

The Interim

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Curriculum Supplement For Schools

The *Interim Plus* is a periodical dedicated to educational matters and specifically designed to assist teachers in integrating relevant life issues in their lesson planning.

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Critical Thinking About a Special Case of Justice in Canada P. 1

In this month's edition of *The Interim Plus* curriculum resource we stress the skills of critical thinking through a consideration of an oddity in Canadian law, namely the absence of any law on the issue of abortion. Canadian law deals with many societal issues, governing the relations and rights of people to one another. Through these materials teachers could give students the opportunity to exercise their critical-



thinking, inquiry, and communication skills to develop informed opinions on this key legal issue. The written material deals with the nature of law, a specific article addressing the unusual situation that holds in Canada, and a couple of short articles found in two national newspapers (*Globe & Mail* and *The National Post*) reacting to a recent political controversy, chairing of the House of Commons Committee

on the Status of Women. There are several appropriate videos also listed for easy reference and viewing by students.

Critical Thinking About a Special Case of Justice in Canada

Lesson Objectives

Critical thinking is considered an important life skill. Studying and debating controversial topics in school can increase student attention, motivation, achievement, creativity, and self-esteem. Teaching and studying controversial topics can increase critical thinking skills and help students develop peaceful, effective strategies for dealing with conflict. New knowl-

edge and understanding may also result in more engaged and active young citizens, even increasing student interest in direct political participation.

In today's Canada, unlike 30 or 40 years ago, there is a public aversion to discussing arguments or voicing any criticism of the status quo regarding laws, or lack thereof, concerning abortion. It happens to be a sensitive public issue, but that should not make it taboo for discussion purposes in schools.

The material presented here is not an exhaustive compendium of interviews, research papers, charts, graphs, tables or a long list of related videos on the subject. Rather, teachers may want to encourage students to explore the topic at greater length as part of a larger unit dealing with a true social justice theme. It is one of those topics which cry for attention because of its nature and its importance to the welfare of society.

Class Activities

Students could develop a portfolio on the topic of abortion and the law, encompassing diverse resources; and then craft presentations/activities based on the material. These class productions could take many forms from oral reports to prepared speeches, from multimedia presentations to formal debates. If the material developed by the class is of sufficiently high quality the learners could follow up in a practical manner by contacting (writing or calling) elected officials, whether MPs, MPPs and members of the media, both print and digital. Students may wish to invite the local MP or MPP or Senator to their classroom (with the approval of teacher and appropriate administrator) to have them explain their personal stance regarding the issue or that of their political party.



Students could gather relevant material from different sources. They could do that on their own or as a group collaboration. Students could read through each argument or view each video and mark/record all facts with one color and all opinions in another color. (This assumes that the learners have been taught the difference between a fact and an opinion). Once they have



completed assembling the facts and opinions in two columns or separate pages, they should look at the summary and then assess the validity or reliability of each

fact or opinion, and determine which side they believe has the stronger argument. The group can present their summary/conclusions to the class via a power point so everyone can see them. If five groups have participated in the learning activity there may be five versions/interpretations of the findings regarding the issue. They may wish to engage in a general class discussion in which groups explain both their respective reasoning process and why they think their group's insights or conclusions are correct and why.

Why do societies need laws?

For the sake of peace and order in society there must be rules that are known by all citizens, willingly accepted and fairly enforced. If there were no laws against violent crime and property crime, society would ultimately degenerate into anarchy (a chaotic free-for-all) or despotism (the rule of the strong and violent over the weak and nonviolent). Laws are essential and exist to prevent this disorder. Laws are rules that bind people living in a specific community.

Laws may deal with many aspects of life and relations between people in a civil society: speed limits for vehicles; licensing for medical doctors; inspection of food;



preventing anti-discriminatory practices; guaranteeing various freedoms. Safety considerations are usually of paramount importance. Laws protect us against serious crimes like murder, robbery, rape, assault and kidnapping. Some local laws may govern building codes, use of land, zoning of businesses, location of roads and schools and churches, the watering of lawns, prohibition of excessive noise.



