

murder. This should lead us away from a situation where we judge and condemn our brothers and sisters but remain blind to our own involvement in evil.

Jesus explicitly rejected the *lex talionis* by saying:

You have heard that it was said: "An eye for an eye and a tooth for a tooth" but I say unto you, do not resist one who is evil.

Jesus urged us to imitate the goodness of God who makes the "sun to rise on the evil and the good and sends rain on the just and the unjust". All of this suggests to me a biblical understanding of the justice which moves far beyond retribution. The biblical concept of justice depends on an understanding of God's spirit working in and through human lives in spite of their grievous imperfections to create a better society. If this spirit does not give up working with us, then we are not to give up working with others.

Justice, then, is not an abstract impartiality but a living, dynamic spirit which seeks to operate in all of our lives for the creation of a new society. In varying ways we co-operate with that spirit or we impede it.

We need to bring our treatment of crime and wrongdoing and criminals into line with our understanding of the way that spirit works. Wherever possible, there should be rehabilitation of the criminal, bringing him or her back into a positive relationship with society. In minor crimes we note the positive attempts of some diversion programs. I have seen situations where people convicted of very serious crimes have had the opportunity to work with children with special needs and have been able to accomplish some very important things. In a very real sense they were able to pay their debt to society.

In conclusion I want to speak about the situation of criminals who cannot be rehabilitated and cannot be returned to a positive role in society. These people are beyond our best efforts and intentions. I think particularly of those diseased human beings who become sex criminals, those who have murdered while assaulting or molesting another person. In many cases, the roots of their disease go too deep to allow us any hope of rehabilitation, certainly at the present time. People can ask would it not be expedient to at least allow the death penalty for these people? The answer must be continue to be no. The death penalty evades the problem rather than deals with it. It camouflages our failure to find a constructive way to deal with these tragic and diseased human beings. All the arguments I mentioned at the beginning of my remarks also apply here. For that reason, I support the present law, imperfect as it is, which says that these people should be imprisoned for 25 years without the possibility of release.

We admit a sense of failure with these people but we at least keep the options open. We are continuing to testify to the fact that human life is valuable and I urge Hon. Members to consider the total picture of the kind of society we want to build, how we are going to build it, and to remember that violence itself, the taking the life of another person, cannot build that kind of society.

Capital Punishment

The Acting Speaker (Mr. Paproski): Questions and comments? Debate. The Hon. Member for Ottawa West (Mr. Daubney).

Mr. Heap: May I ask a question?

The Acting Speaker (Mr. Paproski): I will go back to questions and comments. I asked for questions and comments and I did not see anyone rising. I would hope Hon. Members would rise a little faster. The Hon. Member for Spadina (Mr. Heap) on a question or comment.

Mr. Heap: I am sorry, Mr. Speaker, I was rising right when you spoke but you were looking the other way. I simply want to ask the Hon. Member if he would deal with the question which was raised a few moments ago by another Hon. Member with respect to the situation in a prison in which there are convicted murderers. There have been indications where they have murdered a second time, that is, by murdering a prison guard. I do not know if there is any significance in statistics as to the danger rate for prison guards as compared to police or other people in dangerous occupations, but my concern is for the remedial approach the Hon. Member has very powerfully advocated. Has he any comment as to how he can pursue that remedial approach with the least possible danger to the people whom we employ and empower to be directly and physically responsible for the care or custody of those people?

I know it is a very large question because it involves the question of our whole prison and reform system. However, could the Hon. Member comment on the immediate sort of question which was raised about a half hour ago?

The Acting Speaker (Mr. Paproski): Before I recognize the Hon. Member for Cowichan—Malahat—The Islands (Mr. Manly), I would like to say to the Hon. Member for Spadina that the Chair can only see when it sees someone rise. I noticed very carefully that you were sitting right next to the Hon. Member for Cowichan—Malahat—The Islands and you were not rising. I do not wish to disagree or argue with the Hon. Member, but I would hope that he would let the Chair decide who is going to ask questions and who is not, and not argue with the Chair because there was no necessity for that.

Mr. Manly: Mr. Speaker, I think we are dealing here with a very important and sensitive question. The murder of a policeman or prison guard, particularly a prison guard, by someone who is already serving a sentence for murder, is something which has to be of concern to all of us.

● (1430)

At the same time, once we put it into context, we see that there are other occupations in Canada which have a much higher incidence of death than the occupation of prison guard. However, that does not relieve us from dealing with this very serious problem.

I think what we need are better standards of diagnosis so that when people are serving time for murder they should be