between other existing national associations and so strengthen the educational bonds and forces in Canada.

FAMILY LIFE

"The (Catholic) Church has always given marriage and the institution of the family a place of honor, both in its teaching and its pastoral work. The very reality of human life justifies this deep and abiding interest. The family is the basic unit of humanity and foremost of the elements that make up society...the family is defined as the place where all humanity is knit together and assured a future. It is part of the natural order willed by God." (12)

In the family, human rights are of equal importance to every person. "Expressed in a constitutional document they would be both a statement of common purpose for, and a limitation on, all governments within Canada." (13)

No fundamental value should be denied or be permitted to be denied to any Canadian. This includes Canadians of all ages, and particularly the young, the aged, the helpless and the disabled.

Security for the elderly, assistance to the disabled and protection for the helpless from physical or psychological abuse are also priority concerns with our organization which believes that "...any form of violence inflicted on a person, but particularly on the defenceless, is deplorable and in family situations has a traumatic effect which should be a special concern to every Canadian." (14)

A strong family life can prevent some problems from arising and can deal effectively with some when they have arisen. However, it is imperative that these protections be embodied in a Canadian Constitution. Unfortunately, no statute can preserve the life of a family faced with unbearable crises and the breakdown of a family presents a personal tragedy to numbers of Canadians. The results have been seen to be widespread and affect all strata of society, e.g. the schools, the courts, etc.

(12) Marriage and the Family: Working Paper of the Canadian Conference of Catholic Bishops: Introduction, page 11

(13) The Constitution and the People of Canada, pages 14 & 16.

(14) The Catholic Women's League of Canada: Statement on Human Rights (Appendix B)

Separated parents trying to cope alone face many obstacles, apart from loneliness and the difficulties of dealing singly with the problems of growing children. The problems of obtaining support payments when the supporting parent moves from the province have highlighted the need for certain aspects of family matters to be handled nationally as well as provincially. Inter-provincial court orders require federal authority to operate effectively and we suggest provision for this be included in the Constitution.

The British North America Act, Section 91, 26 has established that *Marriage and Divorce are matters under Federal jurisdiction*. Just as Canada has a single uniform criminal code, so it should continue to have a single divorce law. It is in the interest of all Canadians, especially those whose marriages have broken down, that such jurisdiction remain unchanged. Further the CWL SEEKS INCLUSION IN A CONSTITUTION OF PROVISION FOR THE PROTECTION OF CITIZENS AFFECTED BY DIVORCE FROM THE ACTION OF ONE PARENT WHO REMOVES FROM A PROVINCE CHILDREN LAWFULLY IN THE CUSTODY OF THE OTHER PARENT OR A THIRD PARTY, AND FROM THE PROBLEMS WHICH RESULT FROM A SPOUSE WHO FAILS TO PAY LAWFUL SUPPORT AND WHO MOVES FROM PROVINCE TO PROVINCE.

In the original United Nations Declaration on the Rights of the Child, adopted in 1959, the preamble states "Whereas the child by reason of his physical and mental immaturity needs special safeguards and care, including appropriate LEGAL PROTECTION BEFORE AS WELL AS AFTER BIRTH....". Principle four of the same document states "The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special CARE AND PROTECTION SHALL BE PROVIDED BOTH TO HIM AND HIS MOTHER, INCLUDING ADEQUATE PRE-NATAL AND POST-NATAL CARE." (Emphasis added)

The CWL reiterates its support FOR GUARANTEES FOR THE PROTECTION OF CHILDREN BEFORE AND AFTER BIRTH as set out in its 1976 Statement on the Right to Life (Appendix A) and again urges the Government of Canada in its considerations of The British North America Acts to be "VIGILANT IN RECOGNIZING THE NEED FOR LEGAL PROTECTION OF THE UNBORN AND THE VALUE OF HUMAN LIFE UNTIL THE TIME OF NATURAL DEATH." (15)

(15) The Catholic Women's League of Canada: "The Right to Life - a Basic Norm of Society" (Appendix A)

"Recent and continued advances in genetics raise the spectre of potential misuse of science. Progress in this field has been far reaching and more rapid than most scientists anticipated and although scientists, particularly geneticists, will have a responsibility in the consideration of scientific consequences, their expertise does not necessarily extend into moral, ethical and social consequences of scientific discovery. In fact, because of their parochial interests, scientists are rendered less than objective in such matters...the inherent problems and discussions for families are most crucial." (16)

Regarding *human experimentation* we need to identify basic ethical principles and develop appropriate guidelines for continued research while at the same time protecting basic human rights. The CWL believes this TO BE A SERIOUS MATTER WHICH SHOULD BE CONSIDERED BY THE GOVERNMENT OF CANADA.

(16) The Catholic Women's League of Canada: Problem Areas in Contemporary Human Genetics, September 1977 (Appendix (C))

RECOGNITION OF WOMEN AS EQUAL CITIZENS

"The Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the Human person and the position of the family in a society of free men and free institutions." (17)

The Catholic Women's League of Canada strongly URGES THAT THIS RECOGNITION OF THE DIGNITY AND WORTH OF THE HUMAN PERSON BE INCLUDED IN A NEW CONSTITUTION WITH PARTICULAR RECOGNITION OF WOMEN. It is only in the last fifty years in Canada that women were granted the status of persons ("Persons Case, 1929") yet apparently there are many still in society who have not accepted this verdict and do not deal decisively with the reality.

As women, we are determined to guard jealously the decision of the Privy Council in England which overruled the Supreme Court of Canada, making the proposition that women are fully persons a part of the Constitutional Law of this country.

Discrimination based on sex must be avoided by both the careful use of language in the laws of our country and the positive proof of affirmative action on the part of governments. This will ensure and demonstrate to our nation a willingness to give reality to the concept of women as fully human persons and would encourage their participation in the life of the country. The appointment of women to high political positions, the encouragement of women to run for office, the enactment and strict enforcement of anti-discrimination laws in the labour force, the availability of equal opportunity in employment are all ways in which government can and should lead the way.

It is deemed timely to urge that the use of language referring to both men and women state specifically, in reference to persons, persons of both sexes and to state "he" or "she", where required, (rather than as in The British North America Acts and certain current government documents where the references are to "he", "him")

(17) The Canadian Bill of Rights: Statutes of Canada 1960

The Royal Commission on the Status of Women in Canada made its report to the Government of Canada on September 28, 1970. While many of its recommendations have been implemented we would remind the Government that many are still to be discussed and decisions which will benefit all Canadians are still to be made.

NATIVE RIGHTS

A guarantee of human rights embodied in a written document, one which is difficult to alter, would represent a commitment to all Canadians. Whatever their origins or regions, whatever their training, or skills, ALL Canadians should be assured of the opportunity to obtain the education they desire, to practice the religion they prefer, to speak the language they choose, to pursue the occupations they wish, where they wish, to receive equal treatment at all stages in their lives from their fellow citizens and particularly from their governments.

The CWL has expressed on several occasions its concern for the native peoples of Canada and believes that the native peoples are striving to have injustices corrected, to re-establish for themselves some measure of self-sufficiency, health, dignity, personal worth and independence. In its 1979 statement on Human Rights (Appendix B), the CWL made reference to its efforts directed to the achievement of an improvement in the lives of the native peoples and its commitment to urge the Government to such improvements.

The CWL urges those designated to prepare a Constitution for Canada to INCLUDE in any such Constitution, after due consultation with representatives of the native people concerned, POSITIVE PROVISIONS FOR THE PRESERVATION OF THE RIGHTS OF THE NATIVE PEOPLES OF CANADA AND FOR EQUAL OPPORTUNITIES FOR THEM.

