

Capital Punishment

respect for opposing views. I tell you, Mr. Speaker, that I enter the debate today with that sentiment.

This is more than a matter of conscience, although it is that indeed. It is a matter of how we see ourselves as a nation and how others see us among the nations of the world. It is a matter of seeking justice, not revenge.

All of us share in the tragedy and sorrow of the taking of a human life, whether criminally inspired or from anger or passion. All of us want justice in full and swift measure. A society without respect for the law and acceptance of order is a society at risk.

We must be vigilant and firm in applying the law and in dealing at all times with those who violate that law. The legal system, the judiciary, the law enforcement agencies constitute a cornerstone of freedom, a guarantee of our liberty. Without them and the values that they represent, our democratic concepts would, in my judgment, be quickly and irreversibly eroded. There must be law and there must, in a civilized society, be respect at all times for that law.

[*Translation*]

But for those who would change the law in such a fundamental manner, the onus is upon them to make a compelling case. For myself, Mr. Speaker, I am not persuaded. I am not persuaded the death penalty works as a deterrent. Nor am I persuaded it is appropriate as a punishment. On the contrary, I believe it is repugnant, and I believe it is profoundly unacceptable. It is wrong to take life, and I can think of no circumstance excepting self-defence to justify it. I have held these views since I was a young student and I still hold them today.

More than quarter of a century ago, a great Canadian lawyer, Arthur Maloney, stood in this House and defined the issue for all parliamentarians of all parties:

"There is no question, he said, of revenge or retribution that enters into the thinking of any of us in this House . . . the only question we are called upon to decide is this: Is the penalty of death the only effective deterrent available to stamp out the crime of murder or is there another alternative penalty that is equally effective and less drastic?"

These speeches by Arthur Maloney, a man of great dignity and compassion, are still vivid in my mind and remain an enduring appeal for reason before passion, for justice rather than revenge, and for an enlightened society whose criminal justice system admits both the possibility of error on the one hand, and forgiveness on the other.

We begin in this country from a legal system that combines two of the world's enduring legal traditions—British common law and French civil law. By these traditions, we are a nation of laws, not individuals. And we hold for the sanctity of human life.

That remains a responsibility of the state that must not be set aside even in judging those who disregard human life.

We often hear from those who would limit the power of the State.

[*English*]

The effect of this resolution, if enacted, Mr. Speaker, would be to confer upon the state the ultimate power, that of executioner. Moreover, if this motion were carried, the state, in the exercise of that responsibility, could indeed put to death an innocent man or an innocent woman. I refuse to contemplate such a possibility, much less support a resolution which would strengthen the likelihood of such an occurrence.

Some Hon. Members: Hear, hear!

Mr. Mulroney: We must admit to the possibility of error, of executing an innocent person wrongly accused and wrongly convicted.

John Diefenbaker spoke in this House in a memorable address on this issue on April 4, 1966. In addition to political experience, Mr. Diefenbaker, one of our greatest Canadians, had vast experience before the criminal bar throughout Canada, and particularly western Canada.

He said:

From my experience at the bar I say that anyone who says an innocent man cannot go to the gallows is wrong, because I know differently. It is a frightful thing when a man you believe to be innocent and whose attitude is, Don't worry about me, God will not allow it, walks to the gallows and months later the truth comes out.

Mr. Diefenbaker was speaking from personal experience and his knowledge of cases heard before the courts of Canada. Imagine the unspeakable horror of this happening to the relative of a Member of this House, a child, a nephew, a brother, a friend, or a neighbour.

As Mr. Diefenbaker said, because laws and systems are made of human beings, they are essentially, by their very nature, susceptible to error. If that error had that result, imagine the overwhelming horror that would be felt by every Member of this House.

We know, regrettably, that our judicial system can indeed be imperfect. We know also, unless we are wilfully blind to certain realities, that the scales of justice can weigh more heavily on the poor and the disadvantaged. These imperfections would loom large indeed when human life is at stake.

[*Translation*]

Mr. Speaker, while acknowledging the imperfections in our criminal justice system, we are constantly striving to improve it and to enhance the public's confidence in it.

In this regard, the Law Reform Commission and the Canadian Sentencing Commission have been doing important work to improve the quality and administration of justice.

● (1910)

[*English*]

But before all else, we uphold one simple principle: the inherent dignity of a human being, the inherent worth of a human life. I will resist with all of my strength, all of my life,