

*Amendments Respecting Death Sentence*

uneasy, as I do, about voting for this bill for the reason that it does not provide for total abolition.

I think we have to look at this bill, not as an abstraction, not as though we were legislating *de novo*, for the crime of murder, but rather we have to look at this bill in the perspective of Canadian history. The fact is that until a few years ago Canadian law with respect to murder was clear and absolute. The penalty for it was death. It is also true that for many years that penalty was carried out far more often than has been the case in the last decade or so.

But the day came when the arguments for the abolition of capital punishment carried such weight that various governments interpreted the feeling of society to be that the practice of capital punishment should be at least curtailed. We have carried out that desire to curtail by stages the practice of capital punishment. One of the most important stages came when the Diefenbaker government divided murder into its two categories, ordinary murder and capital murder. The purpose of that division was simply to limit the extent to which capital punishment might be practised.

In addition to that step, which reduced the number of occasions on which capital punishment could be carried out, at one stage of our development there was introduced into our law the proposition that a person under 18 years of age at the time he committed a murder was not to be hanged, even though he might be found guilty of capital murder. Those are two steps, among others, that have been taken in the development of our criminal law to limit the practice of having as the penalty for capital murder.

Another step that we have taken, even though it has not been taken by parliament itself, is that which has been taken by the present government and the government just before it in commuting an ever larger and larger number of death sentences. I see this as a response of the Diefenbaker government and of the present government to society's belief that the practice of capital punishment, if it cannot be totally abolished, should at least be cut down, should at least be curtailed. I think the commutations the previous government effected and those we have had from the present government are part of the story of our limiting the practice of capital punishment, and I submit that this bill has to be looked at in that perspective.

Again I say that the bill is not an abstraction. It is not a case of drafting for the first

time the law with respect to murder. If it were, I could not accept it. Rather, it is a case of taking one more step in cutting down the number of occasions on which capital punishment can be practised. It not only cuts down the number of times that there can be capital punishment, but it cuts down the number of occasions on which a judge will pronounce the sentence upon a convicted murderer, that he is to be hanged by the neck until he is dead, and may God have mercy on his soul.

I think that even that method of pronouncing the sentence, as is done a good many times a year right now, even though it may be commuted later, is part of the barbarism of which we should rid ourselves. The point I am trying to make at this stage of my remarks is that this bill should be looked at, both by the retentionists who think there is some lack of logic in our voting for it and by the abolitionists who have honest questions, not as an abstraction, not as something that stands on its own feet, but as another step in the progress of getting rid of capital punishment altogether. I hope that day will come and I believe it will. I do not think there is any doubt about it, that just as there are many countries and jurisdictions that have done away with it, we will join the rest of the civilized countries in doing away with it ourselves.

● (8:10 p.m.)

There is no doubt where I stand. I would like to see capital punishment completely done away with right now. However, from the debate of a year and a half ago, from the vote that came at the end of that debate, from speeches made in this debate I know that it is not now possible. But as one who thinks that capital punishment should be abolished completely, I could not look at myself in the mirror—

**An hon. Member:** You startle me, too.

**Mr. Knowles:** My hon. friend looks at me as if to say that that would be more horrible than capital punishment. Perhaps I had better change the figure of speech. I could not rest easy if I were to vote in such a way as to prevent the taking of the further step which is involved in the passing of this bill. Therefore, I ask my hon. friends, like my neighbour from Winnipeg South Centre (Mr. Churchill), who are concerned about the logic of our position, and others who are abolitionists and who worry about the logic of voting for this bill that does not go all the way, to