In addition to laws intended to discourage people from harming each other, some laws are written to prohibit self-harm.

Laws not only prohibit certain actions or behaviour, but some laws also place duties and responsibilities on people, for example, compulsory attendance laws for children, laws against neglect of children and vulnerable adults, and laws banning the possession of certain drugs.

Most people would also agree that laws should be equal for all, that means that people regardless of sex, age, religion, race, language, etc. are all treated equally before the law. The same laws apply to everyone and are applied in a fair and equal judicial process.

Our laws generally arise out of our shared values and morals, originating in the Bible, Roman law, natural law and, predominantly, the British common law tradition. In Canada, we have laws at the national, provincial and municipal levels.

Laws are sometimes controversial, as citizens do not always agree on what should be illegal. For example, Canada's federal government recently legalized marijuana as a controlled substance, to be made available for medicinal and recreational use through provincial distribution centres. The majority may not be in agreement, having serious reservations or even fearful that it will make Canadians more drug dependent, but many others may be supporting of the change believing that it will reduce crime associated with illegal drug pushing.

Another noteworthy aspect of laws is that sometimes, even though an activity may be considered immoral, it may still be legal, al-





him that I was deadly serious (pardon the pun). I think my friend’s ignorance of the reality that is Canada’s refusal to protect its unborn citizens is indicative of the vast majority of Canadians’ understanding on this point. Perhaps, that “misunderstanding of Canadians” has something to do with our elected leaders’ refusal to “re-open the abortion debate.”



lowed by the law. Prostitution is immoral, but not illegal in many jurisdictions. Gambling may be considered immoral by many people, and yet there are casinos and lotteries galore, run by the government itself. And sometimes there is no law at all governing a very grave and problematic practice, like abortion. So, though laws tend to come out of our shared values as a society, not everything that is immoral or objectively evil is made illegal.

To sum up, the law usually reflects the norms of a society, what the society considers to be good, equitable and just. But who decides those norms? Who decides what is the good? Who determines whether a law is equitable or just? What if the society is wrong about these things? Do we have any duties to help make corrections so that the law is more equitable, more just? If so, how can we do this within a democratic society?

Have the students read the following article and then answer the accompanying questions to stimulate class discussion of the issues raised therein. As general background students could also be encouraged to view the following brief videos on the importance of law to societies.

VIDEOS ON WHY SOCIETIES NEED RULES OR LAWS
<https://www.youtube.com/watch?v=RBtUQgOU9TA>
<https://www.youtube.com/watch?v=UycutFkA8BE>
<https://www.youtube.com/watch?v=rOLJeOHF8G0>
http://www.cjfe.org/defamation_libel_and_slander_what_are_my_rights_to_free_expression

Defying Common Sense: The Criminal Code and the Being-Born, Newly-Born and Unborn Child (link: <http://bit.ly/17CPjtK>)

by Andre Schutten

In conversation with a friend, the topic of the legality of abortion came up. Although my friend has been a licensed practicing nurse for a few years, he was shocked to find out that in Canada an abortion can be legally procured throughout all three trimesters, up until the moment of birth. It took a few minutes to convince

In *R v Morgentaler*, [1988] 1 S.C.R. 30, the Supreme Court of Canada struck down a section of the Criminal Code that violated a woman’s right to “life, liberty and security of the person” under the Charter of Rights and Freedoms. But, the court was clear that it was striking a specific section with a specific constitutional problem. The court was equally clear that Parliament has the jurisdiction to enact legislation in regard to the unborn.

Since *Morgentaler*, the Supreme Court has emphasised that the unborn has no “legal” rights - a recognition that Parliament has not passed legislation granting those rights.

