

adequately not only their own thinking and their own consciences but the thinking of their constituents.

As we look around society today we see members of that society who are reacting to the permissiveness which they find around them. They are reacting to the looseness which they see in our prison system and in its administration. They also look with concern at the increase in the homicide rate in 1972. Since 1968 we have been in a five-year trial period of the ban on capital punishment.

The arguments of those who favour the abolition of capital punishment are well known. They see capital punishment as barbaric, a carryover from the past which is inhumane and has no place in a modern, moral society. It is, they say, an act of revenge and we should concentrate on rehabilitation instead. Possibly as a result of my background I take a different view of capital punishment, for reasons I shall outline. I feel that the abolitionist view has one weakness: there is a disregard of the moral laws upon which our country is established, laws which are part and parcel of the Judaic-Christian philosophy which many of us have inherited.

Man is not in a position, I submit, to establish his own moral code. It is not within his ability to do so. Today we see and hear much about man's ability to structure society as he sees fit. The position is taken that he is responsible to no one but himself. I submit this is wrong. I believe punishment and justice are part of our moral standards and that the establishment of these standards is not a human prerogative but a prerogative of the Creator of life. One of the precepts taught by the whole of the scriptures emphasizes the sanctity of life. Life is sacred and we have no right to destroy it. But along with this maxim is clearly set forth the concept of divine justice; the state has the responsibility to maintain security and individual freedom can only be maintained in a state whose leaders take upon themselves the responsibility of maintaining justice for all.

I see an anomaly in our society. Many people today who are abolitionists are also people who are sponsors of liberalized abortion. They feel no concern about the increased number of abortions which approached 40,000 in 1972 in Canada. Yet I submit that this involves the removal of the life of the unborn who has the same right to live as you and me, Mr. Speaker. The sanctity of life is underscored by many writers both in holy scripture and in secular philosophy. The breaking of an immutable law such as "Thou shalt not kill" carries with it a penalty, and the penalty which is exacted by divine justice is that a person who takes the life of another in premeditated fashion must lose his own life. Freedom can only exist in the light of the complete and free functioning of justice.

There are two types of murder, as I see it, as has been stated by many speakers. One is unpremeditated murder. If we check back, we find that even in biblical times, when we hear so much about "an eye for an eye and a tooth for a tooth", there were certain cities designated as cities of refuge to which one who had unfortunately killed his brother could escape and in which he would be considered safe from retribution. The second type of murder is premeditated, or cold-blooded murder as it has been called. Despite the emphasis on rehabilitation, justice demands and exacts the death penalty for murder which has been

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thought-out beforehand, murder which takes away the life and the opportunities of someone else.

A few moments ago I made reference to the maxim "an eye for an eye and a tooth for a tooth." I believe this is not vengeful. I suggest that on close examination, Mr. Speaker, you would find that its effect is to deter men from the exacting of a greater penalty than is called for by the crime committed—that retribution should not give way to revenge or to a penalty far exceeding the gravity of the crime in question. The death sentence as a penalty for those who deliberately take away someone else's most prized possession, life itself, is not a matter of revenge but a matter of justice.

It might be argued, Mr. Speaker, that in my own philosophy, in my own thinking there is a conflict on the issue of rehabilitation, and I readily admit this is so. I recognize that rehabilitation, either from a spiritual or secular point of view, should be the goal of all hon. members and should be open to all in our society who are unfortunate. Once a person's life has been removed, rehabilitation is obviously not possible.

There are many instances throughout history where mercy has been shown and where rehabilitation was the overriding consideration. So the prerogative of mercy must remain part and parcel of our judicial system. But the prerogative of mercy cannot be given such emphasis that in cases where immutable moral laws are broken, where the penalty is inescapable, where premeditation is clearly proven, rehabilitation can supersede the supreme penalty which must be accepted for crimes of that type.

● (2140)

Therefore, I favour a set minimum period of incarceration for those convicted of non-capital murder or non-premeditated murder. Emphasis should be on rehabilitation. Secondly, the reinstatement of the death penalty for those convicted of premeditated homicide must be based, not on revenge or on the adage "an eye for an eye and a tooth for a tooth" that is traditionally referred to, but rather on the basis that only when we exact the supreme penalty from a person who has chosen to take the life of another can we have justice and freedom. Therefore, I cannot vote in favour of Bill C-2 since no attempt has been made to differentiate between these two types of murder, with the sole exception of the murder of police officers and prison guards.

I feel there is another anomaly in this bill in that its originators, by drawing it up in the way they have, seem to indicate that they feel that capital punishment is a deterrent since they retained its imposition for the murder of police officers and prison guards. I believe that if capital punishment for premeditated murder as opposed to non-premeditated murder is extended right across the board, across the wide spectrum that we are looking at in Bill C-2, we can then return to an era in which not only society will be protected but in which our laws will be just and humane. We will also exact from each one of us the penalty appropriate to the various actions we take. I believe if these criteria were extended to those convicted of wilfully taking their brothers' lives, society would be the better for it. This would not be a revengeful act but an