

sociologists and economists, which have dealt with the relationship between the death penalty and murder.

I believe that in dealing with an issue of such profound importance we have an obligation as parliamentarians to look past the necessary superficiality of reports in the popular news media. I spent the last several weeks carefully seeking out and reviewing studies on both sides of the question. I cannot claim or pretend to have reviewed everything that has been published on this topic. However, I have examined more than two dozen serious studies representing both the abolitionists and the retentionists points of view, following the trail of research references from article to the next.

If you will excuse the presumption, Mr. Speaker, I believe the material I have reviewed is highly representative of the existing studies available on this subject. All of the references to research studies to which I will be referring can be found in a document entitled: "The Death Penalty, Deterrence and Retribution: An Annotated Bibliography", which I have prepared and deposited in the Library of Parliament.

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The primary arguments in favour of execution are three—deterrence, incapacitation, and retribution. It is, I might say in passing, a macabre fact that rehabilitation does not enter into this debate.

If I could be convinced of the unique deterrent effect of executions, I would be inclined to support their reinstatement. If executions were the only means to incapacitate criminals, I would be inclined to support their reinstatement. If I could be sure that vengeance would affect only the guilty and no one else, I might be inclined to support reinstatement of the death penalty.

There are six issues which will affect my vote on this issue: the efficacy of the death penalty as a deterrent, the possibility of direct and immediate risks posed to society through the demonstration effect of executions, the effect which the death penalty has on juries, risks to the innocent, the issue of retribution, and finally the availability of alternative courses of action.

The issue of deterrence is the most important one I think we have to address. If in fact it could be demonstrated that execution was a unique deterrent, that it provided a deterrent effect which other punishments such as imprisonment did not present, that innocent lives would be saved by executing people convicted of murder, then the issue would be clear, and some other risks judged acceptable.

Superficial common sense tells us that the possibility of execution should deter murderers. The deterrence theory assumes that people rationally calculate the benefits and the risks of their actions, carefully weighing the net gain or loss. However, common sense also tells us that most murderers are not rational when they commit their crimes. If they were afraid of death, they would be more worried about their much

greater chance of being killed by police or the civilian population during the course of their crime than about execution.

Clinton Duffy, a former warden of San Quentin prison, is reported to have asked thousands of prisoners convicted of murder, or armed robbery, whether they had ever thought about the death penalty before committing their offence. No one had done so. However, I think it is fair to say that this type of anecdotal evidence is not convincing. Anecdotes and raw, unanalysed data can be twisted to support any argument.

It is for this reason that criminologists, sociologists, and economists have turned to more sophisticated statistical analysis to isolate the effects which executions have on murder rates. Their attempt has been to provide empirical, verifiable evidence about whether and how executions affect murder; what happens in fact, not in theory. Any of us who are genuinely interested in the effects of the death penalty on murder and are not simply going through the motions in this debate should pay attention to this research. It may be dry, but I would submit that it is useful and important.

Economists in particular, beginning in 1975, have had a profound effect on modern thinking about deterrence and on the decisions of several of the United States to resume executions. These researchers have turned to what they call multivariate statistical analysis, which is the use of economic models, and regression analysis, to determine how a host of different variables—the age and ethnic composition of the population, poverty and unemployment rates, seasonal variation in weather, general crime and execution rates, and a number of other factors—interact with each other to affect murder.

The most famous of these studies, and by far the most controversial, was a study published by Isaac Ehrlich in the *American Economic Review* in 1975. This study, entitled "The Deterrent Effect of Capital Punishment: A Question of Life and Death", examined murder rates in the United States between 1933 and 1969.

Ehrlich used an economic model for behaviour of murderers, suggesting that they did balance advantages and disadvantages of their actions. He came to the conclusion that what he called the "pure deterrent effect" of executions on murders was in the range of one execution deterring seven or eight murders.

These results were literally sensational, and his study was cited in attempts to have the United States Supreme Court reinstate the death penalty in the United States. It is a study which still has an effect on the thinking of some people, including perhaps some of my colleagues in the House.

I will not go into detail on the debate which followed publication of the study, but there have been several dozen subsequent econometric analyses of murder rates in the last 12 years. Anyone in this Chamber who is planning to use the Ehrlich results, or who believes that deterrence is a demonstrated fact, should know that only a handful of studies support his findings.