Capital Punishment

In January, 1979, the government introduced Bill C-9, for the establishment of referenda in this country. There was a heated debate. I spoke on January 29, 1979—in fact I have my notes in front of me—following the hon. member for Kingston and the Islands (Miss MacDonald) who led the opposition attack on the bill. In my speech I noted that the Conservative party was attacking the bill on the grounds that it undermined responsible government. I was speaking, of course, in the context of British parliamentary democracy.

I find it somewhat ironic when the official position of the hon. member's party attacks the concept of referenda, that he and many of his colleagues—perhaps some on this side as well—believe that referenda should be used on moral issues.

We on this side believe in the principle enunciated in Bill C-9, that the people of Canada should be consulted by means of a referendum on the structure of government and on constitutional matters. It is all very well to poll the people on their ideas about the laws by which we are governed, but when it comes to holding a referendum on moral issues I think we would not only be betraying our heritage but we could also unleash a very nasty spectacle in this country. I think of the spectacle of the riots in Paris in 1792 or the kind of venom we have seen on the streets of Tehran in the last year. I am not being anti-democratic or disrespectful of the public, but when collective behaviour occurs on emotional questions, that in a sense begs a more conservative approach to government—a more conservative approach provided by thoughtful, rational discussion in Parliament. When a question like capital punishment is put to the people directly emotions run high.

In 1976 there occurred the unfortunate death of a young shoeshine boy in Toronto. I remember the kind of feeling which permeated the calls that came into my constituency office. Some of the abuse I took was directly attributable to that horrendous crime.

In a sense the public acts irrationally when its passions are aroused. If we take this action in regard to capital punishment, then we may have to take the same action regarding abortion. The fireworks would go off then. If we are willing to condone the state taking a life for certain crimes and then hold a referendum on abortion, where do we go next? I have strong views on abortion as I believe it is a crime against an unborn child; it is ceasing life that exists, notwithstanding the fact that the baby has not technically been born.

Mr. Kelly: You are consistent.

Mr. Collenette: My friend, the hon. member for Scarborough Centre (Mr. Kelly) says I am consistent. Then there is the question of what we do about euthanasia. We may have to deal with this question within the next decade. Do we give authority to those who administer medical treatment to terminate that treatment upon the advice of a parent or next-of-kin? I believe we should not, and I think of Karen Quinlan who might still be alive. A person who is clinically still alive but is not functioning mentally is a life and that life must be respected. I do not think that I, as a member of Parliament or in the government as an agent of Parliament, should interpret what is almost the very metaphysical question of what is life and what is death. I think that is beyond our scope as legislators.

I seem to have rambled on, Mr. Speaker, but I just do not believe that the state should hold referenda on moral questions. We saw what happened in Italy a few years ago with the referendum on divorce. It nearly ripped the Christian Democratic party apart and I am sure the same thing has happened in other countries.

I for one object to the whole question of capital punishment and retribution for a capital crime, and I object to the procedure whereby a country would enact legislation calling for referenda on questions of moral conscience. I am therefore personally opposed to this motion.

Mr. Kilgour: Mr. Speaker, would the hon. parliamentary secretary accept a question?

Mr. Collenette: Yes, certainly.

Mr. Kilgour: Can the hon. parliamentary secretary imagine any murder, whether contract killing or one in particularly heinous circumstances, that would cause him to think that the perpetrator should forfeit the right to live?

Mr. Collenette: Mr. Speaker, this is essentially the qualifier that the former right hon. member for Prince Albert used. In other words, it is an escape clause. It is like the six-months' hoist clause on a bill. You get to third reading and then you chicken out and move that the bill be read six months hence.

That is what the late right hon. member for Prince Albert was referring to when he spoke in the debate in 1976. He was a life-long abolitionist who unfortunately, and I do not want to malign him, in his latter years changed his mind, using what I consider to be a very specious argument. He qualified his life-long opposition to capital punishment, for which he had, I think, admirable moral grounds. He said we should have capital punishment for acts against the Queen.

Basically that is what the hon. member for Edmonton-Strathcona is saying now. Maybe I am attributing motives to him, but in his heart he is probably an abolitionist and is grappling with the subject, looking for some kind of justification for capital punishment. To paraphrase the words of Mackenzie King, capital punishment if necessary, and vice versa. I would say to him categorically that in my mind there are no grounds whatsoever for capital punishment. I do not discount the fact that one might have to kill in war. That is a very separate issue which is not under debate at this time.

● (1640)

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, I too rise to oppose the motion which is before the House today. I note, in commencing, that I was pleased to see that the previous Conservative government took no steps whatsoever in the direction suggested by the hon. member for Erie (Mr. Fretz). At no time did they introduce legislation or, indeed, suggest that there would be any legislation introduced which would