In 1991, the Supreme Court heard an appeal of a case where two midwives were charged under ss. 203 and 204 (now ss. 220 and 221) of the Criminal Code, after a child they were attempting to deliver died while still in the birth canal. At trial, they were convicted of criminal negligence causing death of the child (s. 220) but were acquitted of criminal negligence causing bodily harm to the mother (s. 221). However, the Supreme Court determined that a child in the process of being born was not a “person” according to the definition in the Criminal Code. And they were correct. Section 223 of the Code states that “a child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother...”

As bizarre as that seems, it gets even more convoluted. In 1996, Brenda Drummond, 28, was charged with attempted murder after she shot her nearly full term son with a pellet gun while he was still in utero (*R. v. Drummond*, [1996] O.J. No. 4597 (Ont.Ct.J.)). Jonathan was born 2 days later, was treated in intensive care and survived. Ms. Drummond was acquitted of attempting to murder baby Jonathan because, according to law,

a baby is not a legal “person” worthy of legal protection until it is born and the crime of attempted murder on an unborn child is “an offence not known in law.” She couldn’t be found guilty of attempted murder, nor could she have been found guilty of murder had baby Jonathan died before he was born. But had baby Jonathan died after he was born, then s. 223(2) of the Code would have found Ms. Drummond guilty of homicide.

Confusing, yes? Let’s examine the relevant Criminal Code sections, bit by bit. Section 223(1) defines when a child becomes a human being. Current Canadian criminal law dictates that a child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother whether or not (a) it has breathed, (b) it has an independent circulation, or (c) the navel string is severed. (2) A person commits homicide when he causes injury to a child before or during its birth as a result of which the child dies after becoming a human being.

Aside from the fact that this legal definition is scientifically, logically, philosophically, morally, and medically incorrect and defies all common sense, it seems odd that someone can do something to a child before it becomes a human being. Isn’t a child a human being? Let’s consider a fact scenario:

Imagine a woman goes into labour, but her boyfriend doesn’t want to father the child. Just before the birthing process begins, he convinces his girlfriend to let him terminate the pregnancy. If the father wants to end the life of that fully viable baby without facing charges, then the child must die before it exits the birth canal. There are three potential results:

The boyfriend fails in his attempt to kill the baby, and the baby lives (probably with debilitating handicaps), but he faces no charges as he committed no crime against a human being (see the case discussed above);

The boyfriend succeeds in killing the child before it is fully out of the birth canal, and can’t be charged with murder because murder can only be committed against a human being, and our law says one is not human until the child completely exits the birthing canal. (more on this below);

The boyfriend fails in his attempt to kill the baby during the birth process, but the baby dies soon after birth. He is found guilty of homicide (and, according to s. 235 and 236, liable on conviction to life imprisonment).



If you’re even more flabbergasted now, you’re not the only one. I’m a little blown away too!

Let’s take a look at another section in the Code. Section 238.(1) states:

238.(1) - Every one who causes the death, in the act of birth, of any child that has not become a human being, in such a manner that, if the child were a human being he would be guilty of murder, is guilty of an indictable offence and liable to imprisonment for life.

In sum: “If you kill a child during its birth, it would be murder, but because we don’t define an unborn child as a human being, we can’t call it murder. So we are going to call this offence the ‘killing an unborn child in the act of birth’ offence and make it punishable up to imprisonment for life. But it’s not murder.”

The only saving grace of this section is that it does make it a crime to kill the child during the birth process. So, a partial birth abortion is a crime, right? Well, it depends. There’s another sub-section that follows:

238.(2) – This section does not apply to a person who, by means that, in good faith, he considers necessary to preserve the life of the mother of a child, causes the death of that child.

Under this exception, one could argue that where a partial-birth abortion is done to save the life of the mother, then that procedure is legal.

But think about this one logically: with all of the medical advances over the last century, with the possibilities of Caesarean section deliveries, doesn’t it seem a little strange that a doctor would begin to deliver a baby, and then half-way through the delivery decide that the life of the mother was at risk and that the best way to preserve her life would be to immediately kill the baby? Even with the baby dead, it still has to be delivered. That logic seems bizarre.

