

penalty. The same article in *Weekend* magazine quotes Paul Gascon, executive secretary of the Solicitor General's component of the Public Service Alliance of Canada, the association which represents penitentiary guards. He is reported to have claimed that the six guards taken as hostages in the Kingston penitentiary riot in April, 1971, may owe their lives to the fact that the death penalty was at least on the statute books. He says:

The inmates were told that if a guard were killed, the responsible people would be hanged.

I suggest to Parliament it is superficial to think the threat of capital punishment has no deterrent value whatsoever. It is true it may not deter some people, but neither will a prison sentence or any other penalty enacted by law deter them. However, it can deter some people. It should be in the law to say to people it is there to be used if they transgress in this way. It is in the interests of public safety that this penalty be on our statutes, and equally that our government be ready to carry it out.

Some hon. Members: Hear, hear!

Mr. Stackhouse: Some say it is asking too much of a judge, jury or cabinet to enact this kind of penalty. One could cite the oft quoted statement of the late President of the United States, Harry S. Truman, "If you cannot take the heat, get out of the kitchen." If you cannot assume the responsibilities of the office to which you have been called and which you have freely undertaken, get out. This is part of the responsibility of carrying forward the administration of justice in this country.

But effective as capital punishment may be as a deterrent, it would not be right for society to exact it if it were immoral in itself. Parliament must be satisfied that it is a just penalty before it has a right to impose it. We have no right to put this penalty into our statutes and to enact it if we are in any way doing it for purely pragmatic reasons. We must be satisfied that it is upheld by moral conviction as well. For that reason I have been impressed by the arguments of abolitionists that capital punishment is an offence against the sanctity of life. On the basis of that argument, they try to argue that they must oppose having it in the law. I found those arguments deeply moving, and fully respected the sincerity and values that motivated those contributions to our debate. However, there is another side to the argument. I hope that abolitionists will listen to all speakers who express it.

Capital punishment has been upheld through the centuries because of the very commitment of our society and civilization to the sanctity of life. It is a principle of law that the penalty must fit the crime and in some way make up the deprivation that the crime has caused. Surely that is the basis for having a penal code. It is the conviction that a crime has in some way deprived an individual and society of something that must be made up. The penalty in some way must equalize that which has been taken away from the individual or society.

The death penalty is, surely, based on the belief that taking a life is so great an offence that it may require the forfeit of the murderer's life to meet the demand of justice. It is because life is sacred that murder is the worst of all crimes and requires the highest of all penalties. It is not because those who favour retention of capital punish-

Capital Punishment

ment have a loose attitude toward the value of life. It is just the opposite. It is because they are convinced that the life of the ordinary person walking home at night in the darkness of a city street has something that is ultimately precious to him, his life. That must be protected by a law that says life is of such value that where it is taken, the penalty must equalize the offence.

In the course of this debate—and it has taken the government a surprising amount of time to get back to it—some hon. members have questioned the state's right to impose the death penalty. They have suggested it is a form of murder itself. However, that reasoning is consistent only if it leads to a radically pacifist conclusion. Such a conclusion would say any taking of life is unjustified. A soldier defending his country and using the arms put in his hands by society would therefore be a murderer if he took an enemy's life. A policeman defending his community and using the gun put in his hand by society would be a murderer if he took a criminal's life.

● (2110)

But Parliament is not ready to reach that conclusion. It is not ready to say we should disarm our armed forces and that we should disarm our police. By the same reasoning, we should not reach the conclusion that the hangman himself, or the executioner is necessarily a murderer. We cannot reach that conclusion, because we know that in this kind of world this country must have those who will bear arms in its defence, that it must have policemen armed to defend its communities and, I put it to you, must equally be prepared to have the executioner ready to carry out the death penalty.

This does not, I submit, contradict the biblical ethic on which most of our civilization is based. That ethic rightly recognizes that there must be authority to maintain order in this kind of world and that this authority must have power to impose its will. The same justice that justifies the soldier or the police officer justifies the executioner. Some hon. members have argued that this ethic requires us to forgive and forbear. Indeed, a reference to that point of view was made by the Minister of Justice, and we have to take very seriously the kind of opinion he expressed.

I would submit to you, Mr. Speaker, two points. One is that one must always distinguish between an ethic which is applied to individual and personal relationships and the ethic that orders the affairs of state and the conduct of society. It is for this reason that throughout history societies have distinguished between the right of the individual to bear arms and the right of the society to call upon soldiers, policemen or others to bear arms in its defence. Certainly, from the time of Augustine onward this has been part of the Christian tradition and it is part of the tradition of this country itself. Laws are enacted restricting the right of the individual to carry arms or use arms in his own interest. Laws also affirm the right, and often the duty, of the individual to serve the state in defending it by the use of arms.

As well we ought to recognize, when considering this point, that if we were to say society has no right to impose the death penalty because society must be prepared to forgive the murderer, surely society would not have the right to impose any kind of penalty on any offender