

*Criminal Code*

Marquis of Queensbury rules do not apply to these people for many reasons. They may be criminals or mental defectives, or they may be victims of bad habits.

This may sound like the expression of an over-active moral conscience. Well, the police, the Minister of Justice and all those in between must have a moral conscience. They have to talk about a moral conscience and they have to enforce a moral conscience even though they themselves, at times, may be guilty of lapses. As a traffic policeman at one time I had to enforce the traffic laws with regard to speeding—60 miles an hour in certain areas, 30 miles an hour in others, and so on. Traffic policemen, including myself, have been given tickets for these offences from time to time. If they are good policemen they pay them like the rest of the public and try to do better next time.

I think it is our duty when we speak in the House of Commons to suggest that there are moral standards in the nation, and that at times these standards should find their expression in our laws. As far as I know, those standards are the only basis for the criminal law.

I do not altogether understand those who say that because a law is unenforceable it should not be on the statute books. We run into this difficulty in connection with substances like marijuana. Marijuana can be grown virtually everywhere in the temperate zone. It can easily be procured. It is almost impossible to prevent its use. However, so far we have continued to make the use of marijuana illegal because, on the basis of our knowledge, it is not helpful to people to use it. We have concluded that on the balance of probabilities the little trip or lift that users get from it is outweighed by the effect on health, morals and behaviour. That is why some of us here would like to bring about control of this tendency which apparently is creeping into our society.

I do not like the idea of unenforceable laws, but if this is the only way of putting up a stop sign, the only way of telling our young people we do not agree with this kind of thing, then I believe a case can be made for such laws. They are a way of telling young people, when we, hopefully, have developed into grown up males and are beyond temptation ourselves, that certain things are against the law, even though the law may not always be enforced because in some cases it cannot be owing to the difficulty of obtaining evidence. In any case, our opinion about it has been expressed in the law.

As far as I know, in the 20 years I was a policeman no one was victimized as the result of the section of the code we are now discussing. I could be wrong; there may have been one or two occasions when somebody was sent to jail, but not to my knowledge. I would regret it if somebody spent a long time in jail as a consequence of this section. If so, the practice should be reviewed. But I really think that if we still believe this type of behaviour to be wrong some stop sign should be put up to say: we do not agree with this kind of behaviour. In any case we should make it abundantly clear that if this section is removed from the code we do not condone this type of behaviour in any way.

Finally, Mr. Speaker, if you will excuse my saying so at this time—I intend to speak only once on this Criminal Code legislation—I feel very much the same way with regard to the proposals concerning abortion. When it comes to saving a woman's life I think the doctor has the right to decide. Any doctor worthy of his practice has the right to decide as between the life of a child and that of the mother. But the practice could get out of hand, and if we ever reach the point at which the sanctity of human life is bandied about we shall have many reasons to regret it. Once a child is on its way it has the right to live, just as you and I.

The cogent argument I use for my own purposes is this: I look at my grandchildren and at my own daughters and ask myself, "Which one of these would I have the right to destroy?" Only one person I know would be competent to make such a decision, the doctor who is responsible for the care of my family. His knowledge is greater than mine and as far as I know he is the only man who should have the right to decide. That is the way I intend to vote. I shall give that right to the man I trust. After all, when I send a member of my family to the operating room I trust in the judgment of the doctor. That is why I engage him and entrust my wife or child to his care.

These standards have been maintained for a long time. Like others in this house, I inherited mine from my parents who in turn received them from their parents. I suppose, as hon. members have suggested, that they go back ultimately to the Judaeo-Christian ethic. That ethic may be out of date today in the minds of a lot of people as far as I am concerned it is still the finest standard by which we ought to set our conduct. I believe it is the pattern for much of our whole Criminal Code