

*Criminal Law Amendment Act, 1972*

Quite frankly, I believe one of the greatest wastes of federal expenditure which occurs year after year is the amount of money we spend to maintain men in federal penitentiaries. Now, it can be argued that this money is spent to protect society. In what way does it protect society when we know that almost three-quarters of the individuals presently behind bars upon release will commit further crimes? Does that mean we are dealing with thousands of incorrigibles who in no way can be rehabilitated? I do not think any student of penology today can for a moment accept that as a realistic answer, because we know there have been experiments in other countries and to a small degree in this country, which have indicated that the rate of recidivism can be effectively altered if the whole approach to incarceration is drastically changed. What are we getting for the thousands and millions of dollars spent to maintain men in institutions? We are getting individuals who are being more effectively schooled in anti-social and criminal behaviour. If one wanted to point to the big waste in government expenditure, one could point to the ongoing activity of maintaining the status quo or, indeed, if you like increasing the number of people who will again enter our society and victimize innocent citizens. It is not necessary and it does not have to be that way, but we must begin to take action on this problem. I think the place to start is in the kind of legislation that the minister has placed before us at present.

• (1510)

It is perhaps not often that one can congratulate this government, particularly from this side of the House, and indeed one must do it in a cautious manner, but I think that what we have here are excellent steps in the right direction. Inasmuch as the legislation removes certain anachronisms from the law and replaces them with specific descriptions of some new and more relevant laws, it is worthy of praise from both sides of the House. As I said last night, reform of the law, particularly with respect to the removal of corporal punishment, is significant in that it finally affirms our society's distaste for the use of brutal methods in areas where psychology and rehabilitative treatment could be and should be the order of the day.

It might be of note to point out in passing that the United Kingdom abandoned the crudities of corporal punishment as far back as 1948. It is interesting, and perhaps just a little sad, that it has taken this country almost a quarter of a century to accept and implement a reform so obviously necessary and so clearly needed. To those who argue that there is still some validity in retaining corporal punishment, I would cite, a study that was done twelve years after the implementation of legislation abolishing corporal punishment in Great Britain as a result of which the Home Secretary in the British parliament in 1960 concluded that corporal punishment was not an essentially effective deterrent. The statistics revealed that the abolition of corporal punishment did not result in any increase in the crime rate for those offences for which it was previously imposed. There are many other statements to which I could refer but I will not take the time of the House now on that matter.

However, I should like to point out that this matter has occupied my attention in a formal way for the past four

[Mr. MacDonald (Egmont).]

years. On March 18, 1968, I introduced for the first time—and Your Honour will recall it because you were in the Chair on that occasion—a bill for the abolition of corporal punishment, in which I pointed out that it was obviously a relic of the dark ages and yet in some cases still used. It is interesting to note that later that same day I asked the then minister of justice, now the Prime Minister (Mr. Trudeau), whether or not he would move to include such a provision in the amendments to the Criminal Code which were at that time before the House. He indicated that he was interested in the substance of the bill but doubted whether it could be accepted at that time. Three justice ministers later we have finally included this provision in the Criminal Code, and for this I think all hon. members should be grateful.

Let me turn now to another matter of importance in this legislation, namely the matter of airline hijacking. Discussions with the Canadian Airline Pilots Association indicate that they share with all parties in the House a very real desire for the orderly and rapid passage of this bill. The elements of this bill having to do with hijacking have been called for by all parties for some time now. I think it is perhaps an unfortunate example of the cumbersome bureaucracy of the government, particularly of this government, that it has taken so long for real action to be forthcoming. Unfortunately, we did not have action on this at the time when we could have, because a meeting was held in this country almost a year ago at which agreement was reached on the substance of this issue.

Unfortunately, we have lumped this important issue of skyjacking together with other reforms which perhaps will be controversial and over which there may be much discussion in committee. I am not sure why the government in this instance, realizing the contemporary necessity of getting on with the business of having effective legislation with regard to hijacking, should use the ploy of lumping legislation on this matter over which there is little dispute in the House with other issues on which there could be quite a long discussion. There are clauses of this bill, specifically clauses 25, 26, 27 and 32, which seem to me, as a layman at least, to shift the burden of proof to the suspect in such a way that I wonder whether or not they will really be acceptable either as a precedent or an exception to the rule of British justice. Nevertheless, the much needed tightening of the law with respect to hijacking will be held up until agreement can be reached on all other clauses of the bill.

I want to refer again for a few moments to the matter of corporal punishment, and I referred to this last night, because it would seem there are some who still believe that there is some efficacy and usefulness in retaining this vestige of the past. Particularly today, when there is a certain reactionary mood in the country, nothing, I think, is more symbolic of the early punitive aim of the law than detention and the lash. Those who still advocate their continued use obviously believe that the role of a prison is primarily to punish. It is precisely that view of a prison that is responsible for the alarming rate of recidivism that we have in this country today. Yet, while this principle of reform is excellent and very important, it is important to note that the principle should not stop here.