

Capital Punishment

years is sufficient before one who is committed to life imprisonment is again moving about in society, and this of course adds to the gravity and the seriousness, of the matter, as well as to the perplexity and concern of the Canadian people.

The present bill also has an obvious, easily recognized and patent inconsistency which makes it extremely difficult to be enthusiastic about it, or certainly to use a logical approach to it. If capital punishment is abolished because it is not a deterrent and that generally is the reason given for its abolition—then why is capital punishment retained for the murder of certain citizens? If the death penalty is viewed as a deterrent to the murder of police and penitentiary officers, why is it not considered a deterrent to the murder of other members of society? This seems to me to be a logical question that should present itself immediately to the members of the House. Because we cannot have it both ways. If the death penalty deters, why limit its deterring effect? If it does not deter, why pretend that as against certain members of society it in fact does?

I take second place to no one in my regard for the police forces of the nation, nor in my appreciation of the tremendous responsibilities and risks that they are taking in the protection of the generality of society in an age where violence is far too rife and tranquility far too rare. I have paid especial attention to the representations from the various police organizations that have come to me, as they have come to all other hon. members. If I were convinced that the death penalty helped diminish the risk faced by our police forces, I would support its return. But if I were that convinced, then I would not limit this protection to our police forces only; I would draw the mantle of that protection over all members of society, over all my fellow citizens.

I listened with interest to the speech made by the right hon. member for Prince Albert (Mr. Diefenbaker) on January 30 when he addressed himself to this particular aspect of the bill. As reported at page 787 of *Hansard*, the right hon. member said:

If a man goes to Government House and assassinates the Governor General, he is liable to be sentenced to life imprisonment. If in running away he fired a shot, not towards the police officer who is following him but ahead and the bullet ricochets off a plate on a tree and kills the policeman, he is guilty of capital murder.

He then went on to say he was opposed to the system of selective condemnation for murder as an expedient that would not work and which has not worked. I find that a compelling observation. As the hon. member who preceded me mentioned, all of us have received numerous representations. One which moved me greatly was a very, very perceptive and sensitive letter from a group of pupils in a junior school in my constituency. I was impressed by their interest and in the clarity of their thought. Many have written to us and brought forward moral reasons for their point of view, and they have prevailed upon us to take a similar point of view.

Some people in Canada are convinced that the execution of a citizen by the state is immoral and that should end the matter. They contend that the basic ethical underpinning of our social structure is vitiated by the taking of a life by those placed in authority over society. I have the greatest respect for the sincerity of those people who feel so con-

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vinced, and I wish today, as I wished in 1967 when I last spoke on this subject, that I could base my judgment so firmly on moral and religious grounds and be so sure of the rightness of my presentation.

Others have written to us quoting Holy Writ as leading ineluctably to the imposition of capital punishment. Happily my church, the Presbyterian Church of Canada, does not lay upon its members any directives in the matter, but a recent issue of the Church's publication, the "Presbyterian Record," produced something which I found extremely interesting. I quote:

● (1530)

A recent news item included the following quotation from the minutes of the Presbytery... of... "Whereas the word of God teaches that capital punishment is the will of God for those guilty of murder, the Presbytery of... of the Presbyterian Church in Canada urges the government of Canada to reinstate the death penalty for those found guilty of murder."

The writer of the article to which I referred of April, 1973, in the *Presbyterian Record* went on to state:

The presbytery is quite correct. The word of God teaches that "the murderer must be put to death." As a matter of fact the word of God tells us that whoever strikes or reviles his mother or father, whoever commits witchcraft, bestiality, adultery, incest or homosexuality should also be put to death. Furthermore, the story of Ananias and Sapphira strongly indicates that those who lie or withhold any possessions from the church should also fall under set sentence of death. If the Canadian government asked the Presbytery of... to state the word of God regarding these offences it would appear that the presbytery would have no choice but to state it is the will of God that the entire population of Canada be executed!

This writer did not think of it and I do not know why I did not, but I remember Christ defining adultery in a very broad way. He said that he who lusted after a woman committed adultery with her in his heart, so that would take quite a wide sweep, I am afraid. He then went on to say that St. John said anyone who hated was in fact a murderer. There are very few people in our society who have not at one time or other said they hated this, hated that, hated him or hated her.

This was all serious, but in a much more profound delineation of this argument, this writer went on to state: If any murderers should be executed it should be those who murdered the Son of God.

For those, even Christ himself proclaimed not death, but forgiveness. I do not want to use my whole time as this is a very important debate and there are many people who wish to talk about this matter, but I have read a great deal of material on the subject. One of the best articles was the second research report of the Solicitor General's department brought out by Mr. Fattah. He opened with a foreword which is a quotation from a great literary man of our time, Boris Pasternak, and I quote:

If the beast who sleeps in man could be held down by threats—any kind of threat, whether of jail or of retribution after death—then the highest emblem of humanity would be the lion tamer in the circus with his whip, not the Prophet who sacrificed himself.

That is a powerful quote, one which should cause some reflection. He then quotes George Devreux as follows:

The theory of capital punishment is the most conspicuous instance of hedonistic rationalizations and the most convincing example of its fallacious nature. The failure of capital punishment