The Hon. Warren Allmand, then Minister of Indian Affairs and Northern Development, addressing the delegates to the 1977 National Convention of the Catholic Women's League, expressed the need for "national reconciliation" in these words which are applicable to the situation of the native peoples at this time: "Reconciliation" he said, "is needed not only between native Canadians and others, or between English and French but also between immigrants and native born, rural and urban, rich and poor." His challenge to his listeners was that they be in the forefront of this reconciliation and he suggested the process be carried out wherever there is division or misunderstanding.

We once again urge the Government of Canada in its discussion of The British North America Acts, to act upon our recommendations of 1976 and 1979 and ENSURE THAT INDIAN WOMEN WHO MARRY NON-INDIANS CAN REGAIN AND RETAIN THEIR INDIAN STATUS.

This right of a particular minority group has also been the subject of representation by the Canadian Advisory Council on the Status of Women and the Catholic Women's League supports the Council's views in this matter.

In general terms we refer to the 1970 recommendations of the Royal Commission on the status of Women in Canada, on Eskimo and Indian women and URGE the Government of Canada TO INCLUDE the recognition of the distinctive cultures of the native peoples in the rewritten Constitution and Bill of Rights. (18)

(18) Report of the Royal Commission on the Status of Women in Canada, Government of Canada Publications Z1-1967-1. Recommendations 92-96

ENVIRONMENT AND RESOURCES

The dimensions of Canada are vast but its geography is such that only a small proportion of its land can be devoted to the production of food and agricultural products. Thus the preservation and development of forests, of arable land, the resources of the sea, animal and bird life, are seen to be matters of national concern. Present provincial laws are inadequate to the task of protecting this heritage. For example, new urban areas continue to use up rich productive land rather than unproductive acreage.

"Many voices now warn that mankind has reached a 'turning point' in history; critical decisions must be made now to stop plundering the Earth's non-renewable resources before it is too late. Yet this industrialized society treats the resources of the Earth as if they were limitless." (19)

Those preparing the original British North America Act in 1867 could not have foreseen the awesome results of increasing industrialization but in 1980 there is the opportunity in the repatriation of the Constitution to write in GUARANTEES FOR THE PROTECTION OF THE NATURAL RESOURCES of our country for future generations and the CWL would urge that this be done.

In the concern for such protection consideration should be given to such areas as:

1. preservation of arable land
2. utilization of the sea's vast wealth in protein and minerals
3. controls to protect the ozone layer
4. intelligent conservation of the forests and prevention of water pollution
5. the misuse of nuclear energy and the questionable methods of waste disposal
6. more study of economical and renewable sources of energy such as solar, wind and hydro

(19) Northern Development: At What Cost?: Labour Day Message 1975
Canadian Conference of Catholic Bishops, para. 22

RESPONSIBILITY TO DEVELOPING COUNTRIES

Since a country is no more an island than is any person, Canada must so order its affairs that it functions as a responsible member of the larger community...the international community.

The CWL is aware of strong obligations in this regard.

"Since this vast wealth is rooted in the new technologies, it flows only to those who have the capital and the education to deploy and use the new techniques. Two-thirds of humanity, living in the excolonial lands of Latin America, Africa and Asia are only just beginning to cross the new scientific threshold of abundance. For the time being therefore, the gap between the already wealthy Atlantic nations and the rest of mankind is very wide and can become even wider." (20)

Canada has been a participant in the deliberations of world bodies, such as the United Nations, and has been a contributor of citizens' time and taxpayers' monies in rendering assistance to those countries whose development has not reached the same stage as that of Canada. However, Canada's aid still falls far short of the goal of 7% of the Gross National Product recommended in the Pearson Report of 1969. (21)

A Constitution for Canada which would include provisions dealing with the responsibility of Canada and of Canadians to the world community MUST ENSURE THE CONTINUATION OF EFFORTS AND OF SUPPORT FOR EFFORTS TO ACHIEVE NOT ONLY WORLD PEACE AND HARMONY BUT THE INDIVIDUAL FULFILLMENT OF OTHER PEOPLES WHOSE CURRENT SITUATION DOES NOT AFFORD THAT OPPORTUNITY.

"It is quite explicit. God's ears are closed to faith without works. God hears us only when we learn to love one another in the straightforward, material sense of sharing our abundance, caring for the needy, feeding the hungry, sheltering the homeless, caring for the sick. There is nothing ambiguous about it. Either we feed the least of these little ones or we are damned. It is as simple as that." (22)

(20) World Development: The official report and papers of the Conference on Society, Development and Peace (Sodepax) Introduction by Barbara Ward Jackson, page xii

(21) Partners in Development: Report of the Commission on International Development, Lester B. Pearson, Chairman. Recommendations #2, page 152

(22) World Development, Barbara Ward Jackson, page xiii

The well being of the people of Canada will be insured not only by preservation internally of the freedoms and fundamental rights discussed in its many papers by the Government of Canada, but also by preservation of a system of protection for its citizens from external forces. Establishment of sufficient defences and participation in the deliberations of the international community dealing with limitations of arms, emission of dangerous substances, defence, air and water rights are properly the subjects of a Constitution. (23)

(23) The Constitution and the People of Canada, page 12

CONCLUSION

"A Constitution is much more than an abstract document. It is the fundamental law of a country; and, as such, it ensures the establishment and maintenance of a legal order whose objective must be to protect the rights and promote the well-being of its citizens." (24)

The Catholic Women's League of Canada is mindful of the complexities of the problems facing the Government in preparing a Constitution for Canada and expresses its earnest hope that the current deliberations prove fruitful for each individual Canadian.

It is the responsibility of all citizens of good will to work together for the common good. The Catholic Women's League of Canada welcomes the opportunity to present the opinions of its members and dedicates itself to continue to contribute to the understanding and growth of religious freedom, racial justice, peace and harmony for God and Canada.

The Catholic Women's League of Canada
November, 1980

(24) Opening statement by the Hon. Jean Chretien to the Continuing Committee of Ministers on the Constitution, Montreal, July 8, 1980

SUMMARY OF RECOMMENDATIONS

1. The Parliamentary System

- retention of the Parliamentary system
- basic political rights of citizens to include the right to hold office.

2. The Senate

- provision for the organization of the Senate including powers, immunities and privileges of members to be included in the Constitution
- provision for a method to ensure the appointment of a significant number of women in the Upper House
- restructuring of the Upper House to ensure equitable provincial representation and provincial appointments
- a number of women justices should be added to the Supreme Court
- Supreme Court judges to be drawn from a wider group in society

3. Education

- the right of children to education and the rights of all Canadian parents to schools of their choice, i.e. language and religion
- retention of right to separate or dissentient schools
- right of parents to choose the type of education required for their children and funding by the appropriate jurisdiction

4. Family Life

- legal protection of the human person from the moment of conception to the time of natural death
- marriage and divorce under federal jurisdiction
- protection of the separated and divorced from the problems of interprovincial abduction, inter-provincial evasion of support
- recognition of the seriousness of human experimentation

5. Recognition of Women as Equal Citizens

- recognition of women as full persons
- constitutional guarantees of the rights of women
- See Senate and Native Rights

6. Native Rights

- preservation of native rights and provision for equal opportunities for native peoples
- ensure that Indian women who marry non-Indians can regain and retain their Indian status
- recognition of the distinctive cultures of native peoples

7. Environment and Resources

- guarantees for the protection of the natural resources of the country

8. Responsibility to Developing Countries

- participation in world affairs dealing with international matters
- support for international aid programs designed to further Canada's concern for justice and equal opportunity
- establishment of adequate defence systems
- increased percentage of GNP to aid developing countries

CWL 1976 STATEMENT ON
THE RIGHT TO LIFE
A BASIC NORM OF SOCIETY

THE MOST fundamental of all human rights, without which all other rights are meaningless, is the right to life. This basic right to life is enshrined in the Universal Declaration of Human Rights which declares that each person has the right to life, liberty and security of person. It is articulated in various ways in the legislation of every civilized country, including our own.

