

such is the sanctity of human life that the killer's right to his continued existence may, under no circumstances, be denied him. It is now customary, in fact, to equate an execution for premeditated murder with the crime itself and to consider one as reprehensible as the other. However, there is no evidence that the genial spirit of "live and let live" and of coexistence with known criminals has resulted in any greater measure of public safety, but just another ugly offshoot of the permissive society. It can be ascertained that under present conditions, sparing hardened criminals means condemning others—innocent people—to pay the price with their lives. The only thing that remains to be known is who will the next victims be and how many will there be.

It is a sad commentary on our morality to consider the criminal more important than innocent society. Laws must be made to protect the innocent, not subject them to the possibility of being victims of heinous crimes. Those who denounce capital punishment often claim that an inconsistency exists in the fact that governments, whose purpose is supposedly to deter people from killing one another, should consider it necessary to indulge in what they consider legalized killing. They fall back upon the theory that the state is altogether without right to assume a prerogative that is God's alone. Admittedly, the taking of a human life is offensive to humane persons, and this is the reason executions, when they do take place, are no longer performed in public. However, that which is aesthetically repugnant to our senses might on occasion have to be endured.

The government has a duty to protect itself and its citizens. The alleged moral issues involved in the judicial taking of a human life must be distinguished from the practical and expedient. The denial of the state of the moral right to take the life of anyone becomes all the more incredible in view of the as yet unquestioned right of a private individual to kill in given circumstances. This indicates that what is now condemned by the abolitionist faction is not the taking of a life per se but the taking of it in some quasi-ceremonial and orderly manner.

With great doggedness, opponents of capital punishment continue to press for its abolition because it does not provide absolute assurance that each and every murderer will be deterred. Obviously, the prospect of an untimely end does not impress every human being in precisely the same way and to the same degree. It must be recognized, nevertheless, that the main strength and force of a law consists in the penalty attached to it. Above all, fear of the consequences is certain to be more vividly felt in the case of an offence being deliberately planned than in one that is committed on impulse. A somewhat parallel observation could be made of some motorists who seem to have no concern about repeatedly having to pay fines, but it has not yet been suggested that for that reason penalties for improper driving should be given up as useless. Are we also to do away with the penalties for theft, forgery and smuggling because the penalties are so often ineffectual?

It is frequently argued that a man who has been hanged for murder might on later verification be found guiltless. However, the revised criminal procedure now almost everywhere in force does provide almost iron-clad guarantees to an accused person. He is safeguarded by stringent

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laws of evidence, and he is seldom lacking experienced counsel. Invariably, a verdict of murder is subject to minute scrutiny through a series of appeals and reviews.

Indeed, a trial is meant, by its very nature, to distinguish between that which is certain and that which remains unconvincing. In by far the greater number of acquittals the accused is discharged, not after being certified innocent and harmless but only because the charge against him has not been proved beyond all reasonable doubt. Be it remembered that in cases where any doubt remains it is always the accused who is entitled to benefit. Often the charge against the accused is easily substantiated, the testimony of the prosecution's witnesses fully corroborated and all contradictory evidence conspicuous by its total absence.

Many hon. members who favour abolition of the death penalty will tell you that our social environment is responsible for many of the worst crimes committed by our social misfits. They advocate legislation which will create more effective social and economic programs to remove the causes of crime, improve treatment for alcoholics and drug addicts and improve education and recreation programs in the belief that the pursuance of such measures will do more to lower our crime rate than the application of penalties after the fact. These members are living in a highly idealistic dream world which they have the naïveté to believe in and which, because of the perversity of human nature, I do not. There has never been a time, in all the history of man, when the number of criminals in society has dropped so low as to make punishment unnecessary. This will not happen in the future, either, because people have always been, and will continue to be, motivated by such things as greed and avarice. Reading the news items of each passing day substantiates this conclusion.

When we speak to the issue of capital punishment, we would do well to keep the word "justice" in mind. It is "just" that a criminal be punished for a misdoing. It is also "just" that the punishment fit the crime. The death penalty should be imposed on a murderer because it is the severest form of retribution for the severest form of offence. As moral creatures we are accountable for our actions. As human beings we have rights, but with every right there is corresponding responsibility. A person convicted of premeditated murder has earned no rights because he has shown no responsibility whatsoever to society.

● (1610)

Although capital punishment may be distasteful, are we prepared to abolish it and sacrifice the basic principles and elements of justice? Shall we continue to plead for pardons for murderers, a practice which destroys the law itself and, with it, the carrying out of justice?

A factor which has influenced some members of the abolitionist faction on the subject of capital punishment is the method of execution which has been used in Canada in the past—hanging. Because of its unpleasant nature, it is inclined to cloud the discussion with emotion that is not really relevant to the issue involved. Some impassioned appeals for abolition have been based on lurid descriptions of hangings which have taken place. Moreover, it is lurid and difficult to watch; it is difficult to have seen the result.