

Criminal Code

other way, can best be dealt with by the exercise of this form of punishment. But what have the studies shown? They have shown very convincingly that healthy people, people who have a positive and healthy outlook on life, when sentenced to corporal punishment suffer the least in terms of long term effects. Yet the people who are sick, the people who commit the kind of offences for which corporal punishment is prescribed as a sentence, when the sentence is passed experience not only a prolongation of their sickness, but their sickness is made a good deal worse. In effect, the rehabilitation program is severely retarded, if not totally set back altogether. There is therefore no convincing argument that the use of corporal punishment for the reform of the offender is effective.

There is a final element to this which I think must be very carefully considered. It is the basic element of which, all too often, we lose sight. I refer to whether or not in having corporal punishment available for use we are protecting society. I wonder whether we have really looked at this question and closely examined those people who have been unfortunate enough to have experienced a sentence of corporal punishment.

Those who have interviewed a number of people who have indeed been whipped or flogged have found that in almost every case the hostility and hatred that this punishment has engendered in these individuals is most difficult to relieve. In many instances, when these individuals go back into society they carry with them into public life a most deep-set and dangerous hostility to the general citizenry. If by the execution of corporal punishment in our federal institutions this is indeed the result, then we have not only not protected society but we may have even endangered it the more. If we have indeed sent people back to society from our federal institutions seeing with hatred and hostility as a result of these acts, then we have only ourselves to blame.

I think we must also state that generally, in cases where the state sanctions this form of institutional violence, it must make it more difficult to object, as surely it must object, to the casual and instant violence that bursts out in society from time to time. How credible is it for any government or department of government to be totally opposed to the kind of violent acts that all too frequently occur in our society when in fact that same government and department have reserved unto themselves a form of violence that no one of us can readily accept?

Some hon. members may wonder why I choose to raise this matter so strenuously in this House. I do so because it is my impression that the only place where corporal punishment continues to be sanctioned on a regular basis is in federal institutions. I have attempted in a preliminary way to find out to what degree corporal punishment is used in provincial institutions, and I have found that it is not used at all, to my knowledge, in this province. Indeed, I am gathering the impression that corporal punishment is seldom, if ever, used provincially. But what is being made obvious to me is that in federal statutes and in federal institutions the use of corporal punishment is still provided for and permitted. Surely, this is the place

where we should give leadership. Surely, this is the place where we simply should not be following the pack. One can only hope that in this particular instance we might follow the action the government of Great Britain took in 1948, or the action taken by other provinces since then, even the action of the House of Commons committee in 1956.

At the very least, this government should make sure that before this Parliament reaches the stage of dissolution it will have taken some action to abolish the use of corporal punishment in federal institutions. Not only do I think that this is the government's duty; it is something that must be done. I urge all members of this House, having expressed their views, perhaps somewhat briefly during the next few minutes, to allow this bill to go to the Standing Committee on Justice and Legal Affairs so that the committee can effectively implement the action recommended.

Mr. Hogarth: Would the hon. member permit a question before he resumes his seat?

Mr. MacDonald (Egmont): Yes, Mr. Speaker.

Mr. Hogarth: The hon. member is obviously very knowledgeable on this subject, and has gone into it very ably and in some detail. I support the bill entirely, but the one thing I cannot understand is why he merely seeks to abolish corporal punishment as it is provided for in the Criminal Code but does not prohibit its use under the Penitentiaries Act. It is my understanding that the prison officials in this country are hold-outs against the abolition of corporal punishment for the sole reason that they find it very effective within the institutions. I do not know on how many occasions it is used, but I think that is one point of view. Being knowledgeable of this situation, why did the hon. member not go further? Is he prepared to retain that aspect of corporal punishment?

Mr. MacDonald (Egmont): Mr. Speaker, I am very glad to have that question and to have any assistance I can get in drafting this bill. I think this is a useful suggestion that could well be implemented by way of an amendment at the committee stage. Certainly, my aim was to be consistent. Since the principal use of corporal punishment, as the hon. member has pointed out to me, is in federal institutions and penitentiaries, I wanted to make sure that that point was included in the amendment to any statute. I would support the suggestion that has just been made by the hon. member for New Westminster.

• (5:20 p.m.)

[Translation]

Mr. Gilles Marceau (Lapointe): Mr. Speaker, it is assuredly a most happy occasion to discuss in this House a bill from an opposition member and dealing with a truly important subject.

It is true that corporal punishment exists only in relatively rare cases which amount to nine sections of the Criminal Code, but it involves a far more important