We agree with the statement of our Prime Minister, the Honorable Pierre E. Trudeau, made during the debate on the abolition of the death penalty:

"It is clear that the protection of innocent people against assaults on their lives and liberty is one of the highest duties of the state....Respect for human life is absolutely vital to the rights and freedom we all enjoy."

Moreover the right to life is based not solely on manmade laws, but on the law of the Creator who is the author of life and retains for Himself the Lordship over life and death. No civil law can abrogate this God-given right to life.

THE RIGHT TO LIFE OF THE UNBORN CHILD

Innocent human life has a right to inviolability from the moment of conception to the moment of natural death.

Science verifies that a new individual human life begins at the moment of conception, at which time all the genetic elements are present that will form the unique character of that particular person. No doubt exists that abortion is the destruction of human life, regardless of the stage at which deliberate termination of pregnancy occurs, prior to the viability of the fetus.

The United Nations 1959 Declaration of the Rights of the Child states:

"Whereas the child, by reason of its physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth..."

Canada, as a member of the United Nations, has committed herself to this Declaration.

Society cannot remain civilized when one individual is given the right of life or death over another, the threatened individual having no recourse to legal protection. One denial of the right to life inevitably leads to another. History has shown the brutalizing effects of assaults on innocent life for reasons of race, creed or colour. It is only reasonable to expect that once society condones the destruction of developing human life in the womb pressures will follow for further erosion of the right to life by euthanasia, infanticide, medical and genetic experimentation, etc.

LEGISLATIVE CHANGES REQUIRED TO ASSURE RIGHTS OF THE UNBORN

Canadian law on civil rights closely follows that of English law and since the eighteenth century has granted steadily more protection and recognition of the rights of the unborn child.

The fact that since 1969 over 20,000 unborn babies have been killed by abortion in Canada, with an escalating incidence each year, is irrefutable testimony that present Canadian abortion law overrides the right to life of innocent unborn persons incapable of defending themselves.

To protect the right to life of the unborn in Canada The Catholic Women's League of Canada urges two changes in Federal Legislation:

1. Amendment of the Canadian Bill of Rights RSC 1970 RC 44 as follows:

"It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, or stage of maturity, whether born or unborn, the following human rights and fundamental freedoms...."

2. Removal of the word "health" from Section 251 of the Criminal Code.

We go on record as being unequivocally opposed to removal of abortion from the Criminal Code of Canada, as currently being promoted by pro-abortion activists, because this would destroy the last remaining vestige of legal protection currently accorded the unborn by Section 251 of the Criminal Code.

ABORTION AS A METHOD OF BIRTH CONTROL

An important contributing factor to the escalating incidence of abortion in Canada is the increasing use of abortion as a method of birth control.

This trend is substantiated by the results of a study by Dr. Marlene Hunter, reported in the C.M.A. Journal of November, 1974 on 605 applications for therapeutic abortion over a 44-week period in one community hospital, all of which were approved. No contraceptive measures were being employed at the time of conception by 69.7% of the women applying for abortions.

Dr. Hunter comments:

"The conclusion that a significant number of women consider abortion as a means of birth control seems inescapable".

An abortion counselling service (now the Abortion, Contraception Counselling and Research Association) reports that 62% of its clients in Ottawa-Hull and 60% in the Toronto area took no steps to prevent the pregnancy, even though they knew how to avoid conception.

There is a fundamental difference between family planning practices aimed at the prevention of conception and abortion which takes place following conception. We believe this distinction is blurred and abortion tends to become accepted as another form of family planning through a lack of public education and by the fact that abortion counselling is being done by family planning agencies.

To remedy this distortion of the facts we strongly urge three steps by Federal and Provincial Departments of Health:

1. A clear statement rejecting abortion as an acceptable method of birth control.
2. Elimination of abortion counselling and referrals from the permitted scope of activities of publicity funded family planning programs.
3. Encouragement and funding of pro-life education programs regarding the development of human life within the womb.

THE COMMITTEE ON THE OPERATION OF THE ABORTION LAW

On October 15, 1975 a three member committee was set up by the Federal Justice Department to investigate whether the Canadian Therapeutic Abortion Law, in force since 1969, is being applied equally across Canada.

The Committee's membership and its terms of reference are undeniably pro-abortion. Furthermore the fact that no public hearings are planned and there will be no public access to the committee's data and sources cast the most serious doubts as to whether an unbiased and factual report will be forthcoming.

The Catholic Women's League of Canada strongly urges the Justice Minister to establish the credibility of the Committee by the following steps:

1. Appoint a prominent pro-life person to the committee to balance the appointment of the prominent pro-abortionist Dr. Marion Powell.
2. Amend the Committee's biased terms of reference to recognize the existence of the unborn child and its basic rights as a separate entity.
3. Hold public hearings and make the data received and its source a matter of public information.

FETAL EXPERIMENTATION

In various parts of the world inhuman medical experiments are being conducted on live fetuses aborted at various stages of development. Such procedures contravene basic human rights. The Catholic Women's League of Canada strongly urges enactment or strengthening of legislation to absolutely prohibit any form of medical experimentation on live fetuses either in the womb or following abortion.

CONTINUED SUPPORT OF THE PRO-LIFE MOVEMENT

In the light of the continuing and escalating attack on the right to life of unborn Canadians, The Catholic Women's League of Canada pledges itself to maintain and increase its efforts to support the Pro-Life Movement in Canada. As a sign of this commitment from this date onward "Pro-Life" will be a specific section of the Christian Family Life Convenership.

By intensifying this work still further we are in harmony with the constant teaching of the Church throughout the ages, as expressed in recent years by Vatican II in the Pastoral Constitution on the Church in the Modern World:

"God, the Lord of Life, has conferred on men the surpassing ministry of safeguarding life, a ministry which must be fulfilled in a manner that is worthy of man...Furthermore, whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia, or willful self-destruction, whatever violates the human person...poison human society, but they do more harm to those who practice them than those who suffer from the injury. Moreover, they are a supreme dishonor to the Creator."

THE CATHOLIC WOMEN'S LEAGUE OF CANADA1979 STATEMENTHUMAN RIGHTSINTRODUCTION

Since 1920 when The Catholic Women's League of Canada held its first convention as a national organization of Catholic women, it has promoted the Christian ideal in home and family life and recognized the dignity of all people everywhere.

Guided by the social teachings of the Catholic Church in such recent documents as "Peace on Earth" and "Christianity and Social Progress" of Pope John XXIII and "On the Development of Peoples" of Pope Paul VI, the Catholic Women's League has consistently ordered its activities to comply with norms of justice and charity in accord with prudence and human dignity.

To this end, it has over the years, made its views known to the Federal Government through statements, briefs and resolutions on important issues of the time, specifically: Ageing; Housing; Poverty in Canada; The Status of Women; Female Offenders; The Sanctity of Human Life; Bio-ethical problems; Foreign Aid; The Canada Pension Plan, etc.

