

Capital Punishment

is the notion of rehabilitation. We feel that if we put a person away for a time we can get him to mend his ways, to use an old term; that we can rehabilitate that person so that when he emerges into society again he will be no cause of threat to public safety. Very obviously—I am not trying to be ironic here—we cannot justify capital punishment on the basis of rehabilitation, so we have to look elsewhere for justification.

● (1750)

Deterrence is the second justification for punishment. For some years now I have become convinced that capital punishment is not a deterrent. It is understood, of course, that I tend to see statistics in quite a different way from a person who is convinced that capital punishment is a deterrent to murder. But to me, the argument about deterrence is neither here nor there. I quite readily grant to those who argue that we need restoration of capital punishment that the case for a deterrent, either for or against, is not proven.

I repeat: the case presented by the statistics satisfies my judgment, but I can understand if other members of the House do not have their judgment satisfied by the figures. In an absolute sense, the case for deterrence is not proven. It is not destroyed. It is not established. It is not proven. However, I cannot help but be affected by the fact that in those jurisdictions where there is no capital punishment there seems to be a very low rate of capital murder.

A critic of my view could say, "Well, which came first? Was it the case that at first you had a relatively non-violent society which in turn felt no need for the imposition of capital punishment and therefore removed capital punishment from its laws, or did it work the other way around?" I do not think we can go through any kind of mechanistic calculation that will give us the answer. I suspect, indeed I believe very strongly, that a state that says simply and clearly that it will not take a life deliberately somehow sets up a tone, an attitude, a mood, a way of looking at things in that society which in turn tends to reduce the level of violence. And as it reduces the level of violence, so it also reduces the level of capital crime.

So I say to those who are concerned with public safety: Look to those states that have eliminated the death penalty and see how they have also reduced the amount of violent crime. The correlation may not be exact, the logic relating the cause to the effect may not be clear, but nevertheless it is there. If we are concerned about saving lives, I would advance the thesis, which may appear to be paradoxical, that the abolition of capital punishment might have more to do with the saving of lives than the harshest punishment can propose.

The final justification for punishment is that of retribution. I spoke earlier of retribution when I referred to the ancient adage of an eye for an eye and a tooth for a tooth. I suppose that one form of retribution is vengeance, but I do not suggest for one moment that any member of this House supports the retention of capital punishment for reasons of vengeance. I do not even suggest that the people in my riding who want capital punishment reinstated are motivated by vengeance. I think what they are seeking is a sense of justice, a feeling that somehow this universe is a moral and fair one; that those who go to the ultimate step of taking another person's life deliberately must somehow make retribution so that justice is served.

The only argument in favour of capital punishment that is worth while looking at in a moral or philosophical sense is the one that says that society must impose capital punishment for certain crimes in order that society may clearly indicate to all its members its abhorrence for that kind of action. That is a serious argument, one on which we must dwell for a moment. I grant its power as an argument and I suspect that behind much of the debate we have heard in support of retention we can find the premise that somehow or other society has to indicate that certain actions cannot be taken with impunity, that punishment for certain actions must be absolute. Against this argument I pose a counter argument which says very simply this, that the state must indicate through its deliberate and considered action its sense of the value of human life, and it must state that it, the state, will not lower itself to the status and level of the criminal.

If you will allow me another 30 seconds, Mr. Speaker, that is all I need to finish my point. I understand the motivations for vengeance. I have the same feelings myself. To the person who asks me what I would do if a rapist strangled and killed my daughter, my immediate reaction is to say that I would strangle him with my bare hands. But I know that I must not act in this way. The history of man is such that any man who acts according to these urges knows that this is the wrong way to act. What we are doing here is sitting in full, considered and cool deliberation, not in the heat of the moment. We parliamentarians, men and women representing the people of this country, must decide that our country, our state will not lower itself to the level of the criminal.

I hope that before this debate is ended I will have an opportunity of voting for total abolition. In the meantime, I simply want to put my position before the House. I urge the few hon. members of this House who may be wavering to reconsider, because although it is a slow process we are here again re-establishing and restating our full consideration of the value of human life.

At 6.02 p.m. the House adjourned, without question put, pursuant to Standing Order.