

as a deterrent is rooted in a peculiar aspect of human psychology. I refer to man's inability to conceive of his own death.

That too is a pungent comment, Mr. Speaker.

John Bright was one of the great figures in British history, he said:

A deep reverence for human life is worth more than a thousand executions in the prevention of murder; and is, in fact, the great security of human life. The law of capital punishment whilst pretending to support this reverence, does in fact, tend to destroy it.

This, too, I find impelling.

As I see it, Sir, we all must in the long run leave our representations, our notes and our Gallup polls aside and make up our own minds. As I see it, the basic question is whether the death penalty is a deterrent to the crime of murder. I do not belong to those who argue that the right to impose death is beyond the ultimate right of the state. I think the state, in the interest of the safety and security of its members, acting in the interests of its members, may impose the ultimate sanction. If I were convinced beyond a reasonable doubt that a state hangman would make for a more safe and more secure society, I would support his return as a move toward the over-all good of the members of society. If the evidence which I have studied led me to that ineluctable conclusion I would support that return, but I have to come back to the essential question: Is capital punishment a deterrent to the crime of murder?

The statistics here are no more persuasive, although almost as pervasive, as the scriptures. The data I have checked would lead me to believe there is not a clear-cut case that the imposition of the death penalty is a deterrent to murder. With all the inadequacies I have mentioned, and I hope that some improvements may be made in the committee, where we can put ourselves on a level with something closer to our view, I am prepared to support the measure for another five years.

Some hon. Members: Hear, hear!

**Mr. Macquarrie:** One of the pieces of evidence which impressed me most was that again found in the first conclusion of Mr. Fattah's report as follows:

If the increase in homicide were solely due to the suspension of capital punishment then it should be limited to this offence. Other offences of violence for which there has not been a change in punishment should show no increase or at least a lower increase than that in criminal homicide. Our data amply show that this is not true. Actually the increase in criminal homicide is the lowest among all crimes of violence studied, a fact which indicates that such increase can neither be attributed nor related to the suspension of capital punishment.

I think that is a very important observation because we are all much disturbed by the rise in violence in our society, and it compels us to look with greater clarity than ever before for the real reasons. I believe that if we came to the easy conclusion that society generally would be better with the return to capital punishment we would be misreading our society's needs and intentions, and perhaps seeking a form of relief which in effect would not be efficacious.

So, Mr. Speaker, without any degree of self-righteousness or any abundance of surety on the matter, I have come to the conclusion, after the most careful and earnest thought, and after as much reading and consultation as

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one can do, that in the circumstances the best course of action I can carve out for myself, thinking of the people of my riding and the people of Canada, is to move on to the committee stage with this bill.

Some hon. Members: Hear, hear!

**Mr. Norman A. Cafik (Parliamentary Secretary to Minister of National Health and Welfare):** Mr. Speaker, the subject of capital punishment has been an agonizing one for me. Before I was elected to the Parliament of Canada and before the FLQ crisis, I had a very distinct and positive position. I was opposed to capital punishment. During the capture of Pierre Laporte and his subsequent murder, I must admit that I thought the whole question over again. It did not seem proper to me that, under the law, one who would kidnap someone like Pierre Laporte should be subject to the maximum penalty of life imprisonment and yet, if that person were to murder Laporte, as happened in that particular case, he would be subject to the same penalty. This gave rise to a whole rethinking of this question.

Having rethought the matter, I have come now to the conclusion that capital punishment, in spite of these considerations, is something I cannot support. I say that after very careful consideration of the question. I believe that the problem I alluded to a moment ago, that is the disparity of penalty between kidnapping and murder, can be corrected without the use of the ultimate penalty of death itself.

I should like to address myself specifically to the bill before us. The intention of Bill C-2 is to extend the five year moratorium on capital punishment for murder, with the exception of prison guards and police officers, which was introduced in the year 1967, to expire on December 31, 1972. Following second reading which we are considering at the moment, the matter will be referred to the standing committee for further consideration and possible amendment. In my remarks here today, I should like to suggest certain specific amendments that I believe should be undertaken by the committee or which might be suggested by the committee which affect not only the Criminal Code and offences under it, but also penal reform generally and the whole question of parole. I think it is quite clear that every man in society really believes in certain basic, fundamental principles which relate to this question.

● (1540)

First of all, it is paramount today that we, as legislators, give consideration first to the protection of society itself. I think every person we represent really believes this is our first priority. Second, we must make sure that whatever laws exist in the Criminal Code must exist not only to protect society but also to provide a deterrent to others so that they will not commit crime. That is really what the Criminal Code, in my view, is all about.

In addition, I think most people believe in the rehabilitation of the criminal. That is what penal reform, parole and so on are all about. But the rehabilitation of the criminal, important as that is, should not take precedence over the protection of society. I believe it also goes without saying that revenge has no place in our Criminal Code. The prevention of crime is really the name of the game.