

and that subsequent House stages of the bill be considered under "Government Orders", with the bill standing under the heading "Government Business".

and on the amendment (Mr. Robinson) (p. 5311).

Mr. Deputy Speaker: This is the question and comment period on the speech of the Hon. Member for Mission—Port Moody (Mr. St. Germain). For the first question I recognize the Hon. Member for Cowichan—Malahat—The Islands (Mr. Manly).

Mr. Manly: Mr. Speaker, I was interested in the speech of the Hon. Member for Mission—Port Moody (Mr. St. Germain). His desire to see the return of capital punishment seemed to turn on the whole question of law and order and what he called the protection of society. When it was brought up, as it has been many times and will be again, that capital punishment does not provide any real deterrence to murder, the Member said that justice, not utility, should be the basis on which we operate. I would be interested in hearing from the Hon. Member what standard of justice he uses. How does one determine what is just in a measure such as that? Is it the basis of an eye for an eye and a tooth for a tooth? How does the Member determine justice?

The other question I would like him to address relates to protection of society. Opponents of the death penalty are very concerned that if the death penalty is reinstated it will mean that innocent people will be put to death. The Member said every precaution will be taken to ensure that this will not happen, but the Member knows that in some circumstances an innocent person will be put to death. People are very concerned about that, and Members of juries will be very concerned when accused murderers are facing trial. They will have very skilful lawyers working with juries, to play on the fears of jurors that they might condemn an innocent person. We have seen statistics which indicate that where there is capital punishment there is a higher rate of acquittal than in situations where there is not. It seems to me a very real possibility—a probability—that guilty people will be acquitted much more frequently under a capital punishment provision than otherwise. I would appreciate it if the Member would tell the House how he feels the acquittal of guilty murderers—juries do not want even the possibility of having condemned an innocent person to death—will lead to further protection of society?

Mr. St. Germain: Mr. Speaker, let me first comment that it is unfortunate that the Hon. Member for Cowichan—Malahat—The Islands (Mr. Manly) will not in this particular instance be able to exercise a vote of conscience. My understanding is that his Party is voting in a block—

Mr. Manly: Mr. Speaker, I rise on a point of order. I regard that as an imputation of motives. Members in this Party will vote according to their conscience. That comment is not a worthy part of this debate which so far has been on a fairly high plane.

Mr. St. Germain: Mr. Speaker, I certainly do not want to be confrontational on this issue. It is a very important issue, and if

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the Member feels he should rise on a point of order, then so be it, and I will be guided by your wisdom.

Let me come to the question of deterrence. As I pointed out at about one o'clock today, I do feel that deterrence is marginal, and it is very hard to determine exactly what deterrent effect this will have. We are speaking of a protection of society. I would gather it is a perspective that we see as individuals. It comes down to this conscience aspect of how we evaluate things morally within our own lives and how we see certain things evolving in society. I feel it is something that people should be free to express within themselves. It is something that should not be bound by Party lines or by dogma or doctrine. It is something that evolves from an individual's viewpoints, his upbringing, his spiritual views and his moral views.

● (1520)

In answer to the question of the Hon. Member, I would say that logically I am concerned about the innocent being prosecuted. Though I do not like to deal with statistics, members of the NDP have dealt with them considerably in this debate so I would say that statistics in Canada have shown that there is no proof that anyone in Canada has ever been put to death in error. I do not believe that anything we would institute would allow this kind of thing to happen. We would take the utmost of precautions. In the protection of society, there is always a risk, but it is so minuscule that I feel the protection of society far outweighs any risk we may take in this instance, given the heinous crimes and abominable situations we are facing at the hands of murderers.

Mr. Nunziata: Mr. Speaker, when one analyses the arguments put forward by proponents of the death penalty, one realizes that the bottom line is that those who support the death penalty do so on the basis of vengeance and retribution. It has been proven that capital punishment is not a deterrent. Given the fact that the status quo is such that the death penalty is not on the books, the onus rests on those who want to bring back the death penalty to prove that it is justifiable in today's society. Study after study has concluded that it is not a deterrent.

Does the Hon. Member believe it is appropriate that vengeance or retribution be the basis of our criminal justice system? Does he believe it is right that our criminal justice system should be based on the theory of an eye for an eye, a tooth for a tooth? If he thinks that that is morally right, perhaps he could indicate to me what other western nations have retribution as the basis of their criminal justice systems. Would the Hon. Member not agree that retribution has no place in the Canadian criminal justice system, that in fact there should be other principles that underlie our justice system, namely, the protection of society and the rehabilitation of those who would pursue a life of deviant behaviour?

I would admit that we all at times feel the need or desire to get even with someone who has committed a wrong, either toward us personally or toward the state collectively. However,