These presentations have always been graciously received by members of the Cabinet and Leaders of Opposition Parties who have given assurance that the opinions expressed are valuable and have urged us to continue to bring our members' views to their attention.

Accordingly, this statement, prepared for acceptance by delegates to the 59th National Convention of The Catholic Women's League of Canada held in Calgary, September 1979, deals with those topics of particular concern at this time and re-affirms its stand on others presented recently, urging the Members of Parliament to review the position of Government on certain issues with a view to complying with the expressed wishes of many concerned Canadians.

FAMILY LIFE

1. The Battered Syndrome

Since 1971 The Catholic Women's League of Canada has concerned itself with child abuse, expressing this concern each of the following five years with resolutions on the subject. These have asked for changes in Legislation to make it an indictable offense for failure to report suspected abuse; a request to the National Film Board to prepare a film for circulation to social agencies; and mandatory counselling for the parents of battered children.

Some jurisdictions have tightened legislation to protect children and now public apathy has been replaced by greater awareness as more instances of child abuse have received media attention. In addition to the battered child syndrome, there is mounting evidence of violence towards spouses and Canadian statistics indicate that domestic violence is increasing drastically.

Any form of violence inflicted on a person, but particularly on the defenseless, is deplorable and in family situations has a traumatic effect which should be a special concern to every Canadian.

Apart from correcting the causes of such abuse, which may require a long-term approach, frequently there is need for immediate short-term shelter for abused parents and/or children.

The Catholic Women's League of Canada -

REQUESTS THE FEDERAL GOVERNMENT TO IMMEDIATELY INVESTIGATE THE POSSIBILITY AND ACT UPON ITS FINDINGS OF ESTABLISHING COST-SHARING POLICIES THAT WOULD AID THE FUNDING OF THESE SHORT-TERM ACCOMMODATION CENTRES FOR ABUSED PARENTS AND CHILDREN.

Councils of the Catholic Women's League -

PLEDGE THEMSELVES TO URGE THE DEPARTMENTS OF EDUCATION OF THEIR PROVINCES AND THE FAMILY LIFE BUREAUS OF THEIR DIOCESES TO COOPERATE IN PROVIDING PARENTING COURSES IN HIGH SCHOOLS WHERE THEY ARE NOT ALREADY PROVIDED, IN ORDER TO EXPOSE STUDENTS TO EDUCATION IN FAMILY LIFE BASED ON SOUND MORAL VALUES.

2. The Handicapped Child

Children with physical or emotional handicaps are exceptional children with special qualities. They have a demonstrated ability, given the opportunity, to make a significant contribution to society and thus have the right to education and training that will equip them for a meaningful and productive life.

In the words of Cardinal Basil Hume of London, England, "The retarded enrich the Christian community by the witness they give of unaffected simplicity." Exceptional children have unique ability to love and share within the family and community. The Catholic Women's League of Canada -

URGES ITS MEMBERS TO AN UNDERSTANDING OF THE ABILITY OF EXCEPTIONAL CHILDREN, ESPECIALLY THE RETARDED TO LOVE AND SHARE WITHIN THE FAMILY AND COMMUNITY.

SANCTITY OF LIFE

During 1979 the whole world has been reminded repeatedly of the rights of the child and organizations and individuals have taken advantage of this special year to initiate projects to benefit children of all ages. The Catholic Women's League of Canada has as its theme this year, "A CHILD - THE SUPREME GIFT" and councils of the League throughout the country have studied the theme in depth and undertaken a multitude of varied projects in relation to it.

At this time it is appropriate that the Catholic Women's League reaffirms its statement of 1976 concerning the Sanctity of Life from the moment of conception to natural death, expressed as follows:

"In the light of the continuing and escalating attack on the right to life of unborn Canadians, The Catholic Women's League of Canada pledges itself to maintain and increase its efforts to support the Pro-Life Movement in Canada. As a sign of this commitment from this date onwards, 'Pro-Life' will be a specific section of the Christian Family Life Convenership.

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However, it is pointed out with deep regret that the Canadian Commission for the 1979 International Year of the Child has excluded reference to the unborn child in its promotion material, whereas the United Nations Declaration on the rights of the child states in the preamble that "the child by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection BEFORE AS WELL AS AFTER BIRTH".

Therefore, The Catholic Women's League of Canada brings to the attention of the Government of Canada that the goals of the Canadian Commission for the International Year of the Child are contrary to the spirit of the United Nations Declaration which calls for the protection and care of all children, born and unborn and -

URGES THE GOVERNMENT OF CANADA TO BE VIGILANT IN RECOGNIZING THE NEED FOR LEGAL PROTECTION OF THE UNBORN AND THE VALUE OF HUMAN LIFE UNTIL THE TIME OF NATURAL DEATH. THE CATHOLIC WOMEN'S LEAGUE ASKS THE GOVERNMENT TO BE ESPECIALLY DILIGENT WHEN LITERATURE AND PUBLICATIONS ARE PRODUCED, WHETHER THROUGH SPECIAL COMMISSIONS SUCH AS THAT FOR THE INTERNATIONAL YEAR OF THE CHILD, OR ESTABLISHED DEPARTMENTS SUCH AS HEALTH AND WELFARE.

NATIVE RIGHTS

The preservation of the rights of the individual is a fundamental principle in our democracy and this right extends to groups of people of particular cultures.

The native people of Canada are striving to have injustices corrected to re-establish for themselves some measure of self sufficiency, health, dignity, personal worth and independence.

In 1974 The Catholic Women's League of Canada urged that "positive up-to-date images of our natives be inserted in textbooks for Canadian schools..."; and in 1976 asked for review and change of Section 12 of the Indian Act to ensure that these women (Indian women who marry non-Indians) can regain or retain their Indian status.

The Catholic Women's League has also encouraged self-education of members through study of the Indian Act, the 1975 Labour Day statement of the Canadian Bishops, "Northern Development: At what cost" which was reprinted in its entirety in the Winter 1976 issue of The Canadian League.

We believe that "scientific competence, technical capacity and professional experience, although necessary, are not of themselves sufficient to elevate the relationships of society to an order that is genuinely human, that is, to an order whose foundation is truth, whose measure and objective is justice, whose driving force is love, and whose method of attainment is freedom". (Pacem in Terris, p.p. 149)

Consistent with its commitment to justice and its motto "For God and Canada" the Catholic Women's League -

URGES THE FEDERAL AND PROVINCIAL GOVERNMENTS TO BASE THE FUTURE DEVELOPMENT OF THE CANADIAN NORTH ON "SOCIAL JUSTICE AND RESPONSIBLE STEWARDSHIP" (C.C.C.B. STATEMENT) WITH REGARD TO LAND ENTITLEMENTS AND TREATY SETTLEMENTS.

The Catholic Women's League -

FURTHER URGES THE FEDERAL GOVERNMENT TO GIVE PRIORITY TO ITS REQUEST OF 1976 REGARDING THE RIGHTS OF INDIAN WOMEN.

"The living God calls us to a life of caring, sparing, sharing the limited resources of His planet" (C.C.C.B. statement). Accordingly, since wasteful energy practices affect all of us, members of the Catholic Women's League pledge themselves to -

ALTER PERSONAL LIFE STYLES BY USING LESS ENERGY AND TO EDUCATE THEMSELVES AND THEIR CHILDREN TO TAKE RESPONSIBILITY FOR THE RESOURCES OF THIS COUNTRY AND ENDEAVOUR TO GAIN A DEEPER UNDERSTANDING OF THE NATIVE HERITAGE AND ITS CONTRIBUTION TO CANADA.

