

*Criminal Code*

intention to have a vote tomorrow night because I believe we should obtain the feeling of members of the house on this question.

I also believe we should not adopt the amendments. I should like to see a straight vote on this question. If members of the house agree to abolish capital punishment, and there is a substantial feeling in this regard, then let that be done. If members of the house are not of this opinion, let us know that also. But the question should be settled in this way and we hope for a majority opinion so there will be a clear indication with regard to a bill to be brought in by the government that would meet the wishes of the house.

I would indicate that I shall vote against the motion in its present form because I do not believe in the absolute and final abolition of the death penalty, and I shall vote against any amendments that are brought in unless they go toward bringing about a clean vote on this subject, so that we know where we stand.

At the same time, Mr. Speaker, if it appears to be the majority, and the substantial majority, will of the house that we abolish capital punishment, this will not make me feel badly. I shall go along with the result, but will vote against the motion in any event.

I should like to say just a few words on the main subject. The hon. member for Middlesex West (Mr. Thomas) spoke earlier this evening and expressed my own views very well. For this reason I shall cut down my own remarks. My neighbour in the house, the hon. member for Queens-Lunenburg (Mr. Crouse), advised me that if he did not have a chance to speak in the debate, he also agreed with the hon. member for Middlesex West.

When the debate was opened by the hon. member for Edmonton-Strathcona (Mr. Nugent), he took a backward look to 1810 when the penalty of death could be imposed for theft from a shop. It does seem strange to us now, but it was not considered at all outrageous then in the context of the social conditions under which people lived. As social conditions changed and the concepts of property, legal and moral rights and obligations developed, the offence of burglary became less serious and human life more sacred. I have no doubt that 100 years from now this debate will seem strange to those who may look back on it. It will not seem strange because of the result, but because we had to have the debate at all.

[Mr. Aiken.]

I predict that with the changes and advances in medical, social and legal knowledge, the surprise of these people will be that we had not sufficiently advanced to the point where we could by medical science and sociological approaches do something more realistic toward criminals than we are now able to do. However, Mr. Speaker, we are not living 100 years from now; we are living in 1966, and our duty is first to those among whom we live and their best interests and protection in the world of today. We have a duty to the future. We have a duty to bring about a society where no one will commit murder and no one will have to be punished. In the meantime, however, the unpleasant duties of society must be met, as they always have been, in a direct way. We cannot look at other countries, at other societies, at other times.

● (10:30 p.m.)

So far as I am concerned, I will welcome the day when the penalty of death can be abolished. That day will come when medical science has delved into the human mind, and can straighten out the warped, vicious and antisocial behaviour of those who are a menace to society, whether in or out of custody. That day will come when a sentence of life imprisonment can do something more for the soul, mind and spirit of the convict than to let him rot in the hopelessness of despair or become a human vegetable. That day will come when our concern for human welfare goes beyond that very small segment of our people who have purposely set out to contravene the fundamental law: Thou shalt not kill. That day has not yet come.

Society cannot take a timid approach to the unpleasant things of life. Neither can parliament nor the government. We must constantly search for more humane, more realistic, more enlightened methods of achieving the protection of society from those among us who acknowledge no moral, human or divine laws. Such change is not necessarily an improvement because it is easier, more pleasant or less abrasive on the sensitivities of those who abhor violence. It is only an improvement if it achieves its objective in an easier way. Statistics are quoted on both sides of the question as to whether the possibility of losing his own life deters a person with murder in his heart. Until it is proven otherwise, it is normal to assume that it does. But being in doubt, if I must choose between the protection of society and the protection of the convicted murderer, I choose society.