To summarize, having considered the above sections of the Criminal Code, the following is true about the current state of protection for the unborn, the being born, and the already born in Canada:

Abortion is permissible up until the moment the birthing process begins.

The killing of a child during the birthing procedure is, unless trying to save the life of the mother, a criminal act but is not termed murder or homicide.

It is impossible in Canadian law to be found guilty of attempted homicide where the at-



tempt is made on an unborn child.

The moment an unborn child is completely outside of his or her mother, any attempt on its life constitutes homicide.

With this in mind, consider the case of Aysun Sesen, whose husband was charged in 2007 with the murder of his wife after repeatedly stabbing her in the abdomen for not having an abortion. She was seven months pregnant. Aysun was rushed to the hospital. Aysun Sesen's fetus still had a heartbeat on the way into the operating room. Doctors working on Sesen performed an emergency caesarean section, but the fetus was stillborn. The fetus apparently succumbed to a lack of blood. The baby's mother died soon after. Because the baby had died only moments before being delivered, Aysun's husband was charged only with one count of homicide. There will be no charge against him whatsoever in regard to the baby.

Compare Aysun's child with the child of Bernice Daniels. She also was stabbed in the abdomen, resulting in the premature birth of her child who lived for 19 minutes before dying from injuries suffered during the attack. Her attacker was eventually convicted of the child's manslaughter. As medical ethicist Margaret Somerville says, "It's pretty bizarre that as long as you make sure the baby is dead in utero there's absolutely no criminal charge, but if you deliver the baby alive [and it dies soon after] then it's murder."

With all of this being said, I have to wonder, why does political rhetoric ban discussion from Parliament on the topic of abortion? Why does the leader of the governing party continue to vow not to open the abortion debate? And why do the three opposition party leaders continue to accuse the governing party of attempting to do so as if such a debate were immoral? It seems to me that to not discuss this ridiculous reality is itself immoral.

Questions

1. What are three basic purposes of law?
2. What shocking fact does Schutten refer to as most Canadians being totally ignorant of?
3. What did the 1988 Canadian Supreme Court decision actually say about the law and abortion in Canada?
4. Is the Canada's Parliament prohibited from enacting a law regulating abortion?
5. What is the problem with the lack of laws on abortion in Canada?
6. Name the only two other countries that have no abortion laws. Should Canadians be happy or accepting of this state of affairs?
7. Take each of the four legal cases cited by Schutten (mid-wives, Drummond, Aysun Ssen, Bernice Daniels) and assess the logic or illogic of the findings in each

one.

8. What is arbitrary and problematic about this phrasing of personhood: "a child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother"? Why is there this particular definition? Whose interest are served?
9. Some would argue that the law in this field does not respect common sense – so why is the law not changed to reflect the common sense knowledge and experience of human beings?
10. Schutten was writing at a time when the Conservative Party (led by Stephen Harper) was the governing party. Have the positions of the respective parties changed since then, with the Liberals under Justin Trudeau now the governing party. (make reference to the recent charade concerning chairmanship of the Status of Women Committee of the House of Commons).
11. Given the fact that more than 100,000 pre-born Canadians are killed through abortion each year, is Canada a good, equal and just society?
12. Schutten concludes with: it seems to me to not discuss this ridiculous reality is itself immoral. Would you agree or disagree with his point of view, and why or why not?
13. Does each of us have a responsibility to help change for the better the current state of affairs? What simple actions could one take to begin the process to change the law of the land regarding abortion?

CCBR: <http://www.unmaskingchoice.ca/training/classroom/history>

CCBR: <http://www.unmaskingchoice.ca/training/classroom/legal>

We Need a Law: <http://weneedalaw.ca/index.php/resources/international-law>

Macleans: <http://bit.ly/1241F6j>

Globe editorial: Keep the purity tests out of Parliament

OCTOBER 1, 2017

There is a lot that is troubling about the current spat over who should be allowed to chair the House of Commons standing committee on the status of women.

