

Capital Punishment

carrying out vengeance on him who has done evil" ... "Killing sinners is not only allowed, but necessary, if they are harmful or dangerous to the community", Thomas Aquinas was to say later ... the part must be sacrificed that the whole may remain healthy ...

... for the Christian these are evangelical landmarks that he cannot easily ignore; they tell him what, in God's eyes, is the value of any human life. The value that God puts on man's life was revealed to man in Jesus Christ: his life and his death. And his resurrection.

[*English*]

I should like also to read extracts from the brief on capital punishment submitted by the Canadian Association of Chiefs of Police. First, on deterrence:

The threat by society to punish must not be an empty one.

And on the possibility of error:

The safeguards which presently exist and the principles governing the judicial system virtually guarantee freedom from error.

And on the question of justification:

Is society justified in taking away a life? This question can be answered by another question— "Is society justified in making war?" There is a fundamental answer which even from the philosophical point of view cannot be refuted. Society does have the right to protect itself by whatever means are necessary.

From a booklet on capital punishment produced by Mr. Guy Favreau when he was Minister of Justice in 1965, I should like to read the following:

Some persons approach the issue of a death penalty from a straightforward moral viewpoint, the abolitionists among them believing that it is wicked and unwarranted for the state to take a human life in any circumstances and the retentionists believing that the crime of murder is so heinous that death is the only punishment which is consonant with a sound moral sense in the community. Neither of these groups is likely to change camp upon considerations of deterrent effect; the conclusions are deeply and subjectively rooted in background, training, philosophy and religion.

Further on in the booklet we read, and I underline this statement:

The rights of the individual must not be considered as sacred to the point where the rights of society are subjugated thereto.

And another extract which is relevant:

If a threat is an empty one which cannot or will not ever be actualized, it will not influence conscious or unconscious deliberations of the individual. It is, therefore, not a question as to whether society imposes capital punishment or life imprisonment for murder, it is whether those sentences are actually carried out.

Five thousand of my constituents replied to a questionnaire on this subject. Only 22 per cent of them favoured abolition. Thirteen per cent supported the limited retention, provision for which is made in the bill before us. An overwhelming 65 per cent supported the death penalty for all first degree murders. I have presented a selection of the opinions which have been material to me in reaching my own decision. As one medical doctor in my county stated, an abolitionist cannot vote for retention of capital punishment even if that is the majority opinion of his constituents. Possibly, one day, I shall vote for abolition, but while I am willing to send a man to die before enemy guns, and while I believe the rights of society cannot be subjugated to the rights of an individual, I shall continue to support effective measures to protect society, including the death penalty for all first degree murders.

● (1520)

Mr. Heath Macquarrie (Hillsborough): Mr. Speaker, this is a most important subject and a most difficult one. I think it is the third debate on capital punishment in which I have engaged, and I find that, generally, members are more inclined to bare their souls in a debate of this sort, which I think is all to the good. I am always pleased when we in this chamber have what we call a free vote. I think the less frequently we have the laying on of the party whip, the more mature becomes our deliberative assembly.

I find this a question of extreme difficulty, a sentiment a number of my colleagues have already expressed. Last October, a reporter from one of Canada's great newspapers called me up in Charlottetown and asked me for my views on this question. I told him it was not easy to give my views but I tried to give him a balanced statement. A few weeks ago a reporter from another distinguished Canadian journal asked me the same question, and I gave what I thought was the same balanced answer. I may say that neither of these answers ever saw the light of day, because to be moderate in one's view is not the way to get in the press.

I am not able to be dogmatic or precise on the matter, not because I have not thought about it, but because I have thought much about it. When I spoke in this chamber seven years ago I confessed then that I entered the debate with a feeling far removed from supreme over-confidence in the rightness of my view. I may say that I have not moved toward any greater dogmatism in the years since; nor have developments in our society made the question any easier of adjudication. Indeed, it seems to me that this present time is an unfortunate time to be discussing an issue with such ramifications.

This very day we find great anxiety about what is going on in our penal institutions. We have an aura of violence which is disturbing. We have very serious assaults upon our police forces. Indeed, I thought earlier in this session that probably it would have been the course of wisdom for some agreement to be found to extend the provisions of the present act for a year or two and then to bring it up again, perhaps more hopefully, at a stage in our society which was a little more stable and which would be conducive to a little easier in-depth study of this very fundamental question.

In addition to the basic challenge in dealing with a question which has broad sociological, philosophic and indeed moral aspects, we have in the Canadian situation and in the bill before us some other factors which add grave difficulty for those trying to make up their minds. One which comes to mind is this, that for years in this country, no matter what the law said, no matter what the Code decreed, we had *ipso facto* abolition of the death penalty. Every Canadian knew this, every legislator knew it, and that historic fact makes this kind of debate totally academic. Even in cases involving the death of policemen, wardens and the like, and in the absence of any appeal for clemency, the sentence of death has been commuted without exception year after year. So, in a sense, we know in our hearts that we are talking in vacuum.

Another matter that disturbs people is that in today's reality life imprisonment means something quite different from life imprisonment. We find that a short passage of