

which is some indication that there is doubt. Certainly, I am one of those who has some doubt about such removal. Corporal punishment is very seldom used today, being reserved for particularly aggravating or special cases, such as cases of rape, cases where torture is inflicted on innocent victims, and that sort of thing. It is used only in the rarest of circumstances, and I think its use should be retained as a threat to those who will commit that sort of crime.

As hon. members will recall, a few years ago the question of capital punishment came before this House and, of course, it will be coming before the House again next fall for review if the House is sitting at that time. At the time it was suspended, we were told that capital punishment made no difference to the commission of the crime of murder, that it was not a deterrent. As the hon. member who has just preceded me mentioned, all of the statistics in this regard have not yet been collated, so there does seem to be some doubt about them. However, one thing that is quite clear is that there has been a considerable increase in the number of crimes of murder, particularly of the gangland variety, since capital punishment was removed in all but special cases. In fact, I think we can safely say that capital punishment has been removed in all cases, except in theory; the cabinet has seen to that. The same argument is put forward in the case of corporal punishment. It is said corporal punishment does not deter crime, that it is mediaeval. Perhaps it is, but not all customs and habits of mediaeval days were bad. Human nature does not change.

Some of the people who strongly advocate the complete removal of corporal punishment from the Criminal Code are among the finest people in the country. For example, I think of the minister, some of my friends to my left, members of my own party and others throughout the country. However, everyone tends to interpret these problems in terms of their own feelings. I am sure that the minister would be the last person ever to merit the use of corporal punishment. Certainly, he and many other members of the House, particularly the previous speaker, our lady member from Vancouver-Kingsway (Mrs. MacInnis), would never dream of committing and could probably never imagine anybody else committing, some of the offences you hear about.

It is assumed that everybody in Canada is a reasonable person. Someone put it very well when he said that man may be the only animal with the ability to use logic, but man is by no means a logical animal. We are much more often governed by our own emotions and wishes. I am sure there are many social workers, clergymen and others—I will not refer to them as “do-gooders” because that implies some sort of motivation—who are fine people in themselves, who cannot conceive that there are others who are not motivated in the same way as they. They cannot accept the fact that there are people who are sub-normal, or who have a very low degree of intelligence. These are the people who cannot understand logic, common sense or sweet reason. There are also people who have, in psychological terms, psychopathic personalities. They have no sense of responsibility or morality in the broad sense of the words, and reason has no effect on them.

Criminal Law Amendment Act, 1972

• (1210)

Some years ago before I came to this House I acted as Crown Attorney for two years. I used to hold the same view as the minister and perhaps the hon. lady, but I now know that at any particular time in any society there are gangs of animals which come before the Magistrate's Court charged with committing some violent offence, either singly or in groups. There is no use putting them on probation, telling them to report to a Sunday school teacher or probation officer once a week. They leave the court roaring with laughter and making rude jokes about the whole thing. I know it is difficult for some people in this House who never have had any dealings with these animals to understand this, but it is true whether one likes it or not. It is as simple as that. Certainly, corporal punishment should not be used indiscriminately in respect of any offence, but it should be used in the most extreme cases such as gang rapes and that sort of thing. That sort of thing does take place, even though we like to pretend it does not. I think it should be retained for use in these very severe cases, particularly in view of the increase in violent crime in this country, which has been unwittingly encouraged by those who would like to see it eliminated, as we all would.

I suggest to the minister there is another reason for the retention of corporal punishment, and this may sound rather strange, even contradictory, in view of what I have just said. It is still my view that as long as reform institutions remain what they are today, probably the worst thing you can do is send a fairly young, first offender to one of these institutions. As we all know, they just learn worse habits or new methods of using the bad habits they already have. In certain instances, and of course this is up to the official trying the case, the very moderate use of corporal punishment might well be a better substitute. When you send boys of 16 or 17 to one of these institutions for the first time, some come out with what these gangs refer to as a service chevron. This is almost the reverse of a good conduct medal. Such an individual chalks up another chevron when returned to his element of society for each term spent in custody. If such an individual received some type of corporal punishment, and I agree that the method used could be improved, he would not come back bragging about it.

Corporal punishment should be retained in a somewhat severe form in respect of aggravated cases, the type to which I have referred, and perhaps in a much milder form for the young first offender in respect of whom no real purpose is served by sending him to an institution.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, this is the sort of legislation which is really better discussed in committee because of its detail. There are 76 clauses in the bill and it is almost impossible to distil any single principle. There are a number of principles involved, but I do want to make a few remarks to indicate our support for most, if not all, the provisions of the bill, and to indicate our desire to see it enacted into law as soon as possible.

Let me point out something to the House and to the minister. Perhaps he knows this and does not need it pointed out, but I will point it out anyway. Although these