

Criminal Code

I should like to say a brief word about lotteries. I wish to say to hon. members that I have no moral objection to lotteries. I have no moral objection to gambling. I hope hon. members will believe me, although they may easily conclude that I am protesting too much. But I have never gambled. I am not interested. It just bores me.

Mr. Turner (Ottawa-Carleton): You are a member of the N.D.P.; you have to be a gambler.

Mr. Lewis: I am told that I ought to be a gambler because I am in the N.D.P. In that sense the hon. minister is right; but I am gambling on the basis of principles which I hope some day to persuade the hon. minister to see.

Mr. Turner (Ottawa-Carleton): That is a real long shot.

Mr. Lewis: It probably is. So long as it is a long shot we will continue to stand by our principles, something which I would recommend to other hon. members in this house.

I have no moral objection to lotteries or gambling. I do have objection to heads of families gambling at the expense of their families. That is a different question. But if people want to have lotteries I do not have any moral objection to them. I therefore welcome those changes which enable charitable and religious organizations to carry on lotteries for charitable and religious purposes. I see no objection to that at all. I do, however, have considerable objection to a change in the law which would make it possible for states to hold lotteries. I do not object to this on moral grounds but on the simple social ground that—and this is now a word which has been made parliamentary by the Prime Minister—this is a hell of a way to raise money for social purposes.

An hon. Member: What about Jean Drapeau?

Mr. Lewis: He tried it and failed. If we need funds for social welfare we ought to raise them directly from the people who have the funds. They should make funds available to society because they are the people, whether they are in the middle or high income groups, who have made their income, either in a profession, business or wherever, as a result of the collective effort of society. They ought to provide, through taxation, the funds necessary for social purposes. To me it is just

[Mr. Lewis.]

simply unacceptable to have gambling or lotteries for that purpose. This would destroy every possibility of planning the economy. As I read this clause I could imagine the minister of finance—either the previous, present or future minister of finance—trying to determine what revenues will be available for social measures. He would consider the revenues he would take from taxes and then have to make some kind of guess concerning the amount of money that would come in from lotteries. He would try to balance his budget on the basis of lotteries. Seriously, it is for reasons of this kind that I object to state lotteries. Gambling is not the way to raise money for social purposes.

I am almost at the end of my time, but I hope the house will let me have a few minutes longer. If I may I should like to say a few words about the section dealing with insanity. I wish to say to the minister that the amendments he has brought in with regard to insanity deal in my opinion—I am not an expert in criminal law—with the least important part. They are very important and very necessary, but they do not deal with the most important section of the Code relating to this subject; that is section 16 itself. What is needed is an amendment to section 16 which defines insanity. That is what is needed. We need an amendment to the law which will get rid of the old outdated, hoary, untenable, no longer appropriate McNaghten rules by which our courts are governed. This just makes no sense at all in 1969. The minister has not amended that at all. He has not touched section 16. The courts are still able to apply completely inapplicable laws that are no longer in tune with the developments in psychology and psychiatry.

What the minister does give us, however, are very useful means of appealing, in certain circumstances and under certain rules, when the question of insanity arises. But I submit that it is much more important that we amend section 16, the definition of insanity itself. I recommend to him a private bill which was tabled during a previous parliament by my colleague, the hon. member for Greenwood (Mr. Brewin). In this bill he applied the rule adopted by the United States court of appeal 14 or 15 years ago.

Finally, I should like to say to the Minister of Justice that my colleagues and I greet with pleasure the amendments to the Combines Investigation Act dealing with fraudulent advertising. Let me emphasize that advertising in our modern society is not the kind of