

### *Capital Punishment*

against the law. Does not every sentence which society imposes involve a certain judgment, a judgment by which society says to the offender: You have disobeyed the law; you have offended against society; you have taken from society that which you had no right to take, and you must now make up for it? By that same reasoning, society has the right to impose the death penalty where it is deemed merited. What gives the state the moral right to incarcerate an offender in prison for years is the same right by which society can say to a murderer that his life may be taken as forfeit for the one that he has taken.

Finally, I would say it is absolutely imperative that parliament recognize the way in which the laws of the country must stress personal responsibility. Indeed, I would say it is part of the biblical ethic upon which so much of our civilization can be, has been and should be based. For that ethic requires us to emphasize the responsibility of each person for his behaviour and to conclude that each offender must be ready to pay the price of his deeds. I have often been very impressed, but more often depressed, by the way in which some hon. members throughout this debate have implied that the murderer represents a failure of society and that society must acknowledge its guilt. They have almost concluded that if a murder takes place, society should be punished and the murderer should somehow receive a large measure of sympathy.

**Mr. Nielsen:** A Liberal suggestion.

**Mr. Stackhouse:** I appreciate the importance of social influence and environmental influence for good or for ill. But surely we are not ready to be sucked into accepting the kind of extremist extortion by which we forgo any individual and personal responsibility whatsoever. Altogether, I would hope we would stress the opposite and see that the individual is fundamentally responsible for what he does. I would like to see a restoration of that principle in our ordering of the economy as well as in our ordering of social programs. But equally, indeed more, we must see it in the way we draft the law and in the way we administer it. Otherwise we can have no law and we can have no moral order.

I think one of the most important legal events of our time has been the Nuremberg trials. One of the values of the Nuremberg trials was the way in which they showed to the world that no individual can shrug off on society the responsibility for his behaviour. He may be able to say he was ordered to do something, that he was commanded to do it, that everyone was doing the same thing; but the Nuremberg trials said to him, in effect: You did it; you must accept the responsibility, and you must pay the penalty.

Now we are pleading for an emphasis of that kind in the ordering of Canadian law. We are pleading that Canada will be a country in which each person has freedom but each person has, equally, responsibility under the law.

Recently I read a very interesting and at times revealing story called "The Valacchi Papers." Describing the experiences of a Mafia killer, Joe Valacchi, the story tells how Joe felt everyone was to blame for everything in his life, except Joe himself. That kind of reasoning may be understandable when it takes place in the twisted mind of a

[Mr. Stackhouse.]

hired gun, but it has no place in the reasoning of Members of Parliament and ministers of the crown.

**Some hon. Members:** Hear, hear!

**Mr. Stackhouse:** What we must see is the truth to which the contemporary French philosopher, Jean-Paul Sartre, has borne such articulate and profound testimony. This is that when you have explained all the environmental influences you wish to explain, that when you have accounted for all the effects of society, the individual himself is still left with the final decision as to the kind of life he will lead, and that human behaviour is ultimately and profoundly the result of individual choices. That is why I would wish we might have, always, a system of law which would say to the individual: Yes, we will take account of all the factors which have contributed to what you are, but above all you must recognize that you have made yourself what you are.

We would say to one person who kills another: You judge yourself; you condemn yourself. Someone else may perform the mechanics of the execution, but you yourself have put yourself on the path that has led you to this. If a man dies by execution, he dies a death he has fundamentally chosen and which, fundamentally, he could have avoided.

For these three reasons, Mr. Speaker, I hope that parliament will reject this bill and will reject it soundly: first, because the people of this country want parliament to say that this is a country where the law is enforced; second, because the provision of this law in our statute books is a deterrent to many who might take life; third, because it is an expression of personal, individual responsibility. Let us defeat this bill and return Canada to the legislation of the former Criminal Code. If we do, we shall express the will of the people, who want not permissiveness but order. They are tired of indulgence and they want responsibility.

**Some hon. Members:** Hear, hear!

[*Translation*]

**Mr. Gilles Marceau (Parliamentary Secretary to Secretary of State):** Mr. Speaker, I was first elected to Parliament in 1968 and was therefore unable to take part in previous debates on the important matter now before us. And so it is with some anxiety, but also with some satisfaction, that I rise for a few minutes to express my personal opinions on this highly controversial subject, which is nevertheless one of the most important that we have had to debate for a very long time.

Perhaps the first question that arises for me is that of the role of the member of Parliament in a debate as far-reaching as this. Does a member's mandate necessarily require him to act as his constituents seem to wish, or should he be a man who can inform them and lead them to the course he thinks best, should he, in a word, be a leader who is not content to sway with the opinions of his constituents, but assumes the responsibility of trying to help them and applying for them the laws which he believes to be the most appropriate.

I have had the opportunity of myself carrying out an opinion poll among my constituents, since when I have to admit that, to conform to their strong majority opinion, I