Some Canadians are upset that Conservative Leader Andrew Scheer would nominate Rachael Harder, an Alberta MP who is staunchly opposed to abortion, as chair of the committee. For them, the choice is objectionable.

But others are angry that the Liberal government has refused to recognize the nomination. Prime Minister Justin Trudeau, who never fails to remind us that he is a feminist, supported his MPs when they walked out of a committee meeting last week after the Conservatives put Ms. Harder's name forward as chair.

"Quite frankly, one would hope that the committee for

the status of women would have a spokesperson who would be able to stand up and unequivocally defend women's rights," said Mr. Trudeau.

A lot of this is political theatre. The Liberal members, who hold six of the committee's 10 votes, could have easily voted against Ms. Harder's nomination and moved on. Instead, they staged a walkout, and the Liberal Party later used the incident to raise funds.

Mr. Scheer, too, is playing games. He knew full well that nominating Ms. Harder would spark a controversy and send a message to Conservative voters, who are more likely to be opposed to abortion than Liberal voters are. His choice of nominee is not some innocent happenstance.

But, on balance, it is the Liberals who are in the wrong.

The function of the Commons committee on the status of women is, according to its mandate, to examine legislation and issues related to equality of the sexes and violence against women and girls. Ms. Harder is as perfectly suited to chair the committee as any MP, regardless of her personal beliefs. That's how Parliament works.

Furthermore, Ms. Harder would not, as chair of a Liberal-dominated committee, be in a position to impose her beliefs on anyone. Committee chair is a largely procedural position, which is why the government can agree to having a few committees chaired by the opposition.

We would be among the first to oppose any attempt to curtail Canadians' hard-won right to abortion. But we also oppose any government that demands ideological purity from an MP in order for her to hold a position for which she is otherwise qualified.

<https://beta.theglobeandmail.com/opinion/editorials/globe-editorial-keep-the-purity-tests-out-of-parliament/article36450218/?ref=http://www.theglobeandmail.com&>

John Ivison: Ousting of anti-abortion committee chair an act of blatant Liberal hypocrisy

No sooner had Liberal MPs walked out of committee last week to protest Harder's nomination than the party's fund-raising machine was cranking out calls for cash

John Ivison

October 4, 2017

Nothing sums up this government's unique fusion of cant and artifice as neatly as the ousting of Conservative MP Rachael Harder as chair of the status of women committee, voted out by the Liberals Tuesday on the grounds of her anti-abortion views.

In their first throne speech, the Liberals pledged to respect diversity and differences of opinion in Parliament.

"In this Parliament, all members will be honoured, respected and heard wherever they sit. For here, in these chambers, the voices of all Canadians matter," said the speech, delivered by the Governor General, which outlined the government's priorities.

In the event, David Johnston should have added a caveat: "Except if you disagree with the Prime Minister. Then you will be shamed, disdained and silenced."

On Tuesday, the Liberals, aided and abetted by the New Democrats, imposed the committee chair's role on a pro-choice Conservative MP, Karen Vecchio, who didn't even want the job. She was nominated, but she asked to withdrawn from that nomination. Her withdrawal would have required the consent of the Liberal- and NDP-dominated committee. She didn't get it. (The status of women committee chair is always a member of the official opposition, according to House standing orders).

This is the same NDP that one short month ago complained Justin Trudeau was trying to dictate which New Democrat would sit on the new committee on national security and intelligence. Tom Mulcair, the former NDP leader, wanted to appoint MP Murray Rankin. Instead, Trudeau insisted Mulcair submit four names for consideration, from which he would pick one that would best reflect Canada's regions, gender and culture.

Mulcair told him to get stuffed, accusing the prime minister of abusing his position by choosing who could represent the NDP at committee. Now, his party is complicit in helping the Liberals do just that with the status of women committee.

With Harder in the chair, there would have been tensions when dealing with issues like reproductive rights. But the committee is there to give voice to all women in Canada, regardless of their beliefs. The very definition of pro-choice is the choice to disagree.

