

tation of this bill will accomplish exactly nothing. I cannot, and will not support it and will register my vote against it.

Mr. John Harney (Scarborough West): Mr. Speaker, in rising to speak on this bill I think it is important for me to clear up a couple of matters. First, it is important to decide what this bill is not about. This bill is not about the present parole laws or their application in this country. This bill is not about the present bail laws or their application in this country. These are matters for the administration of justice. I know that this House is certainly taken up with concern over these matters and, along with many hon. members, I hope there will be a thoroughgoing debate and considerable deliberation in relation to them.

What we are talking about is a bill which has to do with the ultimate punishment, death, for certain crimes. I know that many members of this House, as well as members of the public, feel that the exercise we are going through is in a sense futile. Certainly it is a very slow and deliberate one. Even though it is a slow and deliberate exercise and some observers outside the House, as well as in, may feel that this parliament is not progressing all that much in the sense that not very many people are changing their minds, I rise to speak not in the hope that I will be able to change many minds but with the knowledge that men's minds have been changed over the years.

● (1740)

In the middle of the nineteenth century, in the city of Montreal a boy of 14 was hanged for stealing a cow. It is even more ironic to consider that his name was Clement. Certainly, none of us in this House today would consider restoring that kind of law which could apply that kind of severity to such a young person committing so paltry a crime. Over the years, slowly and imperceptibly, our minds are changed. We have arrived at a different conception of ourselves as human beings. We have different views with regard to our attitudes and how our attitudes affect our actions.

It is a matter of historical record that as the years have gone by and legislatures around the world have removed the death penalty from crime after crime, the incidence of those particular crimes has not gone up, but down. Members of this House were apprised of a study this year which indicated this fact very clearly. This fact was very well founded in statistics.

It is obvious to me, as it is to everyone else, that human progress, though slow at times, is sure. I take it that very few members entering this debate have quoted the ancient biblical words saying that we must take an eye for an eye and a tooth for a tooth. However, if the adage was quoted in support of the retention of capital punishment, I would have to say that the import of the adage was misunderstood. When it was said in those ancient days that we should take an eye for an eye and a tooth for a tooth, it was a progressive statement. Before that, more than an eye was taken for an eye and more than a tooth was taken for a tooth. It was a clear statement against the principle that vengeance had to be complete and thorough.

The principle had been that if a man found that another man had taken his brother's life, he was not only allowed

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to take the life of the killer but the lives of the killer's wife, his children, brothers, sisters and all those in his house. We cannot go back to that adage and say that was a strict code of justice calling for total retribution. In its day, it was a progressive step. Just as it was a long time ago a progression in the ascent of man into a better conception of himself, so today we are considering an act which is a step, albeit a very small one, in that ascent of man toward a better conception of himself.

Along with many members of this House, I have received word from my constituents on the question of the retention or abolition of capital punishment. I am not disclosing any secret when I say that the opinion of those who responded to the questionnaire I sent out early in the year was overwhelmingly in favour of the retention of capital punishment. I forget the exact percentage breakdown, but roughly 70 per cent of the people who wrote in from my constituency said they wanted capital punishment retained or, more accurately, restored. Some 30 per cent were either indifferent or opposed to the retention of capital punishment.

I could try to explain away those figures by saying that I received only 2,000 answers and there are some 55,000 voters in my constituency. I could try to kid myself by saying there are many, many people in my constituency who did not answer and who probably favour the abolition of capital punishment. I can certainly try, as I do, to weigh this expression of opinion against the consistent expression of opinion on the part of church and other groups in my constituency, my city, province and country, which have written to me, as they have to other members of this House, asking us to vote for the abolition of capital punishment.

Certainly, there is a strong division of opinion. I cannot kid myself into thinking that there are many people in my constituency, city, province and country who agree with my point of view. However, I detect many of those who wrote to me in favour of retention were concerned about public safety. I have to respect their concern because it is very real. I cannot for one moment condemn them for expressing this concern or judge them harshly for resorting to the belief that the restoration of capital punishment would increase public safety.

I could certainly use an argument that would run like this: If you are so concerned about saving human lives, then why not concern yourself with changing the law as it controls construction safety in this country, because many more people are killed at work than are killed by murderers. I forget the exact figure for the last year, but it amounted to well over 900. If our concern was to preserve human life against accidents which are avoidable and which happen because we are all somehow greedy and want cheaper buildings, more profits and so on, then we should certainly address ourselves to the laws which control construction safety. As I suggested a moment ago, I am not going to divert the argument in this direction, although it is an important consideration.

I want for a moment to consider what justifications there are for punishment, and not just capital punishment. It seems to me there are three basic justifications for punishment. Safety is the first one. We put people away for reasons of public safety, and under this rubric of safety