

*Criminal Code*

where one life had been taken. In short, sir, Hammurabi and Moses as ancient law givers had the very sensible objective of the protection of society in mind. That is the same objective we must have in mind today.

● (6:20 p.m.)

In this debate I do not intend to make a complete speech. After three days we are hearing arguments over and over again. Many speakers have gone beyond the 20 minute mark. I think the practice adopted some time ago at UNESCO might be a good one, limiting speeches to ten minutes for a while to see how that works out and then cutting them down to five. I have heard many fine debates where speakers were limited to one minute apiece and could give expression only to novel ideas.

Applying these remarks as an injunction to myself I will make a few random points before reaching my conclusion. We have heard much about deterrence as a basis for arguments favouring hanging or abolition. My view is that it is a purely utilitarian concept and that we should divest ourselves of this concept when deciding whether or not capital punishment should be retained.

We have been inundated with statistics. I am impressed by the large number of murders, 40 per cent, I believe, which are committed within family or domestic circles. I do not believe deterrence is a factor in such cases but I believe it is in other cases when one is dealing with criminals.

I make the point that to retain capital punishment is to afford protection for the criminal himself. I say this having talked with policemen about this question. I know something of the police attitude. Two points were made to me by a veteran inspector of the Halifax police department. They show how much the policeman feels he is protected by the presence of capital punishment as part of our legal system. Frequently when on duty this inspector has to go into dark buildings at night which have either been broken into by criminals or left unlocked. He does not know. He has to go in with other officers and make a search.

If by mischance a criminal were to kill one of the police the other policemen might take the attitude that if the criminal were not going to be hanged, they themselves might very quickly become judge, jury and executioner. The second point he makes is that in a similar situation, faced with the possibility that he might meet an armed criminal in a building or elsewhere, it might well be a

matter of his life or the criminal's, depending on who shot first. So I say, knowing the attitude of the police on this question, that there is a strong case for retaining capital punishment in order to protect criminals themselves as well as the police.

I should like to make my second point very briefly because it was dealt with most ably in my view by my hon. friend the hon. member for Kamloops (Mr. Fulton). It concerns syndicated crime. There is fear of the growth of syndicated crime in this country. When I hear hon. members talking about the reform and rehabilitation which can be brought about in a criminal I ask, when does this reform and rehabilitation set in?

Does it set in after the second victim has been killed? It does not. Do any of the gang go to the police to advise them that a third victim has been chosen? No. Do reform and rehabilitation set in after the fourth victim is killed, or is any potential victim warned or are the police consulted so as to prevent all the misery which the sudden removal of a human being brings with it? No. When does rehabilitation set in? I suggest it sets in when the long arm of the law has reached down and put these people behind bars. I reject the notion of reform and rehabilitation in these very tough cases.

We talk about deterrence, but the penitentiaries are filled with thieves who go to prison over and over again. Obviously imprisonment does not deter these people. But it does have the effect of protecting society from their mischievous presence.

My attitude on the issue of hanging is what it was during the discussions culminating in the debate of 1961. We must have some form of awesome punishment which shows some appreciation for the value of human life, an appreciation which I suggest has become softened and diluted in our time.

What should we do about this problem? One suggestion is that we should hold a referendum to determine the views of the Canadian people. I know that each one of us did not go before the electorate on November 8 spelling out our views for or against the retention of capital punishment. Yet this is a subject on which the Canadian people could easily express their views. Most people have views on this subject.

I share the abhorrence expressed by my hon. friend from Kamloops for life imprisonment which, it seems to me, is worse than death. However, if there were to be an alternative to capital punishment I would