

*Criminal Code*

member for Prince (Mr. MacDonald), delivered a distinguished dissertation last Thursday evening in this chamber on behalf of abolition. He made many interesting references to the fact that he had spent a considerable time in penal institutions working with criminals and law breakers.

Although I am paraphrasing his remarks, I have a copy of *Hansard* in front of me in the event someone wishes me to quote him verbatim. He said in effect that he never, during the time he worked in penal institutions, talked to anyone who thought he was going to be caught. I would ask that hon. gentleman, whom I respect, why he never encountered any who thought they might be caught. I suggest that he did not because they are not in prison. With all due respect to my hon. friend and colleague, I suggest he talked to people whose intelligence leaves something to be desired. They did not think they were going to get caught, but the fact that they are in prison indicates the degree of intelligence they possess.

I suggest there are people who have contemplated committing a crime but have been deterred from doing so as a result of having thought out the consequences of their act, confronting themselves, at a mental and psychological level, with the possible punishment they would face. I suggest many of them have chosen not to commit those crimes they contemplated for this very reason.

I find it extremely difficult to understand how the classical abolitionist can argue so omnisciently that the death penalty is no deterrent to murder, and that people think they are never going to be caught. I wonder how these abolitionists know that, sir. Just because those in prison did not stop to think before committing their crimes does not prove that somewhere in our free society there are no men who would have committed a crime except for the fact that they stopped to think about the consequences.

I would ask whether these abolitionists really believe that no one has been deterred from doing wrong because of the threat of punishment. It seems to me that it is logical and reasonable to assume that there are men and women in our society who covet money, possessions, power, estates and other's spouses, but have not done murder because they knew what the consequence of such an act would be. It seems to me to be obviously illogical and unreasonable to suggest that punishment is no deterrent to crime. It

strikes at the very heart of our institution of law and order.

I think of youngsters in school who conform to discipline and regulations in their classes because of the threat of punishment. That threat acts as a deterrent. I think of myself when driving through speed zones, if you like. I conform to certain regulations and rules because of the punishment which would confront me if I broke those laws. Punishment acts as a deterrent. Perhaps I drive carefully because I do not want to kill some child, and that acts as a deterrent, and ensures that I conform to the law and order of the particular milieu in which I am involved at the time.

• (8:00 p.m.)

I think of teenage boys who would not steal a car or rob a store at the encouragement of their friends because they had considered the fact that they would go to prison if they were caught and were probably gambling against odds stacked too heavily against them if they undertook such nefarious adventures. So it is with some people who have been tempted to commit the ultimate crime, I suggest. It is naturally impossible to measure this number, so the classical abolitionist never has to face scientific refutation of his argument that the death penalty is no deterrent. Naturally those who have ever contemplated murder and have decided against it do not go around talking about it, but in my view the death penalty is demonstrably a deterrent to murder.

I am convinced that certain murders have not been committed in this society, in this continent and throughout the world because of the existence of the death penalty. The fact that other murderers have not been deterred is no counter-argument. I think you cannot escape this view if you think the matter through. Therefore I start with the conviction that the death penalty is a deterrent and thus, while I am an abolitionist, I differ from the classical one. I cannot say, like the classical abolitionist, that we should abolish the death penalty and let it go at that, because it is no deterrent. I do not want to let the murderer reduce me to his level and turn me into a murderer too, but I require a deterrent as powerful as the death penalty, and this is my dilemma.

My solution to the death penalty is the life penalty. I believe it is our responsibility—and I am not talking merely as a member of this house but as a citizen—to protect society. Many people who advocate the abolition of