

*Criminal Code*

contrary to the point of view of the cabinet and of the majority of the party which supports the administration? I submit that before a situation of this kind is allowed to develop the government, through the Prime Minister, should indicate where it stands. Even after the Prime Minister had spoken I would defend the right of the members of his party to vote contrary to his position as I would defend the right of members of the Conservative party to vote contrary to the position taken by their leader. I welcome the fact that arrangements for a free vote are complete and satisfactory. But I suggest also that we do need leadership from those who normally give leadership in this house and I hope that before the first vote is taken tonight the Prime Minister will drop his vow of silence and make known his views on this important question.

With respect to the issue of capital punishment itself, it seems to me that while the statistics are interesting—they have been quoted at length and put on the record a good many times—they do not in themselves provide a basis for the decision which each member must make for himself in his own heart and mind. It seems to me one can argue either way and that the tendency is to use the figures to produce arguments springing from one's basic position. I feel the same about the argument that capital punishment is a method of prevention, that it prevents this kind of crime happening because you take out of the way the person who commits it. I do not think these arguments settle the issue one way or the other. By the same token I agree with the hon. member for Prince (Mr. MacDonald) and others who have pointed out that you cannot solve this question by referring to Scriptural texts. You can open the Bible at various pages and get texts which contradict each other. In any case there are a great many of us in this country who have respect for the Bible but who feel it should be presented not in terms of literal texts but in terms of its basic message.

Again, the Leader of the Opposition expressed my view this afternoon when he said that if the religious view means anything it argues for the quality of mercy and for the redeemability of mankind. I think that in spirit and in essence religion has to be taken as being on the side of the abolition of capital punishment.

I feel too that we must give tremendous weight to the fact that mistakes have been made and can still be made. The only person

convicted of murder with whom I have talked in recent times is a young man who, so far as I am concerned, could not have committed the crime for which he has been convicted. I welcome the fact that this young man was not hanged. But if a miscarriage of justice did take place, if a mistake was made, here is an example before my very eyes where this horrible mistake might have been made. So it seems to me that all the arguments about deterrence and so on can be used either way. After you have gone through them all you come down to the basic proposition: Is it right or is it wrong for the state—and that means you and me—to take a human life especially in the light of our belief that people can be rehabilitated?

I believe it is not our right to kill and I welcome the statement by the hon. member for Winnipeg South (Mr. Sherman) that every time a hanging takes place all of us are involved in that act. I contend that we have no such right, and because it is wrong I want the chance to vote against capital punishment.

I have one more argument I should like to press. I have a deep feeling that capital punishment, like some other forms of punishment which we mete out, represents a counsel of despair. It is a case of the human race saying: Here is a problem we cannot solve. We do not take this view in the face of certain other problems. When people suffer from illnesses we try to cure the illness by medication or surgery or some other action. When people lack training we train them. When people are ignorant we give them education. When people suffer from incapacities we try to rehabilitate them. But when we come to criminals we suddenly say: There is nothing we can do about this human problem; we shall lock these people up or put them out of the way by applying the death penalty.

• (5:40 p.m.)

I submit, Mr. Speaker, that this is a counsel of despair. It is an admission that we do not know what to do about the problem of criminal behaviour. I submit that because we have the wit and the ability to cope with other human problems we should also cope with the problem of crime and criminal tendencies, and think not in terms of putting people out of the way or in terms of vengeance but in terms of reform and rehabilitation.

Look at the tremendous things we are doing in our society today. We have split the atom. We have got hold of sources of energy