

Criminal Code

death. He said, Let him who is without sin among you cast the first stone.

When the crowd had dwindled away so that only the woman was left he said to the woman, "Go and sin no more". It seems to me that this is the ultimate culmination of the Christian concept of the application of mercy and the possible redemption of the individual.

My second reason for opposing capital punishment is that I believe capital punishment brutalizes the society that uses it without providing any effective deterrent that cannot be provided equally well by life imprisonment. I believe that any society that practices capital punishment brutalizes itself. It has an effect upon that society and I do not believe that society can rid itself of murderers by itself becoming a murderer. Surely if brutality would deter the committing of a crime Great Britain should have been a place of law-abiding citizens because a little over 150 years ago there were over 200 crimes for which an individual could be put to death. Instead of making Britain a nation of law-abiders it was a country where crime abounded, where human sensibilities were dulled by the public execution of criminals. It is rather significant that in that day, as in this, it was often the juries who were more humane than the lawmakers. It was only because juries refused to convict, knowing the terrible punishment which would follow, that the lawmakers were forced 150 years ago to remove the death penalty from a great many of the crimes for which it had been prescribed.

● (4:00 p.m.)

All of the evidence which can be gathered seems to indicate that the death penalty is not a unique deterrent and that life imprisonment can be equally effective. Most hon. members are familiar with the works of Thorsten Sellin, a professor at Pennsylvania University, and his book "The Death Penalty Relative To Deterrence And Police Safety". Many figures have been quoted and I do not think there is any need for me to quote them again. Certainly his study in the United States, which compared states which have abolished the death penalty with states which have retained it, led him to the conclusion that "abolition had no visible effect on homicide rates".

Marc Ancell, who did the United Nations study which looked into the experience of the many countries which have abolished capital punishment, some of them as long as 50 years

[Mr. Douglas.]

ago, and states which have retained it, came to this conclusion:

Removal of the death penalty has never been followed by a notable rise in the incidence of crime no longer punishable with death.

I readily agree, Mr. Speaker, that quoting endless statistics is not going to prove either the case for abolition or the case for retention, but there certainly seems to be no convincing volume of evidence which would satisfy any unbiased individual that abolishing the death penalty has resulted in an upsurge of homicide or that those states which have retained the death penalty are any freer of capital crimes than those which have not.

After all, Mr. Speaker, who is it that the death penalty deters? It has certainly not deterred the man who commits murder. Will it deter him in the future? Surely he can be deterred in the future by being incarcerated for the remainder of his life. Who is deterred if this man is hanged? Is he to be hanged as an example to the rest of the community? I can conceive of nothing more immoral than to break a man's neck as an example to other people, but if that is the argument then surely, as the Leader of the Opposition (Mr. Diefenbaker) said yesterday, we ought to have public executions.

The hon. member for Winnipeg South Centre (Mr. Churchill) said that the fear of death will deter men. The fear of death will deter normal men but when a man commits murder, is he normal? Can we understand the motivation that causes a man to take a human life? When a man commits homicide, does he sit down and assess whether he is committing it in a state that has capital punishment or in a state that has abolished capital punishment? I think not. In the main the man who commits homicide is the man who is mentally ill, the man who kills does not make the common, rational judgments that are made by the average individual.

Miss LaMarsh: You contend they are the ones who commit most of the murders?

Mr. Douglas: Yes.

Miss LaMarsh: You contend they are the insane?

Mr. Douglas: The Secretary of State (Miss LaMarsh) says that they are not insane. This depends entirely on her definition of insanity.

Miss LaMarsh: That is in the law.