CONCLUSION

It is the responsibility of all citizens of good will to work together for the common good. The Catholic Women's League of Canada welcomes the opportunity to present the opinions of its members on the problems of the day and dedicates itself to continue to contribute to the understanding and growth of religious freedom, racial justice, peace and harmony, for God and Canada.

PROBLEM AREAS IN CONTEMPORARY HUMAN GENETICS

By Mrs. J.J. Mahoney
Regina, Sask.

This working paper on Genetics, with special emphasis on Genetic Engineering and other problem areas in contemporary human genetics, has been prepared after extensive reading and research.

Cognizant of the seriousness and complexity of the entire field of Contemporary Human Genetics, The Catholic Women's League of Canada wish to acknowledge their awareness of the problems, the awareness of the church, and the delicate task for the official church to encourage anything positive for humanity and also to remind scientists of the limits imposed on scientific investigation by the very nature and dignity of man. Caution, reverence, responsibility and respect for the human person are key issues.

One of the primary objectives in addressing ourselves to this issue is educational. The general public has a need to be informed about research issues in order to ensure scientific progress in a fashion that respects human values, allows scientific inquiry, promotes public health and formulates policy in this matter.

It is also desirable to call attention to ethical dimensions which stimulate sound moral reasoning. There needs to be open communication between science and the public if we are to critically assess and wisely use scientific progress. Do we as members of the Catholic Women's League not have the responsibility to be informed of these issues and in turn help to educate the general public to encourage them to act on such matters? The basic question: Will we use these dramatic innovations to re-establish the priority of our values, or will we simply let them join other instrumental forces which drag blindly towards their own ends or are abused by tyrannical values.

To protect mankind from becoming a society of heartless computers and to safeguard our "human dignity", Christian moral ethics dictate that we analyze the "biological revolution" and its far-flung implications. According to Daniel Callahan*, we are dealing with an ethical question touching on the nature of man, the meaning of life and death, our dignity and our future.

"It demands", he says, "that we ask how research is to be carried out and how its results are to be used. It requires that we query how professional codes are to be devised, how patients and the subjects of experiments are to be treated. It insists that we determine how the good of the individual is to be balanced against the requirements of the common good".

There may not be positive yes and no answers to the many and varied questions confronting us today but there are ways in which we must as members of society be actively co-responsible for the future of humanity, insuring that the ethics of social changes and public policy reflect a Christian people's reverence and love for life.

*Dr. Callahan is director, Institute of Society, Ethics, and the Life Sciences, Hastings Center, Hastings-on-Hudson, New York

We live in a world of conflicting human values. The Bill of Human Rights of the United Nations states that one incorrigible right of every person to have a family is a basic human right that must not be infringed upon. One wonders, is this right to remain unrestricted? Is it not equally a right of every person to be born physically and mentally sound, capable of developing fully into a mature individual?

Has society, which must support at great cost the burden of genetic misfortune resulting from mutation, chromosomal accident and prenatal harm inflicted by trauma or virus, no right to protect itself from increasing misfortune?

By the year 2000, the control of human behavior by artificial means, could have become a frightening possibility. Will it be necessary to use tranquilizers and hallucinogens to keep the population from becoming unruly. More and more subtle forms of conditioning will lead people to react in predictable ways desired by manipulative bodies. The added possibilities of controlled reproduction make these psychological methods of control over learning and behavior more drastic.

What will be the effect upon society and upon the family in particular of a complete liberation of sexual life from its relationship to reproduction?

Can we safely, after a million years of human and prehuman evaluation during which the family has been the basis of all-protection, education and nurture, give it up? What will be the psychological consequences of a population with no personal ties either to the older generation or to the younger generation? Can we look forward to a brotherhood of mankind when there are no more parents, brothers or children, only unrelated people? We must not ignore the possibility that genetic means of controlling human heredity could become a massive means of human degradation.

The family is rapidly becoming the only institution in an increasingly impersonal world where each person is loved not for what he does or contributes, but simply because he is. Destruction of the family unit would throw us even more than we are now, on the mercy of an impersonal lonely present.

Are we faced with a future in which many cherished values of our society and many ethical standards will be questioned or superseded? It is not sufficient to have a few scientists raise such issues. It is a responsibility of each individual.

Only prolonged and profound attention by many of the wisest men of our times, men of philosophy and religion, members of society and of government and representatives of the common interests of man throughout the world, together with teachers and scientists, may achieve a wise and sober solution of the crisis of values evoked in our world by scientific discoveries and their applications.

There are many and varied consequences of scientific research - the one inescapable result of research is that it increases knowledge and the application of this knowledge in general can improve the quality of life. Another inescapable result of research is that scientific discoveries will not always be applied to what most people consider desirable ends.

Recent advances in genetics raise the spectre of the potential misuse of science. Progress in this field has been far reaching and certainly more rapid than most scientists anticipated. In fact, in genetics, what was once science fiction is now science. Although scientists, particularly geneticists, will have to play a role in the consideration of scientific consequences, their expertise does not necessarily extend to the moral, ethical or social consequences of scientific discovery. In fact, many would argue that because of their parochial interests, scientists are rendered less than objective in such matters.

These considerations make it important to discuss the prospects of genetic manipulation in man in as broad a forum as possible including the medical profession, the lay public, government, theologians, sociologists and qualified backup research staff.

Although there might be some disagreement about which types of genetic manipulation are most imminent or which pose the greatest problems from ethical and social points of view, there is consensus that problem areas in contemporary human genetics include:

1. A.I.D. (non-husband).
2. In Vitro Fertilization and embryo transplant.
3. Amniocentesis and pre-natal diagnosis.
4. Genetic Screening.
5. Genetic Counselling.
6. Testing for carriers of dominant defects which may not manifest themselves for several years.
7. D.N.A. Recombination.
8. Informed consent.

The field of literature covering the various domains of human genetics is enormous. Some are technological, medical, philosophical, ethical and social character. Some of the most ethical issues can be simply identified. However, taking a position is difficult because of our ignorance of consequences, the speed of development of genetics and the value conflicts which are apparent.

ARTIFICIAL INSEMINATION - NON-HUSBAND DONOR

With the advent of A.I.D. (non-husband), there is an asymmetry introduced into marriage - a lack of symmetry of partnership and of responsibility. The communication of genes from man to woman to establish the beginnings of another human being involves much more than the communication of chemical elements existing in genes. It involves communication within family tradition; it involves not only extraction of a child from the human gene pool but also two long histories of two different families. A child can identify himself with these family traditions, whereas with A.I.D., family tradition on one side only is available to the child.

There tends to be an imbalance in the marriage relationship through A.I.D. In the nature of marriage as we know it, there is a promise of exclusive expression of sexual love and of procreation.

With A.I.D., there runs a great risk of a lack of balance on the personal relationship level and there may be resultant tension. General information is meant to be integrated with love, hope, promise, respect and a search in quest for identity together. A.I.D. fragments this relationship.

We conclude A.I.D. cannot be morally justified especially where it is not the only option open to a couple who want to have a child. Adoption is an open option and places both husband and wife in a position of equality in relationship to that child.

IN VITRO FERTILIZATION - EMBRYO TRANSPLANT AND THE USE OF ARTIFICIAL UTERUS (AMNIOTIC TANKS).

We have all the techniques necessary for the production of human beings in the laboratory - not for reproduction as now known. This is a complex technology and a radical form of genetic engineering meant to help infertile women who have normal, healthy wombs. It involves experimenting with the unborn. It also deals with a high number of failures which may become monstrosities.

