

Criminal Code

regard to lotteries, are ignored. Gambling does take place and the Canadian people are taking part in lotteries. That is why I have said, and I am glad to have the minister's interjection to reinforce my point, the time has arrived when we have to make a serious and solemn study of this situation and decide for ourselves whether or not taking part in lotteries is a crime.

While perhaps that is not as important as the question of capital punishment, the time has certainly arrived, in fact it is long since past, when we should not have on our statute books—and in perhaps the most important statute in Canada, the Criminal Code—a provision at which everybody laughs. Everybody knows that that situation should not be allowed to continue because contempt of the law is an undesirable, a harmful and a mischievous thing, and ought not to be permitted to continue longer in Canada.

I do not think there is anything further that I can say in connection with these subjects except that I hope we may hear from the minister before the debate concludes an outline of the method by which the government suggests the committee ought to conduct its deliberations, and an indication of what opportunity will be afforded to interested bodies and organizations throughout Canada to make representations. I know that in the final analysis the committee decides these things. But I do urge upon the minister the fact that the government's desire and intention in the matter would be most helpful both to the committee and to the public who are so intimately concerned with the manner in which this is to be handled.

Mr. Harold E. Winch (Vancouver East): Mr. Speaker, I am keenly interested in this motion introduced by the minister recommending the appointment of a joint committee of this house and of the Senate to consider the important matters of capital punishment, corporal punishment and lotteries. I have been greatly interested in the question of capital and corporal punishment over a long period and I feel very strongly on the matter. My views are somewhat different from those of the hon. member for Kamloops (Mr. Fulton). In the course of all the reading I have done on this matter and all that I have heard I have never yet come across any basic or fundamental argument that convinced me that I was wrong in my contention that capital punishment is a survival of savagery and barbarism and that on no ethical ground can it be defended.

There is no one who will condone a murder; it just could not be done. However, I think we have to recognize that murder

takes place under the stress of circumstances; it takes place mainly for reasons of passion and jealousy, through an attempt to escape capture; it is committed by the insane and in some instances it is premeditated. As I say, we do not condone murder because it is an offence against society. It is a criminal act because murder is the taking of life.

We all maintain that human life is sacred, but if it is sacred and its destruction by an individual is a crime, then the fact that two or more people get together and call themselves either a society or a state does not alter the basic fact of the sacredness of human life. Surely it is a principle of social ethics that we should not delegate to someone else the responsibility or duty of taking a human life.

The previous speaker quoted at length from the report of the royal commission in Great Britain and commented on the fact that capital punishment had been reimposed in that country. I think it should be remembered that capital punishment was not actually abolished in Great Britain. There was a period which was sometimes referred to as a truce or a suspension, and that is what actually took place. After the period of the suspension or truce was over capital punishment was reimposed.

In listening to the hon. member for Kamloops I rather got the impression that he was trying to indicate that it had been reimposed, if I can use that term, because of an increase in crime. I take it that he meant in particular an increase in the number of murders during the period of suspension.

Mr. Fulton: I did not say anything like that.

Mr. Winch: To me the hon. member's remarks indicated that it had been done for that purpose. However, the fact remains, if we can take the information which was sent to all members of the House of Commons by the Canadian Friends' service committee under date of December 22, where they quoted from the British *Hansard* of January 27, 1949, that in Great Britain there were 19 murders in the 7 weeks before the truce; 25 murders in the first 7 weeks of the truce; 17 murders in the last 7 weeks of the truce; and 26 murders in the 6 weeks after the resumption of executions in Great Britain.

This matter of the abolition of capital punishment goes back to 1843. Since that time a great many countries of the world and 6 of the states of the United States have abolished capital punishment. To the best of my knowledge in that period only 3 countries resumed capital punishment. It is