

*Criminal Code*

the balance which were non-capital. So again there was no evidence before him, and I am certain that the figures in Canada, if the information were available, would show precisely the same result that would indicate that the removal of the death penalty for non-capital murder affected the number of non-capital murders which were committed during the years since 1961. So why do we continue the death penalty?

There have been a great many Scriptural references made in this house and I am not going to add to them. I will merely content myself by telling hon. members who have quoted the Scriptures that all the leaders of the religion which is based on the Old Testament are in favour of abolishing the death penalty or at least those with whom I have consulted. I also ask those who have quoted the Scriptures to realize that there are men of all denominations who hold views for abolition as well as for retention. I am sure that they would be the first to want to admit that the Christians, Jews and Buddhists, whatever their religion may be, who are in favour of abolition accept and follow their religion just as strongly as the people who are in favour of retention.

I want to draw something to the attention of the house that has not been drawn to its attention before. I refer to a most significant thing which occurred during the period of this debate. There was one member of this house, the hon. member for Prince (Mr. MacDonald), who spoke magnificently; he was a prison chaplain and he spoke on the basis of his experience. *Le Devoir* of last Thursday and Friday printed an article on the subject in two parts written by Father Jean Paul Régimbald who is "un ancien aumônier des prisons". If my French is good, he also is an ex-prison chaplain. He is a Catholic and the hon. member for Prince is a Protestant. They both are experienced as prison chaplains and they both argued for abolition of capital punishment on the basis of their experience. Both of them appealed to this house, and I echo their appeal, that society has no right collectively, by design and by deliberation, after a carefully contrived procedure, after months of delay and frequently after years of delay in the lower courts and appeal courts, and after consideration by a cabinet, to take a human life unless there is overwhelming proof that the taking of that human life will serve some kind of social purpose.

[Mr. Lewis.]

It is an error in my respectful submission to place on those of us who want to abolish capital punishment the onus of proving our case, as in fact has been done, although I may add that I am prepared to accept that onus as I am sure are my colleagues who support abolition. Surely it is wrong to place that onus upon us. If I may refer again to my Conservative friend, whom I have not had the pleasure of meeting, Mr. Brooke of the British parliament, I should like to ask hon. members whether his statement was not absolutely correct when he said, as recorded in column 907 of the British *Hansard* as I have mentioned:

I hope that I shall carry the House with me in saying that the taking of life is so grave a matter that the onus of proof must be on those who very sincerely believe that the death penalty should be retained.

Some hon. Members: Hear, hear.

**Mr. Lewis:** I say to the hon. member for Kamloops and to others who have spoken as he has spoken that if, as he has said, he has some doubt, we all have a duty to resolve that doubt in favour of abolition of the death penalty.

Some hon. Members: Hear, hear.

● (5:40 p.m.)

**Mr. Lewis:** Like all hon. members, I have tried to read a great deal of the history of my country and of others, particularly the history of thought and philosophy and more particularly the history of thought in ethics. I have yet to come across any proposition involving morality and the question of ethics, involving weighing the possible consequences of one act or another, about which anyone with any mind at all can be absolutely dogmatic and certain that he is right. No moral proposition worth making is capable of that kind of certainty, that kind of absoluteness. I am sure that many of us who are on the side of abolition are aware of the fact that there may be somewhere, as the Minister for Citizenship and Immigration said, a little doubt as to what the exact consequences may be, just as the sincere retentionist has doubt on his side. I repeat, Mr. Speaker, that if any of us has any doubt at all, then because we are concerned with the collective taking of life, which is prima facie questionable unless justified, the doubt should be resolved in favour of not taking human life.

A great deal has been said about jail guards.