This presents a radical separation of new life from sexual intercourse, nest or romance involvement, and from the personal love, promise, trust and hope we usually associate with the traditional marriage and family relationship. It affects social, cultural and biological institutions. The whole process of evolution would be radically ruptured. There would be a radical and drastic departure from biological foundations of marriage as known for a long time.

There needs to be a moratorium on all these activities until we have discussed, debated and clarified these techniques which we can stop if need be. Dr. David Roy* says, "We need to be extremely careful in our societal approach to the reproduction of human beings. Drastic steps with drastic consequences often call for drastic solutions. Let us make sure we are not headed down the road to absurdity."

CLONING

Clonal reproduction means negative or asexual reproduction.

Cloning experiments have been going on in scientists laboratories for some time, but thus far clones of frog or carrot donors are key achievements. Scientists estimate human cloning by the year 2000. If this is true, we must ask ourselves what then happens to the uniqueness of each individual. This makes it possible to create the best scientists, soldiers or statesmen. What, for example, is considered defective? A clubfoot, blue eyes, black skin, crooked teeth? Who makes this decision?

Should an independent scientist carry out such an experiment in the absence of public authorization? In the case of mishaps, who will or should care for it and what rights will it have?

*Dr. David Roy - Director, Clinical Research, Institute of Montreal Centre for Bioethics.

We procreate new human beings like ourselves in the midst of our love for one another and in this there is a trace of the original mystery by which God created the world because of His love.

EUGENICS

NEGATIVE - the taking of such measures as will diminish the genetic load in later generations.

POSITIVE - taking measures that might in a positive way improve the quality of human life for future generations. This can be done by encouraging the breeding of people who are unusually low in genetic defects and perhaps unusually well endowed with human talents. Positive eugenics is threatening. We are telling people they are not good enough to breed. Coercive government intervention is not acceptable to force people to breed according to official specifications.

AMNIOCENTESIS AND PRE-NATAL DIAGNOSIS - INTRAUTERINE MONITORING

Although a substantial number of serious genetic disorders can be detected in the fetus through amniotic cell analysis, a much larger group of inherited disorders cannot as yet be identified in this way. Potential misuse of this procedure:

1. How does one define serious?
2. Will fetal evaluation for the purpose of selecting the sex of one's offspring be accepted?
3. How much and to what degree will such technological tools foster an intolerance for imperfection in our society?
4. Have we confused abortion with therapy?
5. Is ours the right to radically rupture the human drama at its very beginnings? Is medicine not then to aid rather than only to cure?

It is important to note that detection of genetic disease in the fetus need not relate only to potential abortion. It may be possible in the not too distant future to consider initiation of effective therapies for certain genetic disorders during the fetal life.

With continued research into the early diagnosis on genetic disease and into basic pathogenic mechanisms involved, it is likely that techniques for intrauterine fetal therapy will evolve. Diagnosis is there to aid the doctor in pre-natal medicine; it is not meant as a road to infant euthanasia.

GENETIC SCREENING

The potential advent of genetic screening raises new and unanticipated ethical, psychologic and sociomedical problems for which the physician and public may be unprepared.

Genetic screening programs require well-planned program objectives, involvement of the communities immediately affected by screening, provision of equal access, adequate testing procedures, absence of compulsion, a well defined procedure for obtaining informed consent, safeguards for protecting subject, open access of communities and individuals to program policies, provision of counselling services, an understanding of the relation of screening to realizable and potential therapy and well formulated procedures for protecting the rights of individual and family privacy.

Genetic screening demands safe tests, correct interpretation and attention should be called to a risk of possible psychological or social injury. How harmful will labelling of a person be? Such programs for screening need to be accompanied with carefully designated and executed public information programs.

Equal access, absence of compulsion, informed consent, privacy and confidentiality are important aspects of genetic screening.

MASS GENETIC SCREENING is not desirable and should not be mandatory because of the climate of threat especially where there is no therapy. It runs the risk of severely violating fundamental human rights, especially those of ethnic minorities.

APPLICATION OF GENETIC KNOWLEDGE must be kept within the framework of the ultimate goal of medicine - to heal the sick individual or family of disease. Therapy is the goal. We should not become accustomed to prevention of illness or confuse that with therapy. Voluntary screening options should follow massive and detailed comprehensive educational programs.

GENETIC COUNSELLING

Genetic counselling includes the provision of information concerning diagnosis, prognosis and odds for recurrence. Counselling involves not only semantics, but touches on values and beliefs. Counselling must be personal. It cannot and should not be directive but must be informative. It must be available at more than one session.

The proportion of people who really need genetic advice is small but many who need, need it badly. The personal decisions involved are very difficult: whether to marry, whether to have children, whether to have a future child, whether to adopt a child.

The ideal genetic counsellor is not only knowledgeable in the medical and genetic aspects of the disorder he is discussing, but he must have the qualities of sympathy, compassion, willingness to listen and sensitivity to the moral and religious outlook of his patients.

Inexact diagnosis leads to bad counselling. Parents being counselled should be relieved of any guilt feeling by explaining to them they are not guilty or responsible but just victims of unfortunate hazard. Explanations must be given with a great deal of precision.

The purpose of genetic counselling is to relieve the counselees of the worries that brought them to a clinic; to give them what information you can give, and if after they have received this information, they do go on to have children, that decision is a correct one for them and the counselling has served its purpose.

The real questions are:

1. Who is going to be counselling whom?
2. Using what criteria?
3. Who is going to formulate those criteria?
4. If counselling is carried out in a hospital, who is on the hospital staff, and what kind of a community does the hospital serve?

GENETIC RESPONSIBILITY

We are not responsible as the recipients of errors but should we be responsible for the transmission of errors?

How far does individual freedom extend? Should individual freedom include the freedom to impose upon society costs that society does not want?

We must recognize that this is a finite world. The money we spend for one purpose, we cannot spend on another. If we spend all our income on the phenotypic correction of genetic defects, there will be little left for presenting an adequate quality of life.

PROBLEMS

1. Who has the legitimate authority to determine how the new genetic technology should be used? Scientists and physicians? Legislators? What are the proper ends for the use of this technology? e.g. Should this technology be employed in the service of parental desires to pre-determine the sex of offspring? Will the pursuit of these ends on a societal level conflict with traditionally recognized human rights and values? If so, how does one weigh the rights of the individual against social needs and goods? e.g. Should eugenic considerations be allowed to override the human rights of self-determination in marrying and in founding a family? Does the potential of this technology imply new rights and values which ought to be recognized? e.g. Does every child have the right to begin life with a sound mind and body?
2. Do parents have the right to determine according to their own wishes and notions of what is good for them, the biologic quality of their offspring. (conflict with a fetal right of life).
3. Should parents recognize a right on the part of society to intervene in parenthood and shape reproductive behavior?
4. Do parents have a duty to transmit relevant genetic information to relatives that may be at high risks?

Should a couple be allowed to have a defective child if this is their decision, without pressure being brought to bear on them?

D.N.A. RECOMBINATION

Recombinant D.N.A. is a scientific tool of enormous potential and signifies our first step towards control of human evolution.

"Genetic-manipulation to create new forms of life places biologists at a threshold similar to that which physicists reached when they first split the atom."

"Proponents of research in D.N.A. - the master molecule of life - are convinced that it can help point the way toward a promised land - of understanding and perhaps curing such inherited diseases as diabetes and hemophilia; of new vaccines of a vastly improved knowledge of the genetics of all plants, animals and including eventually even humans." (TIME, special section, April 19, 1971.)

