

Criminal Code

• (4:10 p.m.)

[English]

Mr. Andrew Brewin (Greenwood): Mr. Speaker, a good deal of what I would like to say on this subject has already been well said by others in the debate and I do not want to repeat what they have said. The hon. member for York South (Mr. Lewis), the hon. member for Vancouver-Kingsway (Mrs. MacInnis), the hon. member for Fundy-Royal (Mr. Fairweather), the hon. member for Winnipeg North Centre (Mr. Knowles), the hon. member for Winnipeg North (Mr. Orlikow), and this afternoon the hon. member for Egmont (Mr. MacDonald), have all put forward points of view about this bill that I share. I certainly will try not to repeat their remarks, but for two reasons I would like to say a little bit about the bill. One reason is that I have had some experience in the field of criminal law in a professional way, and from this I have developed some very definite impressions and opinions. The other reason that I want to speak briefly on the bill is that quite a number of my constituents have taken the trouble to write to me on various topics covered by the bill, and I think they have a right to know where their representative stands.

I support the bill as a whole and I will vote for it on second reading. In the committee I would like to seek some amendments made that I think would be improvements and also amendments at the report stage of the bill. On the whole I think the bill is an advance but not such an advance that I greet it in such lyrical terms as the Minister of Justice (Mr. Turner) allowed himself when he introduced the bill. But it is an advance. I think it is an advance toward a more humane system of justice. But notwithstanding that, I agree with the hon. member for Egmont that it is really only a scratching of the surface. I welcome the bill if, and only if, it is the forerunner of a more systematic revision of the Criminal Code as a whole.

In my view we in this house should adopt the words used in the United States by Mr. Justice Brennan of the Supreme Court when he said:

We may be at the threshold of a major re-examination of the premises which underlie our system for the administration of criminal justice.

It behooves us, not only here in Canada but in the United States, to examine our system of criminal justice to see whether it is (a) a humane system and (b) whether it is or is not effective. If we look into this matter I think we can agree that we have ignored the scientific knowledge developed in the fields of

[Mr. Mongrain.]

penology and criminology. Up until now the opinion has been widely held that the legal system should be made by lawyers and administered by lawyers. I am a lawyer myself but I think the legal administration of law, particularly in the field of punishment, has left us with a system which just does not work, which in actual fact does not do justice, which makes it possible for organized criminals to carry on organized crime. It leaves us with punishment which is a vicious sort of punishment, punishment that is not curative, punishment that is directed at a great many of the poor, the impoverished and the inadequate who are victims of the system.

In my view it will be the proper task of this parliament, of the Standing Committee on Justice and Legal Affairs in particular, and of the new independent national law reform committee to undertake nothing less than a major re-examination of our whole system. If this bill is taken as an accomplishment of law reform and we rest on our laurels with it, then I think the bill will do more harm than good. But if it stimulates an interest and concern in this field it will be worth while.

• (4:20 p.m.)

Recently, Mr. Speaker, a book has been published which I recommend to hon. members. It is called "The Crime Of Punishment," and it is by a physician and psychiatrist, Dr. Karl Menninger, who has described our system for controlling crime as ineffective, unjust and expensive. I think that somewhere else he uses an even stronger phrase about it. He says in effect that it is crime-breeding rather than crime-preventing. These are the words of a man who has studied the system that has existed in the United States, and I do not think the system here is very different. I want to make the need for major re-examination the basic thesis of my contribution to this debate, but before doing so I should like to refer to some of the highlights of the bill.

I join with the remarks of the hon. member for Egmont and the hon. member for Winnipeg North Centre regarding lotteries. The provision of the bill to expand lotteries and to provide the right to the government of Canada and the governments of the provinces to conduct lotteries is anti-social and a blot upon what would otherwise be a reform of the law. I hope we will take a real look at this provision in the committee. I say this not because I greatly object to gambling—I think it is a strong human instinct which cannot be suppressed entirely by law—but because it gets into the field of taxation which is in-