convinced that the Crown had established the criminal intend required to convict the accused.

Closer to home, in the district of Hull, in the Thériault case, a Court of Quebec judge acquitted a man charged with assaulting and threatening his spouse on the grounds that he was too high on cocaine to realize what he was doing.

• (1720)

Three cases of women who were victims of assault and all three resulted in acquittals. This is more then the public could take. Canadians have had enough of the aberrant decisions made by our judicial system. Following the Supreme Court decision, the Minister of Justice decided to take action. In fact, the general outcry provoked by the Daviault case and the subsequent decisions made by lower courts was such that the minister had to respond immediately. This is of course a political decision; it is only a short term solution, before the Criminal Code undergoes a comprehensive review. This is what we call a piecemeal approach.

The problem with this approach is that it inevitably results in a legislative mosaic which lacks cohesion. Although the justice minister has done some pretty good patchwork, it is still incomplete and inadequate. We wonder whatever happened to the judicial and legislative powers. Simple logic tells us that Parliament should legislate and then let the courts interpret the intent of the legislation. However, this is not the case. The courts, and particularly the Supreme Court, seem to be telling Parliament how to legislate. The world has gone crazy.

It is up to the Minister of Justice to initiate reforms. The Supreme Court should not have to lead him by the hand. It is not up to the highest court in the country to take the initiative, the minister should do it. Enough of stopgap measures. Let us get on with it. The Daviault case was not the only opportunity used by the Supreme Court to send a message to the Minister of Justice.

Indeed, in the McIntosh decision, brought down on February 23, the court gave a rather surprising interpretation of the notion of self–defence. The judges concluded that an aggressor responsible for a dispute could avail himself of the principle of self–defence in a murder case. Chief Justice Lamer made a very telling comment when he wrote, and I quote: "It is clear that legislative action is required to clarify the Criminal Code's self–defence regime". He added: "It is, in my opinion, anomalous that an accused who commits the most serious act has the broadest defence. Parliament, after all, has the right to legislate illogically".

The message is rather clear. Yet, it remains unanswered. With all due respect, the judges of the Supreme Court were not elected by the people and it is not their duty to indicate the direction the criminal law should take. Jurisprudence has an important role to play in the development of the law, but it is not a substitute for the decisions we as legislators are supposed to make.

As for the bill before us today, the substantive amendments to the Criminal Code proposed in Bill C–72 are preceded by a preamble setting out the circumstances and considerations justifying this new legislative measure. The preamble will appear in the texts as an integral part of the amending legislation, but it will not be included in the Criminal Code. In fact, the preamble is longer than clause 33.1, which will be added to the Code. It is therefore difficult to ignore.

Generally speaking, the preamble gives the background to the bill. Among other things, mention is made of the serious concern with violence in society, the close association between violence and intoxication and the recognized potential effects of alcohol on human behaviour. In this same vein, reference is made to the moral view that people who, while in a state of self–induced intoxication, violate the physical integrity of others are blameworthy and must therefore be held criminally accountable for their conduct, whence the need to incorporate in the law a standard of care, departure from which would entail criminal fault.

• (1725)

A minor amendment has been suggested by the justice committee concerning paragraph 4 of the preamble, which points out logically enough that the consumption of intoxicants may not necessarily cause a person to act involuntarily.

It is difficult to argue with virtue. On the other hand, the preamble raises a number of questions and comments. What is meant by saying that violence has a particularly disadvantaging impact on the equal participation of women and children in society. Are we afraid to say what we mean? Why does the preamble emphasize violence against women and children? Why are we still and always compared with children? It has really started to bug me that women are being equated with children, when it comes to victimization.

Let me make this clear. I am not saying that children do not deserve special attention. What bothers me is the condescending and paternalistic attitude of the lawmaker. Whenever women need protection of any importance, we protect them as if they were children. It would seem to me that several people still consider us the weaker sex, actually, as weak as a child.

Therefore, society should give us women the same protection, according to the lawmakers, perhaps; that is a male way of thinking. A woman does not need to be taken by the hand. A woman does not need to be told to look twice before crossing the street. A woman is a mature and responsible being. A woman is a mother who raises a child. A woman is not a child.

Stop thinking of us in this way. If, in general, women need special protection, that protection should be different from the protection given to children. And children certainly do not encounter the same obstacles as women do, when they try to take an active role in society. So, why suggest that they are similar? Otherwise, we would have to reclassify all human beings in our society. We would have to start talking about adults, on the one hand, and, on the other, women and children. There was a time