

Criminal Code

by the cabinet judging with great care each case on its merits. The abolitionist should have no cause for complaint if the section remains in the act and the death penalty is rarely used. The retentionist should have little cause for complaint if the section is retained as the state's reserve power in case of necessity.

• (3:50 p.m.)

Society must decide which life is the more valuable—the child, the woman, the police officer, the prison guard or the criminal. The state cannot guarantee life for all of these at our present stage of development. The state cannot yet guarantee that prisoners will never escape. Psychiatry cannot yet guarantee an absolutely accurate answer to psychiatric problems. The parole system cannot yet guarantee that reformation and rehabilitation have been completely successful. Until those guarantees can be given the state owes a higher duty to its law-abiding citizens, to its women and children, than it does to the criminal.

I am now prepared to answer the question I posed at the beginning: "Is the state justified in taking a life?" My answer is "Yes", under the law as it now stands with the cabinet deciding each case on its merits and with due regard to the safety of the law-abiding citizens of the state. I propose to vote against the amendment and the main motion in order to retain the present law as it was modified in 1961.

Mr. T. C. Douglas (Burnaby-Coquitlam): There are times, Mr. Speaker, when the House of Commons rises to heights of grandeur and becomes deeply conscious of its great traditions. I think this debate had been one of those rare occasions. There has been a minimum of rancour and there has been no imputation of motives because I think that the abolitionists and retentionists alike have been sincerely searching their consciences to see if we can honestly resolve a moral problem. This problem is, how can we abolish a brutal punishment without endangering the safety of society?

I am in favour of the motion to abolish capital punishment and I am also supporting the amendment to put it on a five-year trial basis. I doubt that there is much new that can be said in this debate. The entire field has been well covered but I should like to put very briefly four reasons for my opposition to capital punishment. The first is that capital punishment is contrary to the highest

concepts of the Judaic Christian ethic. I do not propose to go into theological arguments, but both in this debate and in the discussions which have taken place outside the house many people have been quoting Scripture in support of retaining the death penalty.

It is always a dangerous practice to quote isolated passages of Scripture. The Bible has been quoted in times past to support slavery, child labour, polygamy, the burning of witches, and subservience to dictators. The Scriptures have to be viewed as a whole. The Bible is not one book, it is many books. It does not have a static concept. It represents man's emerging moral concepts as they have grown through the centuries.

It is true that the Mosaic law provided the death penalty for murder. It is equally true, if one looks particularly at the 20th chapter of the book of Leviticus, that the Mosaic law provided the death penalty for 33 crimes including such things as adultery, bestiality, homosexuality, witchcraft and sacrificing to other gods than Jehovah. It seems to me that those who want to pick out isolated texts from the Bible in support of retaining the death penalty for murder have to be equally consistent and ask that the death penalty be retained for all the other crimes listed in the Mosaic law.

Of course, those who take this position overlook several facts. They overlook, first of all, the fact that the Mosaic law was an advanced law for the primitive times in which it was formulated. It was later succeeded by the Hebrew prophets who introduced the idea of justice superseded by mercy, the possible redemption and re-establishment of the individual. They overlook the fact that if any nation in the world ought to feel itself bound by Mosaic law it should be the state of Israel. The state of Israel abolished the death penalty many years ago except for Nazi war criminals and for treason committed in times of war. The religious hierarchy of the state of Israel enthusiastically supported the Knesset in abolishing the death penalty in that country.

But for those of us who belong to the Christian religion it seems to me we have to remember also that the Christian religion went far beyond the Mosaic law. In the days of the founder of Christianity the Mosaic law still obtained. This law decreed that a woman taken in adultery could be stoned to death. We should remember the statement of Jesus of Nazareth when he came upon a group of people preparing to stone such a woman to