

*Capital Punishment*

country a widespread concern about insecurity. That is partly natural and flows in part from the fact that our society is growing larger, growing more complex and growing, I suppose, more dangerous. It is partly induced by the emphasis that has been referred to very eloquently by others in this House; that is, the emphasis in the media on violence and the emphasis on violence in other aspects of life. It is also in this particular case induced, I think, by a very real distrust of the present government and a distrust of the government's attitude in this matter of maintaining public security and order.

My colleague who spoke immediately before me made reference to the use—and I would regard it as an abuse—of the prerogative of mercy. In my judgment, this is a prerogative that must be maintained by any cabinet as there is always a chance that mistakes will be made which will require that prerogative to be exercised. But the prerogative should be exercised rarely, because that is how it was intended to be exercised. Instead of being exercised rarely, it has been the unfortunate practice of the present government to exercise it regularly. There have been consequences from that regular exercise of the prerogative.

One of the consequences has been that many Canadians who are concerned about this question, and many of those who reply to questionnaires and express their concern about capital punishment, simply do not believe this government is serious about enforcing a sense of security or enforcing a society of order. Adding to this general concern about the security of our society, there have also been very real and genuine concerns allowed to develop about the effectiveness of the penal system in Canada. These things have all combined; the natural forces of urbanization, the concern about failure relating to penal institutions, and the concern about the conduct or the seriousness of the government in respect of this matter, and have all contributed to a sense of insecurity in the country, to which capital punishment has unfortunately become symbolic. I think it would have been better if, before proposing a bill to abolish capital punishment, the government had addressed in a serious manner this question of public anxiety and public concern about safety and security.

● (1640)

I think it would have been better if, before a bill to abolish capital punishment had been brought in, there had been a demonstration not simply by proposals but by government action of the seriousness of the government in trying to achieve a more ordered and secure society. Instead of that, we have had brought in, in tandem with the bill to abolish capital punishment, a bill which deals in some degree with gun control and other matters.

I think what is important in this companion piece of legislation is the gun control aspect, which I regard as a very cynical attempt to allay public fears rather than address the source of the public concern. I repeat that it would have been far better if, as a prelude to this bill to abolish capital punishment, there had been some demonstrated determination by the government of Canada to address the very real concern that Canadians, wherever they live, feel now about the question of public security.

We must recognize that the desire for order is a very legitimate desire in our society. It is, in fact, fundamental

[Mr. Clark.]

to a functioning society. Personally, I am prepared to go some distance toward achieving and encouraging that sense of order, that sense of security. I am prepared, in fact, to move in that direction even at some cost to other important social goals such as rehabilitation and others which might be recommended to us such as our concern with regard to penal reform. I am prepared to go some distance in this direction toward achieving a sense of public security, but I make clear that I am not prepared, in the interest of securing a sense of public security, to go to the length of taking human lives in the name of public policy, or at least to do that without adequate cause.

I repeat what I said at the outset, that the only adequate cause, in my view, would be if it could be demonstrated that that was the way, and the only way, in which we could deter potential murderers from committing murder. I think also, as we consider this matter, we must bear in mind that security—and I am speaking here of a sense of security—might be better served by abolition. Personally, I have a very strong suspicion that juries, knowing that the consequence of their decision is death, would recommend softer penalties in respect of cases which come before them and would therefore perhaps introduce back into society more quickly people who might constitute a real danger to public safety.

I do not wish to deal with that element for too long, but I think it is a very real aspect of the question we must consider. I am speaking, sir, of a sense of security in Canadian society. There is a difference, I believe, between real security, something that will in fact protect people in their homes, and a sense of security in the sense that they will be protected when they are in danger. I believe it is absolutely essential that society demonstrate that for murder and other serious crimes there is a heavy penalty which society will not fail to exact. I think it must be demonstrated that apprehension is close to certain, that conviction naturally follows, and that punishment as described in the law is the inevitable end result. If we are to create some respect for law, some reality of it, we can have no more half-measures, half enforced by a government of Canada.

I think it is clear to others that any further reluctance to demonstrate that crime and punishment are unavoidable companions will be fatal to the evolution, which I and others in this house hope will occur, away from state executions. I should say here, as an observation only, that if we are unable to make that demonstration, this question of capital punishment will be before us again whatever happens in the vote on this particular bill. Indeed, if it comes before us again in those circumstances, in the sense that society remains concerned, the votes of many members of parliament may well change, as some have changed already, because no guarantees have been given to ease the fears of Canadians to whom capital punishment has become a symbol of protection.

I think there is an onus on the abolitionists, particularly those who occupy the treasury benches, to meet the sense and the reality of insecurity in Canada. The Solicitor General (Mr. Allmand), for all his weak good will, has done little to accomplish that goal, in my judgment. As I said earlier these initiatives should have preceded this debate. Canadians have a right to some demonstration of