

*Criminal Code*

bodies have spent a great deal more time during the last decade upon a re-examination of what is meant by sin in comparison with the amount of time spent by legislators, political scientists and jurists on the question of what is crime or what is anti-social behaviour.

Introducing this measure on January 23, the Minister of Justice (Mr. Turner) said:

This bill will, I am sure, be remembered as a high point in penal reform in Canada.

I wish that statement were accurate, Mr. Speaker. I am afraid it is not. We see here a considerable amount of tinkering with the machinery in regard to such things as detention, probation, suspended sentences and so on, but the proposals do not really come to grips with the fundamental questions—how we are to treat people who run afoul of the law and how we are to protect society from further acts of anti-social behaviour while working toward the reform of the individuals involved. To the extent that these basic questions are dealt with, they are dealt with in an extremely superficial way. The essential task remains before us.

I am glad to see the Solicitor General (Mr. McIlraith) in the house this afternoon. The aspect of the bill which I am discussing falls largely within his jurisdiction since he is responsible to the house for the administration of federal penitentiaries. There is no area of government administration in which there is a greater need of reform.

I have in mind, of course, the way in which we treat people who are sent to penitentiaries and the kind of protection we should ensure to society upon the eventual return of most of those who are incarcerated. I realize that in connection with the quotation to which I referred the minister was probably throwing out a self-congratulatory statement, disregarding the fact that no real attempt had been made to grapple with these questions, and I look forward to other opportunities of dealing with the subject in the course of subsequent debates.

I think it is unfortunate that certain provisions which could have been included in this bill have not in fact been included. I was particularly hopeful that since this legislation had been redrafted, an election having intervened, the newly appointed Minister of Justice might have included in his proposals the substance of the bill I introduced in March, 1968, having to do with the abolition of corporal punishment, which I described at the time as being a relic of the dark ages. We know that

[Mr. MacDonald (Egmont).]

corporal punishment is not extensively applied today. We also know there is nothing about its use which makes sense either from the viewpoint of protecting society or from the viewpoint of reforming the individual concerned. It is merely another kind of social vengeance and a holdover from an earlier understanding which adds nothing to our sense of the dignity of man or his motivations.

• (3:40 p.m.)

I want to speak on three or four of the most controversial, if you like, and most important sections of these reforms to the Criminal Code. I think it is very important that these reforms are dealt with in this bill. Quite frankly, I am disappointed that to a certain extent they seem to be set as substantial as I would have appreciated.

Let me go immediately to the one that seems to provoke the most controversy and the strongest emotional feelings and to which what I said at the beginning applies, namely, whether what we are dealing with here is a crime or a sin. I refer, of course, to the provisions with respect to abortion.

There has been an interesting debate in the house, and we had a great many hearings by a committee last year, on what changes should be made and what will be acceptable to Canadians generally. But what we are faced with in the provisions included in this bill is something that will very likely satisfy almost no one. I say that because, in effect, it is an attempt to suggest that in some way we are going to legalize abortions in this country. From the minister's own speech and the speeches of other members we have come to realize that the definition that will be given to these clauses is exceedingly narrow and surely will not satisfy those who realize that here we have a tremendous social problem. In addition, it quite likely will not satisfy those who believe that any provision regarding abortion is in fact a highly sinful and, in their terms, somewhat criminal act. But more important, one of the basic reasons that the health and welfare committee spent many months examining this problem was to get at what, to me, is one of the most disturbing social problems we have today. I refer to the thousands of illegal, back-room and back-alley abortions that are being performed in the most dreadful kind of circumstances and with, from time to time, the most tragic results leading to loss of life or the almost complete destruction of health of women who must resort to this means.