

Amendments Respecting Death Sentence

Mr. Cowan: Mr. Speaker, may I rise on a point of privilege at this time?

The Acting Speaker (Mr. Rinfret): The hon. member for York-Humber on a point of privilege.

Mr. Cowan: Mr. Speaker, the bill which is being debated in the house at the present time is going to be decided by a free vote, and I would like to point out to you that all the speakers from the Liberal side of the house so far have been for the bill and for the abolition of capital punishment—

The Acting Speaker (Mr. Rinfret): Order.

Mr. Cowan: Why can't some retentionist Liberals be given an opportunity to speak?

The Acting Speaker (Mr. Rinfret): I regret to interrupt the hon. member but the Chair cannot foresee the opinions which are to be submitted by hon. members on either side of the house. If any one of the 264 members wishes to participate in this debate I think in due course he or she will have all the time allowable and the opportunity to do so.

Mr. Cowan: Mr. Speaker, not all of the opposition to the bill is from the other side of the house.

The Acting Speaker (Mr. Rinfret): The Registrar General.

Mr. Turner: Mr. Speaker, as I was saying, it is with a great deal of personal emotion that I participate in this debate. I want to emphasize to the house that no subject has given me more concern or caused me more personal anguish since my election to this chamber. At the outset I want to pay tribute to the very many outstanding speeches that have been made, some of them quite remarkable, on both sides of the house, not only in this debate but in the debate that preceded it 18 months ago.

No matter what his convictions may be I think each member of the house would say to the Solicitor General (Mr. Pennell)—I have the advantage of friendship here, which makes it even more imperative for me to say through you, sir, to him—that his speech was as sincere and as eloquent as any I have read, and I regret I was not here to listen to him. He was as convinced and convincing, at one and the same time, as he always is when something of great moment to him is in his heart and on his lips.

There are legitimate, heartfelt differences of opinion in the house on this subject, as

there must be because what we say here and how we think here reflect the differences of opinion across the country. I suppose one's personal reaction toward capital punishment depends very much on one's views of the purpose of punishment. What is the purpose of punishment? Is it retribution? Is it deterrence? Is it remedial, reformatory or a means of rehabilitation? As professor Thorsten Sellin put it, "Is punishment a matter of dogma or is it empirical or utilitarian? I would say there must be a basic emotional conflict in everyone who contemplates the subject and attempts to make up his mind about it.

I would think that everyone must be divided between his reactions or feelings with regard to doing away with a particularly repugnant penalty which represents a collective killing by society, and an equally valid instinct on the other side, grounded in the moral law of reward and punishment, which would contemplate the death penalty as the only just punishment capable of symbolizing society's revulsion for the ultimate crime of murder. There is a strong instinct in many people that the sanction of the law against murder should properly reflect the importance which society attaches to the maintenance of that law. Those Canadians who hold that view attach so high a value to the sanctity of human life that they feel that the law which translates this feeling into effective form should provide the maximum sanction for its deliberate breach, and no other penalty should be considered adequate.

One's judgment about this question depends largely on whether one accepts primarily the old moral law of punishment in retributive terms or whether one is influenced by the behavioural sciences which tend to diminish the scope of free will and to emphasize the factors of heredity, environment, stress, and so on. Capital punishment is an area of human concern in which intellectual and emotional liberalism in people may well come into conflict with an upbringing based on the strictness of the moral law and the inevitability of retributive punishment for wrongs committed. There are two pools within every man.

This is not the only area of this type of difficult personal decision. What about divorce, where our instincts for a pluralistic society and our instincts for not legislating against somebody else's morals come into conflict with our belief that the family unit is fundamental to the structure of western society? What about abortion where the liberal instinct in favour of individual choice runs