

Mr. KNOWLES: Mr. Chairman, I was a little disappointed to find the length of time that Mr. Wahn spent on his first reason for pushing this legislation, but I must say he improved it quite a bit. What I had in mind is that it seems to me that there is too much being said about the desirability of repealing the law because it is being violated. It seems to me if we act on that principle we will wipe out the whole Criminal Code and abolish the Ten Commandments in the process. After all, there is a law against stealing which is being violated every day. They are even stealing gold in Winnipeg now. This is no reason for abolishing that law. I know there can be on the statute books archaic laws. I know the last time we amended the Criminal Code one of my amendments struck out the word "witchcraft". It is still in there.

Is it not true, Mr. Wahn, that it is better to make a case as you have done on the fact that this is a personal matter or a personal decision between people and therefore should not be the subject of the Criminal Code? Also, should there not be some emphasis quite openly on the fact that it is a thing that is positively desirable, namely that we have family planning?

Mr. WAHN: I think that is a sounder basis to put it on, Mr. Knowles. The other argument though is an important one, not just that it is a law being violated. It is that the law does not command respect. The law against stealing, which admittedly is being violated every day, nevertheless is a law which the great majority of Canadians respect and I think that the existence of that law is desirable in order to protect society.

Despite what Mr. Cowan has said, I am convinced that the great majority of Canadians—

Mr. COWAN: You said nobody. You are changing it now.

Mr. WAHN: All right, I am open to argument. I am open to reason.

I now say that the great majority of Canadians do not agree, or do not believe, that this law which prohibits contraceptive information, just do not believe that it is a good law. When the great majority of people in the country are not prepared to respect the law, then it is time to get rid of the law. But the more important reason is the one just mentioned, namely, that it is positively desirable that families should be put in the position where they can, acting legally, plan their own family life. I suppose that family problems constitute the greatest number of problems that have come before social agencies. In many instances the problems result from families which are too large in relation to the family income. It just seems to be the obvious right, I would have thought, of a man and his wife to plan their family in accordance with sensible principles. They should not be forced to bear children, in effect, against their wills, if they do not desire to do so.

Mrs. MACINNIS: Mr. Wahn indicated in his opinion that this matter does not belong in the Criminal Code or in the section where it is. I am wondering why Mr. Wahn would think it would be better to put an amendment like this back in the Criminal Code rather than throw the entire matter out of the Criminal Code if it does not belong there. Why put a restrictive form of it back in the Criminal Code? I want to get the reasoning behind this.

Mr. WAHN: I am not sure I quite understand the question.

Mrs. MACINNIS: I understood you to say that this matter of birth control or dissemination of information about contraceptives does not belong in the Criminal Code, or at least in this section of it.