

*Criminal Code*

cannot agree with the hon. member for Edmonton-Strathcona. We have one duty as individuals and, because we are members of parliament, we have another duty so far as the state and its laws are concerned for we are members of that state. If such an interpretation is not correct, then in my view there is no Christian justification for pride in being a member of the armed services and no Christian justification for asking anyone to join the armed services. As an individual you cannot kill, but if you are a member of the armed forces of the government you must repel an aggressor.

If my premise is not correct, then I cannot find any Christian justification for the words many of us heard during 1939 to 1945 from the padres of our services before we went into action. Many of us have heard the words of padres of all denominations, Catholic, Jewish and Protestant, who told us that what we were doing we were doing on behalf of our government and not as individuals. If we do not believe in the two bases I have suggested there can be no Christian justification for supporting any of the defence expenditures of the government. We must believe as I do in this case and we must as members of this house consider this issue in the light of what is government responsibility rather than what is the responsibility of the individual.

● (3:40 p.m.)

The whole function of government is to protect and advance the common good, in other words, the welfare of the community. The government has a right and a duty to define the law and defend the civil community from aggression in time of war. Likewise the government has a right and duty to define the law and defend the civil community from treason and murder within our land. In my view a murder is an unjust aggression against the community because a murderer in taking into his own hands the unlawful execution or murder of another human being and is thereby attacking the life of the community itself. Our responsibility as members of this house in such circumstances is to protect the community to the greatest possible degree against the crime of murder.

I agree with the writer who stated that in his opinion the case for or against capital punishment stands or falls on its being or not being an adequate deterrent against the crime of murder. We in this parliament must decide whether we are more concerned with the welfare of the country as a whole than

the possible reformation of a person who may have been found guilty of murder. I would suggest that we must be strong defensively as a country to deter those who commit aggressions against us. Our laws must be strong to prevent a murderer taking the life of any one of our citizens.

I do not believe it is of much value to appeal to statistics to try to show the effectiveness or ineffectiveness of the death penalty. There are too many variables involved. A great deal has been said by both the abolitionists and by those who favour capital punishment about the death sentence as a deterrent to murder. In arguments or debates on any situation there is one factor that has often been cited in regard to statistics. Depending upon where you start and how you use statistics you can make them favour almost any position you want to hold. On this subject authorities have produced statistics to prove that capital punishment is not a deterrent to crime. Other people take exactly the same statistics and set them up in such a way that they prove conclusively that capital punishment is a strong deterrent to crime.

The increase or decrease in the murder rate is influenced by a great many factors entirely apart from the existence or non-existence of capital punishment. For example, it is affected by the period of history that is under observation. It is also affected by economic conditions which have a great deal to do with the murder rate. Depression or prosperity will change the rate. The effectiveness of the police force will change the rate. The ultimate proof that capital punishment is a deterrent to crime is one that it would be impossible to bring forth unless you could induce those who had been deterred from crime by the thought of death to come forward and so testify.

I suggest to hon. members that we should consider this point in the light of something that we understand. If we have a fear of the law it is understood that we will be afraid to commit a crime. I would give hon. members an example in this connection. If you drive down the highway and a police car passes you, your eyes automatically look at your speedometer to see whether you are exceeding the speed limit, or if you see a police car coming and you are exceeding the speed limit, you automatically drop down to the speed limit. I suggest that if we consider this question in that light we will have a better appreciation of it.

[Mr. McIntosh.]