

*Capital Punishment*

of self-esteem will shrink from any kind of belief or practice which could be labelled as barbaric.

But even those who argue that the practice of capital punishment is uncivilized would probably agree that the two most prominent characteristics of a civilized society are a pervasive sense of humanity and a sense of order. Historically, the sense of humanity in a civilized society could probably best be described as the "Good Samaritan" spirit. It is one of those curious ironies, however, that that particular story places no emphasis at all on the criminal. As a matter of fact, in that story the criminals were long gone—they got away and no attention was paid to them. Should we infer from that that we ought not to pay attention to the criminals? Hardly. The point of the story is that the Samaritan, considered a barbarian by his sophisticated neighbours, gave his total attention to the plight of the victim and his rehabilitation. And to this day, Mr. Speaker, the so-called primitive people of this world could often teach us something of humanity by the way that they care for the victims of distress.

We are barbarians, Mr. Speaker, not when we have a law calling for capital punishment; we are barbarians when we do so little for the victims of violent crimes. Where is the far-reaching legislation for the rehabilitation of the victims of rape, or the families of those that have been murdered?

There is a man in my riding who was mauled by a bear which was attacking his fiancée. He saved her life but became permanently disfigured. They have spent all of their savings to pay for plastic surgery and now they have no more; but he needs more surgery. I have asked the Minister of National Health and Welfare (Mr. Lalonde) for some help but have been refused. Meanwhile, there are hundreds of convicted criminals who are given every possible opportunity to appeal, at public expense, if necessary. And we continue to open rights of appeal. But what about their victims and others such as the one I have just mentioned. Do they even get scant attention? Perhaps the most appropriate opprobrium here is "These things ought ye to have done and not to have left the other undone". The Minister of National Health and Welfare will vote against capital punishment, probably because he thinks it is barbaric. I suggest to him that it is not the death penalty that is barbaric, but our lack of compassion for the abused in our society.

A young RCMP officer in my riding was shot several years ago. He was to have been married in a week or two. What about his fiancée who has to reconstruct an entirely new life? What about the mother of two small children here in Ottawa whose husband and the father of the children was killed in the line of duty? How do we measure the heartache and loneliness, the unanswered questions, the shattered relationships and dreams? Have we become so blindly passionate in our pursuit of justice for the criminal that we have at the same time forgotten the pursuit of equity? Somehow, we seem to have come to the place where we feel that, since we cannot measure intangible and personal anguish caused by crime and codify it accurately by statute, there is, therefore, nothing we can do. It is with this casual glance at equity that our barbarism really becomes glaringly obvious. No, Mr. Speaker, it is not our call for the death penalty that makes us uncivilized

[Mr. Friesen.]

but, rather, the disproportionate attention given to the deliberate murderer, in relation to what we give his victim, that exposes our latent barbarism.

● (1200)

The second characteristic of a civilized society is a desire, even demand, for order. It does not matter on what basis you become an apologist for government; it is not long until you appeal to natural law. I will have more to say on this later, but suffice it to say here that our restless search for order has caused us to give authority to governments to instigate laws that will preserve order as much as possible.

Now, the most fundamental right I have is the right to live unmolested and undisturbed. Murder is the ultimate violation of that right: it is anarchy, the annihilation of order. The murder of police officers or prison guards is deliberate rebellion against the right of the government to establish and to maintain order. In light of these two arguments involving the inadequate, and often misplaced investment of compassion and the destruction of order, how can we say that to retain capital punishment is to return to an uncivilized state? The fact is, when we reject capital punishment we, in the most real and tangible way, develop a more subtle barbarian condition.

A fourth reason frequently given in rejection of capital punishment is that it is not a deterrent. The argument is usually based on statistics and is probably the most specious of all the arguments, if for no other reason than that the argument of statistics is the most abused and hackneyed of all. Presumably, if statistics clearly and unequivocally proved that capital punishment was, in fact, a deterrent, the abolitionists would become supporters of capital punishment. Hardly! They know that the argument of statistics is, of all tools, most malleable, capable of being twisted to any design that is needed. But beyond that, the whole argument of deterrence has become a totally utilitarian one, in a very pragmatic sense. If something is visibly useful, use it. If not immediately and visibly useful, reject it. It is for this reason that statistics become so vital to the argument of the abolitionist. Statistics are supposed to establish value on the basis of concrete and irrefutable data.

I suggest that pragmatic arguments have been functional and useful in supporting technological advance on the American frontier. At that time pragmatism became popular. But it is hardly fair to apply philosophical arguments in support of technological advance to a moral question, and to use the argument of pragmatism in moral issues. It is the utilitarian philosophy which ushered in the whole array of arguments attempting to justify relative morality and situational ethics. I read, recently, a statement of a man justifying situational ethics by saying that there are times when it is much kinder to tell a white lie than to tell the truth. It sounds ever so sweet and understanding until you realize that if it ever happened to you, you would feel humiliated and embarrassed when you realized someone else's attitude of condescension toward you.

But it is much worse than that. All of us need reference points to guide us in life. We need absolutes. This is where the intangible dimensions of the utility of the law come in. If the reference points are continually shifting, we become