Opponents of the new research acknowledge its likely bounty but fear that those benefits might be outweighed by unforeseeable risks. What would happen, if accidentally for example, re-engineered E

Coli escaped the lab, multiplied and found its way to human intestines and caused baffling diseases?

The scientific community is bitterly divided about the unknown risks of genetic engineering. The D.N.A. furor has already intruded on the free exchange of information so vital to scientists. Scientists clearly do not have any diabolical intent but their emotional and unusually public debate over D.N.A. has made ordinary citizens sit up and take notice.

Molecular biologists now can alter the very stuff of life - they can combine genes into wholly new substances called recombinant D.N.A. Such experiments are the most exciting in contemporary science. They are also the most awesome, and they have provoked a grave debate among scientists; many fear that their work may create dangerous and uncontrollable forms of life.

At issue now is not just the future of a seemingly occult branch of modern biology. The overriding question is whether citizens not specially trained to understand modern science can influence the racing technology that in turn affects them intimately and to all appearances, uncontrollably.

Gene transplantation was the first innovation which was submitted to public judgement before the technology had been put into widespread use or before heavy investment had given it momentum that was hard to oppose. How did this happen? Largely by inadvertence. The scientists desperately wanted to manage potential research hazards without public intervention. Some who realized early that a conspicuous debate might escape the confines of the scientific community, implored their colleagues to resolve the issues quickly while they were still in control.

In 1974, scientists were asked not to improve the antibiotic resistance of bacteria, not to put any kind of animal virus into them and not to insert genes for known toxins like botulism into organisms that do not normally carry them. The group also asked their colleagues to "weigh carefully" putting animal D.N.A. into bacteria.

A group of scientists sent a letter to "Science", a respected and popular weekly for professional scientists and a journal read cover to cover by reporters for all the major news media.

The biologists request affected research itself. The social responsibility of scientists became more evident.

It was required that certain experiments be done in special laboratories. Many scientists did not have such facilities immediately accessible and they had to persuade their research institutions to build them. Work with animal viruses for example was relegated to "moderate risk" containment facilities.

High risk facilities had more stringent specifications. These maximum containment facilities must be separated from the outside world by airlocks.

Because only a few of the genes in any organism have been identified, most shotgun fragments of D.N.A. will necessarily be unknown quantities. Some of these fragments might prove nasty if they augmented a bacterium's ability to produce disease. In theory, some shotgun experiments could be as dangerous as experiments banned by common consent. Others undoubtedly, the vast majority would be safe. It would be impossible to know in advance which is which.

Recombinant D.N.A. (deoxyribonucleic acid) research, is an issue which illustrates the endeavour of scientists and the public to ensure scientific progress in a fashion that respects human values. This debate has not yet come to full maturity. e.g. It is too early to determine precisely how to reconcile scientific inquiry, public health, human values and policy. It is not too early to outline its many dimensions and to urge informal public participation.

There is need to call attention to the moral dimensions beyond the hazards issue and offer some guidelines in moral reasoning concerning Recombinant D.N.A. research. The responsibility to be informed is especially critical for those in teaching and pastoral and counselling roles.

This research has increased our understanding of the organization of genes in lower organisms and of gene duplication. It is thought there will be beneficial practical applications. On the other hand, the research is a cause of concern because some experiments may pose new, unanticipated risks. Biologists are altering the genes of living things without being able to predict the outcome.

Because this technology has the potential to modify all forms of life, it requires full exploration of the ends it serves and the means to these ends. Serious, thoughtful reflection on these matters as well as responsible collaboration between scientists and the public are morally and pragmatically imperative. This process of reflection was initiated by the scientific community on an international level and had expanded to include members of the public in local communities. The nature and extent of the debate calls for respectful, patient, responsible behavior on the part of all participants.

Simply stated, the dilemma is this: investigation involving recombinant D.N.A. promises great theoretical advances. Moreover, this technique may have practical applications (e.g. in medicine and agriculture). At the same time, because the research is new (in some cases involving pathogenic substances and sometimes new organisms) it may involve unknown and potentially grave risks.

It is generally agreed that there is need for caution since D.N.A. molecules could escape from the laboratory with consequences which cannot be foreseen. Parties to the controversy adopt various stances ranging from the opinion that already too much time has been lost and work should proceed apace, to the other extreme which would ban all recombinant D.N.A. research as inherently too risky.

Without detailing the history of the entire controversy, several commendable aspects of the debate should be noted. The issue came to public attention through the responsible action of scientists themselves who were concerned about the possible hazards. Furthermore, molecular biologists voluntarily imposed a moratorium on the conduct of certain types of recombinant D.N.A. research while the situation was reviewed. The process of deliberation about the technique and its hazards was open. In other words, there has been a serious effort on the part of some scientists to consider the risk dimension of the matter.

D.N.A. technology places in human hands the capacity to redesign living organisms. The nub of this new technology is to move genes back and forth across any boundaries that now divide living organisms. The results will be essentially new organisms, self-perpetuating and permanent. Once created, they cannot be recalled.

Transfer of new recombinant D.N.A. molecules to E. Coli, a bacterium that normally inhabits the human intestinal tract raise such questions as:

1. Can widespread dissemination of such new bacterial strains and perhaps their colonization of the human intestinal tract be prevented?
2. Are the newly created plasmid D.N.A.'s and their host bacterial strains hazardous to man?

At least 1500 distinguishable human diseases are already known to be genetically determined and new examples are being reported every year. Many human genetic diseases are rare. For example, incidence of P.K.U. is about 1 per 18,000 live births per year in U.S.A., others such as cystic fibrosis occur about once in 2,500 live births. When considered together as a group, however, genetic diseases of humans are becoming an increasingly visible and significant medical problem. While the molecular basis for most of these diseases is not understood, a recent review listed 92 human disorders for which a genetically determined specific enzyme deficiency has been identified.

Concurrent with the recent progress toward biochemical characterization of human genetic diseases have been the dramatic advances in our understanding of the structure and function of the genetic material D.N.A. and our ability to manipulate it in a test tube. These advances have led to proposals that exogenous "good" D.N.A. be used to replace the defective D.N.A. in those who suffer from genetic defects. Whether genetic engineering techniques can be developed for therapeutic purposes in human patients without leading to eugenic use is an important question.

D.N.A. MEDIATED GENE THERAPY

In attempting to envision how D.N.A. might be used as a mediator for the modification of genes in a human being suffering from a genetic defect, Friedman and Roblin* foresee several kinds of new problems.

First, the existence of differentiation and cell specialization in the human body will pose several questions. Many human genes are active or expressed only in a small fraction of the cells of the body.

Second, regulation of the quantitative aspects of enzyme production may present a problem. By mechanisms as yet unknown, concentrations of cellular enzymes are regulated so that neither too much nor too little enzymes are produced by normal cells. How will we ensure that the correct amount of enzyme will be made from newly introduced genes?

Third, the patient's immunological system must not recognize as foreign the enzyme produced under the direction of the newly introduced genes. Friedman and Roblin proposed the following ethico-scientific criteria which any prospective techniques for gene therapy in human patients should satisfy:

1. There should be adequate biochemical characterization of the prospective patient's genetic disorder.
2. There should be prior experience with untreated cases of what appears to be the same genetic defect so that the natural history of the disease and the efficacy of alternative therapies can be assessed.
3. There must be an adequate characterization of the quality of the exogenous D.N.A. vector. They visualize Food and Drug Administration or some similar organization establishing and enforcing quality standards for D.N.A. preparation used in gene therapy.
4. There should be extensive studies in experimental animals to evaluate the therapeutic benefits and adverse effects of the prospective techniques.
5. For some genetic diseases, the patient's skin fibroblasts grown in vitro reflect the disorder. Thus in some cases it would be possible to determine whether the prospective gene therapy technique could restore enzyme function in the cells of the prospective patient. This could be done first in vitro without any of the risks of treating the whole patient.

