

Henry Morgentaler and abortion essay



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At 82 years old, Henry Morgentaler is still Canada's most visible pro-choice activist of the last four decades. Despite his age he is still as passionate and committed to his cause as he was in the 1960s, '70s, '80s and '90s - giving Canadian women access to safe and legal abortions.

Confrontation with authority is familiar to Morgentaler. His journey to earn the title as the country's best known abortion provider was unlikely, but expected considering the early traumatic experiences which led him to his eventual career. A Polish Jew who survived the Auschwitz death camp, Morgentaler has pointed out many times that unwanted children fighting against a family that abused them was one of the main causes of Hitler's destruction against Jews as well as other groups of people. Morgentaler is quoted to have said in June 2005 at the University of Western Ontario, where he was awarded his first honorary degree that " Well-loved children grow into adults who do not build concentration camps, do not rape and do not murder. Morgentaler said those Auschwitz years gave him a desperate need to accomplish something positive when and if he survived and got out of the concentration camp. His journey to recovery was not an easy one but it is what divides Canadian society to this day.

When Morgentaler was finally liberated from Auschwitz, he won a scholarship and used it to study medicine in Germany. He and his wife immigrated to Montreal, Canada where he practiced family medicine and enjoyed his newfound freedom as well as life. For the next 17 years, the only Canadians who knew of Dr. Henry Morgentaler were his patients.

However, in 1967, he made a dramatic debut on the national stage and entered the abortion debate. He went up before a government committee considering changes to the abortion law, insisting that any woman should have the right to end her pregnancy without risking her life because of someone who was not qualified to do the procedure. It was a risky position to take and quite a bold statement. At the time, performing an abortion could place a doctor in jail with a LIFE sentence and women who had abortions could be imprisoned for up to two years! At first, Morgentaler refused to perform abortions because of those laws, however, by 1969, he said he could refuse no longer. He opened an abortion clinic in Montreal and openly began performing abortions illegally - thousands of them and he did not keep it a secret either.

He gave interviews and even allowed TV news crews to film. He claimed that access to abortion was a simple matter of human rights. It didn't take long before his first arrest. He was acquitted by a jury several times, but the Quebec Court of Appeal overturned that acquittal and sentenced him to prison where he served 10 months at Bordeaux in Montreal.

Eventually, the law changed so that a jury acquittal could no longer be overturned on appeal. There would be many more arrests; two more jury acquittals, eight raids on his clinics, one firebombing, and massive legal bills. Then, on January 28th 1988, the greatest day of his life (as he puts it) - the Supreme Court of Canada struck down Canada's abortion law. The law required a woman who wanted an abortion to appeal to a three-doctor hospital abortion committee and on that day, it was declared unconstitutional. It was a victory for Morgentaler and all those who

supported him. He said, “ Finally, we have freedom of reproduction in this country,” he said.

He also called it a “ victory for women, common sense and justice”. The ruling of the Supreme Court did not specifically give the right of abortion to women who wanted it. It tossed out the federal law that regulated it which made it like any other medical procedure that is governed by the laws of the Canada Health Act. One of the principles of this act is equal access. That is what Henry Morgentaler is still fighting for.

Seventeen years after the Supreme Court ruling, some obstacles concerning this political issue still remain in many parts of the country. He is still battling some provincial governments that don't pay for abortions in private clinics (he now has eight across the country) – still railing against those who, in his view, throw roadblocks in the way of women who seek to end unwanted pregnancies. He remains on alert for anything that would further threaten the access that he fought so long to achieve, well aware that abortion foes are vocal and have the ear of many politicians. Many say that this legacy is not one to be celebrated. However, Morgentaler makes no apologies.

He rejects the view that an embryo is a baby as well as the fact that ending a pregnancy is ending a life. He feels that just as a blueprint is not a building and an egg is not a chicken, an embryo isn't a human life. Religious figures and opponents say they will continue to pray for him; others say they'll continue to fight against him. Almost four decades after Dr. Henry Morgentaler first brought up the controversial matter of legal abortions, more than 100, 000 Canadian women get one every year.

Almost a fifth of them take place in his clinics.