

Capital Punishment

naturally expressing my views as an individual. When I was speaking on the question of confidence, I was speaking as the leader of Her Majesty's Loyal Opposition and indicating that Her Majesty's Loyal Opposition in this House does not consider this to be a question of confidence and will not so treat it. I simply say that to correct the record.

Mr. Kaplan: I hear the Leader of the Opposition but I also see the rule. It is clear. The members on this side of the House are bound to view it as a question of no confidence and will be voting accordingly.

The Leader of the Opposition also indicated that the position that the government and members on this side might take on the matter could only be interpreted to mean they were against Parliament's having the right to deal with this issue over which there is a great deal of public concern. Certainly there is a good deal of public concern and I want to talk about that.

I want to indicate to the Leader of the Opposition that this is not the right rule or the right type of debate for this kind of issue. Given the evidence of the last five years, which I want to describe, this is not the right time for this debate. I concede that Parliament has the right to change a decision made in the past, to open the question of capital punishment and consider it. However, it is the view of the government that this is not the House rule, and given the history of the past five years, this is not the time to reconsider and perhaps reverse the decision which was taken in a free vote five years ago.

I reject the notion that there ought to be a six-month consideration of this question by the Standing Committee on Justice and Legal Affairs. It is a wonderful issue, a very attractive one for debate. However, from my experience of having watched four parliamentary debates on this question, another debate on this question would inevitably be futile and inconclusive.

The same statistics are used by both sides to prove opposite points. Our moral traditions—the Jewish tradition, Christian tradition and others—are referred to in order to prove the opposite side of the argument. Logic is used in different ways to prove completely different results. What it boils down to is an excellent subject for debate, but one in which very firmly held views by all those who generally participate in it are simply confirmed.

When one looks at the important work the justice committee has before it, one must recognize and agree that the committee should not be used for six months as a debating society. It has before it the access to information bill, a bill which will give additional rights to Canadians to require and demand information from the government. There is before that committee a very lengthy bill completely revising the criminal justice system for young offenders, one to which I hope it will turn its attention on an urgent basis. I expect it will shortly have before it amendments to the RCMP Act giving additional rights to members of the force to grieve within the system and giving additional rights to the Canadian people to have their complaints heard by an independent tribunal. With all of this

business before the committee, a six-month debate which we know in advance will change very few minds, if any, and will raise very little new evidence, if any, is a very unproductive use of the time of a parliamentary committee under the circumstances.

Capital punishment is a matter of public concern. That is obvious from the number of times the House has addressed this subject in recent years and from the number of private members' hours that have been allocated to it.

Mr. Lawrence: What about the public?

Mr. Kaplan: Public opinion has also been very lively on this subject. I also recognize and respect the desire of every member of this House to do that which his conscience tells him is right. We are all concerned with the reality of crime. We are especially determined to protect the physically weaker members of our society who most often are the victims of murder; women, young people, defenceless older people. There are particular concerns for the safety of those who risk their lives in order to protect the rest of us; I am thinking of our police, our correctional officers and members of our security forces.

Each member brings to this House a reflection of his own deep and personal sense of justice. Each of us has wrestled with the question of what is the appropriate punishment for someone who has killed one or more innocent persons. We all share in the frustration that crime is an evil and apparently intractable component of human society. But the issue has not changed since we last explored this territory in 1976. As the Prime Minister (Mr. Trudeau) stated in that debate, it is not the goal of protecting innocent people from the ultimate violence which divides us. He further stated:

It is a goal we all share. What divides us is the question of the appropriateness of state execution of murderers as a means of achieving that goal.

In my view, and as I will show, there is nothing new in the way of evidence to justify changing the decision that was taken deliberately and freely in 1976. In my remarks today, I will not argue that capital punishment is not a deterrent to murder. I think it is. It is not evident, however, that capital punishment is any more effective than the sanctions which have been put in place. At best, if there were to be a six-month debate and a fair view of it by an objective outsider, if one could find an objective analyst, one could only concur with the conclusions of Albert Blumstein and Daniel Nagin of Carnegie Mellon University that:

The deterrent effect of capital punishment is definitely not a settled matter and this is the strongest social-scientific conclusion that can be made at this time.

It would be so much more straightforward if there were conclusive evidence on the subject one way or the other, or even a reasonable prospect of conclusive evidence; but this is simply not the case.

There is something which is new, however, and I want to refer to that for the balance of my time. That is the experience since 1976 and I will turn to it in a moment. Before doing so, I want to remind the House about the predictions which were made by members of Parliament in 1976 during the very