Trudeau has made it a condition that all Liberal MPs be pro-choice, even if there are grandfathered members of the caucus who are anti-abortion. That is his prerogative.



John Ivison





MP Rachael Harder David Rossiter/Postmedia/File



[Canadian Prime Minister Justin Trudeau speaks during the closing news conference at the First Ministers' Meeting in Ottawa, Tuesday October 3, 2017. Adrian Wyld / The Canadian Press]

But he shouldn't get to trample on the rights of opposition parties by choosing committees' members and their roles.

It turns out in this case there are good business reasons for such blatant hypocrisy. No sooner had Liberal MPs walked out of committee last week to protest Harder's nomination than the party's fundraising machine was cranking out calls for cash.

"This is a very clear demonstration of what we mean when we say Andrew Scheer's Conservative Party will take us backwards," the fund-raising email said. "If you oppose Andrew Scheer's out-of-touch agenda, then chip in what you can and help our movement keep fighting for real change we believe in."

This is likely to be the Liberal line of attack as we head toward 2019.



Andrew Scheer

It's hard to paint Scheer as a malevolent figure, plotting to bring soldiers with guns into our cities, as the Liberals did with Stephen Harper in 2006.

But he goes to church, has five children and has been consistently anti-abortion, even while saying he would never legislate on the issue.

Thus, his agenda is "out of touch" and "backward," if not hidden.

Contrary to the Prime Minister's heart-felt soliloquies on the plight of beached jellyfish and other tragedies, the Liberal Party is a great, heartless electoral machine.

As we get closer to the 2019 election, we can expect to see more cynical episodes like the removal of the status of women committee chair, particularly if the party's grip on power looks to be under threat.

They should make a red Liberal ball-cap: Making Canada Safe for Hypocrisy.

• Email: jivison@nationalpost.com | Twitter: [lvisonJ](https://twitter.com/lvisonJ)
<http://nationalpost.com/news/politics/john-ivison-ousting-of-pro-life-committee-chair-an-act-of-blatant-liberal-hypocrisy>

Reminder of the Deadline for the Father Ted Colleton Scholarship

Finally, we ask teachers and parents, to remind senior high school students of the Father Ted Colleton Scholarship deadline for submission of essay and application: December 1, 2017. Any questions re the scholarship program may be directed to me at dirocco@theinterim.com or students can visit our website www.theinterim.com and click on the icon for the scholarship program or <http://niagara-regionrighttolife.ca/> the website of Niagara Region RTL, the sponsor of the scholarship/contest. Please encourage interested students to get started early and not leave things to the last moment. The topic this year has a very open theme pertaining to art, whether literary, visual, musical or graphic. See the accompanying poster for all details including the theme for the 1200 words essay.

FATHER TED COLLETON SCHOLARSHIP



NIAGARA REGION
RIGHT TO LIFE

The Interim

Niagara Region Right to Life is once again pleased to offer The Father Ted Colleton Scholarship essay contest as part of its mandate to reach out to society in an educational format. In particular, Niagara Region RTL wishes to help educate and inform the younger generations about the preciousness and possibilities of human life from conception to natural death and how certain threats affect those possibilities in its beginnings.

All students in grade 11 or 12, attending a Canadian high school (or being homeschooled in Canada) are invited to participate.

THREE PRIZES OF \$1500, \$800 AND \$500 WILL BE AWARDED

The essay must be 1200 words in length on the following topic:

Aristotle said that “the aim of art is to represent not the outward appearance of things, but their inward significance”. One might also agree with Keith Haring that art is not propaganda, but rather “it should be something that liberates the soul, provokes the imagination and encourages people to go further. It celebrates humanity instead of manipulating it”. Keeping this in mind, choose a piece of art (whether a novel, short story, play, poem, song, video, film, painting, or sculpture, etc.) and explain how it inspires and speaks to the truth of pre-born life being precious.

SUBMIT BY DECEMBER 1, 2017

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