Although ethical problems posed by gene therapy are similar in principle to those posed by other experimental medical treatments, the irreversible and heritable nature of gene therapy means that the tolerable margin of risk and uncertainty in such therapy is reduced. In general, the degree of risk tolerated in medical treatment is directly related to the seriousness of the condition. High risk treatments are sometimes considered more justified in life-threatening situations. For different human genetic diseases, the severity of the problem in the untreated condition and the response to currently available therapy varies greatly.

INFORMED CONSENT

Another ethical ideal which guides experimental medical treatments is informed consent. By informed consent we mean that the patient, after having the nature of the proposed treatment and its known and suspected risks explained to him by the physician freely, gives the physician his consent to proceed with the treatment. Since many of the cases needing gene therapy might involve children or newborns as patients, there will be especially troubling problems around informed consent. Parents of newborns with genetic defects may be asked to give consent by proxy for gene therapy.

How can gene therapy in humans be controlled to avoid its misuse? By misuse is meant, the premature application of techniques which are inadequately understood and the application of gene therapy for anything other than for the primary benefit of the patient with the genetic disease. It will be possible to control the procedures used for gene therapy at several levels.

For example, between patient and doctor, we can usually rely on the selection of a therapeutic technique having optimal chances of success. Hopefully, the doctor will not recommend and the patient will not accept an uncertain risk-laden gene therapy if a reasonably effective alternative therapy is available. However, the physician has a mere monopoly on relevant facts about risks and benefits of treatments. Since the physician concerned may also be active in trying to develop the gene therapy technique, how can the patient be protected from a physician who might be over eager to try out this new procedure.

It seems that significant opportunities for control also exist at the level of hospital committees responsible for examining experimental techniques.

Procedures to be used for gene therapy might also be controlled by the committees and organizations approving and funding research grants.

Since gene therapy may ameliorate some human genetic diseases in the future, it is believed that research directed at the development of techniques for gene therapy should continue. For the foreseeable future however, we oppose any further attempts at gene therapy in human patients because

1. our understanding of such basic procedures as gene regulation and genetic recombination in human cells is inadequate.
2. our understanding of the details of the relation between the molecular defect and the disease state seems insufficient for essentially all genetic diseases.
3. we have inadequate information on short range and long term side effects on gene therapy.

A sustained effort should be made to formulate a complete set of ethico-scientific criteria to guide the development and clinical application of gene therapy techniques. Such an endeavour could go a long way toward ensuring that gene therapy is used in humans only in those instances where it would prove beneficial and towards preventing its misuse through premature application.

In case of the decision to apply molecular genetics to the treatment of human genetic disease at least three factors come into play:

1. the perceived severity or "cost" of the defect in terms of personal, familial or societal burden.
2. the availability of alternatives.
3. the consequences of beginning and then succeeding in developing therapies using genetic agents.

SUMMATION

A society which chooses not to know, through reluctance to assume the costs of counselling, basic research, and effective public education, has made - whether it knows it or not - a significant ethical and moral decision. Society's current desire not to know is in mortal combat with one of its most cherished values: the right of the individual to make responsible choices and take appropriate action.

The most frequently heard objection to further human genetic research is that knowledge gained may be misused. The real ethical issue is concerned with whether we should not strive for a greater scientific understanding of our universe and of ourselves..

Between scientific research and the specific use of the research findings is a technological application with a highly predictable outcome. e.g. The Atomic Bomb.

Research need not be misued - it can be used to cure cancer, provide electrical power, etc.

Answers to genetic questions will require wisdom and moral insight which can only come from study and research. We have a responsibility to contribute towards the solution to these vital questions.

The traditional authority of the physician or scientist will be substantially diminished. This has developed, not only from greater dissemination and democratization of knowledge and power but from recognition that purely technical skills are insufficient for solving human social problems.

Biomedical technology holds tremendous promise for achieving progress in prediction, treatment and even elimination of serious genetic problems. At the same time, we have to recognize that the new biology poses significant risks for society as we know it. The nature of man and his society may be drastically altered by certain developments in medical technology.

A lot of ethical problems arising from any technological advance pertain to how that advance will be used. Most advances have the potential of being either good or bad, depending on the social

environment to which they are introduced. Regarding human experimentation, we need to identify basic ethical principles and develop appropriate guidelines for continued research while at the same time protecting basic human rights.

FETAL RESEARCH - outlaw experimentation on living fetuses. Minimize indignities to the subjects of the research.

INFORMED CONSENT - what role should we play in developing technical guidelines to deal with what the law may determine as "right" on the consent issue.

Regarding GENETIC ENGINEERING - we are limited to reviewing, editing and encouraging some uses, discouraging others and opposing still others. But we cannot taboo the whole field of genetics.

Guidelines are needed to help the scientist choose what types of research he ought to be engaged in, to aid the technologist to select the techniques he should make available to the population at large and to enable the politician to cope with the social, legal and political problems which will arise as the techniques are used. With this biological bomb already to explode, the need to face the complexity of the problems involved takes on acute, do-it-now urgency.

Surely the many new ways scientists are discovering to modify human life and to change human behavior should goad all responsible people to assess how these encroach on individual freedom and to decide on the extent to which they are desirable and should be permitted.

The very condition of being weak or helpless elicits from the stronger, adult members of the civilized community increased concern that they do not suffer more intensely as a consequence. Utter helplessness demands utter protection.

The adult members of the community, in protecting the primary human rights of the weak and powerless in their midst, are actually expressing to one another the moral equality of their common humanity, regardless of inequality in strength, health and physical development. Adult, child or fetus should have protection and the same controls on human experimentation (protection of community as a whole).

Genetic discoveries of recent decades further reinforce the idea of the uniqueness of the individual. The combination of genes which each person receives from his parents is utterly individualized. Even identical twins (monozygotic) who presumably share identical nuclear genes, demonstrate some individuation, sometimes subtle, but nonetheless real.

The principle of the moral equality of human beings demands a uniquely human, quantitatively immeasurable and qualitatively equal value of all human beings. It dictates humanitarian concern for the least privileged and most helpless members of the species.

Healthy fetuses do not have more developing humanness than the less healthy ones. Those with a more satisfactory genetic heritage

do not have more developing humanness than those, for example, with a genetic predisposition for sickle cell anemia. Discrimination against defective fetuses would thus represent a prejudicial selection of human subjects in violation of their moral equality with each other.

Respect for human rights can gradually be blunted by the acceptance of dehumanizing practices.

There is an urgent need for a new theological and philosophical foundation for bioethics.

There must be physical, biological and sociological containment for D.N.A. recombination. There is a need for continuance of D.N.S. recombination technology, but in a select and restricted number of highly competent and guideline-protected laboratories.

A review committee or monitoring panel, interdisciplinary in structure, should be part of this system to assure public and broader-than-scientific involvement in a technology which promises such powerful interventions into the structures of human nature.

More is required of us than idle curiosity and discussion in areas that impinge so heavily on our human heritage or social ethics, more than just the medical-scientific community should be involved in the consideration of genetic issues and in developing the standards of procedure. We need to aid the level of research and competence in the life sciences, to assist universities in development of programs to make ethical problems an integral part of the education process and bring the problems to the attention of professional and policy-making bodies and to the public.