

*Criminal Code*

If we are prepared to accept this fact of Christianity, then the only logical reason for retention is its deterrent value. There is no logic, nor real reasoning power, in a mind so demented by one or other of the overpowering human passions, that it would contemplate the taking of another's life. Even the prospect of eternal damnation in hell's fires, an infinitely greater punishment than early death by execution, serves no deterrent to the mentally deranged.

I ask hon. members just for a moment to pause for an examination of their own conscience. I implore hon. members, having insight, perhaps possessing better than average intellect, having knowledge of the weaknesses and passions which govern human behaviour, to ponder with me these thoughts. Perhaps only an accident of birth, or even fate, has guided you along the road to this exalted chamber where you may enact laws made necessary because of human weaknesses. May I respectfully urge hon. members to contemplate this humble admonition, as I so often have done when others have pointed with scorn at some horrible example of human dereliction: There but for the grace of God go I.

As I said earlier, it is not my intention in the few minutes at my disposal to argue the unitarian aspect of this institution; rather I wish only to make two main points: First, the taking of human life is evil, degrading, unjustified and unnecessary; second, the right of all members to vote his own conscience.

● (4:50 p.m.)

It is my hope hon. members will have come to the conclusion that capital punishment by the state perpetuates the natural human instinct for revenge and devaluates the work of human existence to a point where greed, the other more powerful human passion, may lead to all-out war between nations. For this important matter of conscience every member must tear himself away from the political pressures of his decision. I believe a member's right to freedom of action in deciding this question can best be illustrated by reference to the oft-quoted Edmund Burke speaking to his constituents on the responsibility of a member of parliament. This quotation may be found in Beauchesne's third edition of rules and forms at page 12. Mr. Burke said in speaking about these responsibilities of hon. members:

It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and above all, ever and in all cases, to prefer their interests to his own. But, his unbiased opinion, his mature judgment,

[Mr. Byrne.]

his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

My worthy colleague says—

He was speaking of his opposing colleague.

—his will ought to be subservient to yours. If that be all, the thing is innocent: If government were a matter of will upon my side, yours, without question ought to be superior. But government and legislation are matters of reason and judgment, and not of inclination; and what sort of reason is that, in which the determination precedes the discussion; in which one set of men deliberate, and another decide; and where those who form the conclusion are perhaps 300 miles distant from those who hear the arguments?

We may well say 3,000 miles distant from those who hear the arguments.

Hon. members, it is you who will be thoughtfully deliberating this vital question. It is you who will be carefully perusing all the evidence before you. It is you, not another, who must decide. I pray God that your decision at least will favour the principle of this motion.

**Mr. Andrew Brewin (Greenwood):** Mr. Speaker, anyone who proposes to take part in this debate must necessarily do so with a very great sense of responsibility. It is true that only a relatively few people are likely to be directly affected by the abolition or retention of capital punishment. But, Mr. Speaker, because it is a matter of life or death, it goes to the root of our administration of justice. There is no responsibility which we in this house have to fulfil in all our law-making duties more significant than the decision which now faces us.

I believe that every one of us in this house regards as fundamental to our consideration of this question before us a deep conviction of the value and the sanctity of human life. Those who support the death penalty for murder do so, I believe, largely because they believe no crime is more shocking, more deserving of punishment and more necessary to be deterred than the wanton taking of the life of another human being.

But, Mr. Speaker, those who, like myself, believe that the great weight of evidence establishes that the death penalty is not the only, indeed is no the most effective deterrent, believe that the sanctity of human life requires that the state itself should not impose or sanction the deliberate killing of human beings.