

*Capital Punishment*

● (2330)

Let me move on now to another point often made by people who support the abolitionists' position. They say that execution is anti-Christian. I do not believe that to be the case. One of my good friends, who is well versed in the New Testament, has reminded me that St. Paul in his Epistle to the Romans, namely, in Romans 13 Verses 3 and 4 talks about punishment and the ruler's right to punish offenders. I quote:

—he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrong-doer.

The reference to sword indicates that Paul does not make the assumption that force is always contrary to God's will. It was John Calvin, the father of Presbyterianism, who wrote in his commentary on Romans the following interpretation:

—they armed with the sword, not for an empty show, but that they may smite evil doers.

There are many who say we should forgive even the most violent murderer. Forgiveness is something which can and should be applied in our personal lives for those who do wrong against us. It does not forego the importance, indeed the necessity, of punishment. Punishment is a necessary part of our life should we do wrong. The issue is what form that punishment should take. More of that later, Mr. Speaker.

Several speakers in the debate have made the point that many churches have publicly called for the continuance of abolition. Many church leaders say that execution is wrong. I acknowledge the right of the church to preach what it believes to be correct. It did so during the Second World War and ministers from the pulpit urged me and many others to do our duty and go forth to kill the enemy. I do not think God has changed, but somehow the message is different, depending upon the circumstances.

In the debate in this House so far, much has been focused on the fact that capital punishment is not a deterrent to murder. Some have gone so far as to say that the murder rate has decreased in Canada since capital punishment was abolished.

Those who use statistics such as the over-all murder rate do not acknowledge that figures available from Statistics Canada show that the number of people charged with first degree murder has increased substantially since 1976 while the number charged with second degree murder has decreased. But figures may be made to tell us anything we wish, and although I hold no major brief concerning the importance of capital punishment in deterring murder, I would not rule it out as a deterrent in individual cases.

I believe that murder and other crimes deserve punishment. I quote Lord Denning, master of the Roles of the Court of Appeals in England, to a British Royal Commission on Capital Punishment:

Many are inclined to test the efficacy of punishment solely by its value as a deterrent; but this is too narrow a view. Punishment is the way in which a society expresses its denunciation of wrong-doing: In order to maintain respect for the law, it is essential that the punishment inflicted for grave crimes should

adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the object of punishment as being deterrent or preventative and nothing else... the truth is that society insists on adequate punishment because the wrong-doer deserves it, irrespective of whether it is a deterrent or not.

These are important words, because respect for the law is an important part of our society. If the law does not take into account the wishes of the vast majority, the law falls into disrepute. We come back then to the question of the form of punishment.

I have heard people say that if you wish to take a life for a life then surely you must punish by rape for a rape, et cetera. This, I believe, is not a very sound argument. In fact, Sir, it is a rather silly argument. It would imply, for example, that when you ground your children for a week because they stayed out too late with the car, the appropriate punishment would be to force them to stay out late with the car for a week, or that the appropriate punishment for failing to attend school and playing hookey, as I did so often, would be to insist that they stay away from school.

People who support capital punishment in principle are sometimes called vengeful and vindictive. We have heard these phrases in the House during this debate. When does any punishment become vengeful and vindictive as opposed to being just and appropriate to the crime? Some have said, even here, that the appropriate punishment for these kinds of murder is to keep people in jail for life with no possibility of parole. Like George Bernard Shaw, I would consider that vengeful and a form of punishment much worse than execution. To deprive someone of his or her freedom and to do it in a circumstance where the individual is without hope seems to me a protracted form of cruelty and torture, particularly in a society which values freedom so much that it sent hundreds and thousands of young men and women to face death to protect that freedom.

The question arises as to the susceptibility for error and that it might be possible to execute an innocent person. No one can deny that such a possibility exists. There are no known cases in Canada with the possible exception of Mr. Coffin, and that remains open to debate.

The case of Mr. Marshall, often quoted in this House, was not one of first degree premeditated murder and therefore, in my opinion, does not have a real place which is relevant in this debate. Nevertheless, the chance of error is a factor and one that should cause us to think long and hard about the restoration of the death penalty. To those who use this argument, may I be allowed to give the other side of the coin?

Without capital punishment, it is certain that innocent people will be killed because some people repeat violence, and there are instances of murder and manslaughter taking place while people are out on parole or after they have escaped from prison. There are also regretful instances of prison guards being cut down by people serving sentences for murder.