

The Acting Speaker (Mr. Turner): Is the hon. member for Oxford going to answer the questions now?

Mr. Halliday: Mr. Speaker, I would be glad to answer them now if that is your pleasure.

I appreciate the fact that my colleague, the hon. member for York-Simcoe (Mr. Stevens), brought these three questions before the House because they are indeed significant. In attempting to answer those three questions I should first state very succinctly what my two objectives are in moving this amendment. The first objective is to provide a form of protection for the public against second offenders, those who commit treason and those who commit piracy. The House might wish to add to those. My second reason for moving this amendment is to provide some form of punishment which is adequate for the protection of society and which at the same time is as humane as possible. It was with that in mind that I chose to offer as an alternative death by some means other than hanging, at the choice of the convicted person. That is my prelude in answer to the three questions.

The first question related to the matter of punishment for treason, and the hon. member for York-Simcoe raised the question as to whether a hero complex or a martyrdom complex might be produced. I accept the fact that this might happen, but I submit that if in fact the people of Canada, as appears to be the case, by a majority favour capital punishment, I cannot think that that same majority would look upon this as an endeavour on the part of a criminal to be a martyr because the people think that that should be the natural course of events anyway.

On the second point regarding the timing of the option a criminal has for deciding whether he wishes imprisonment for the balance of his natural life or death, I introduced this part of the amendment for the simple reason that I thought this was a humane option to offer. I recognize the fact that there are many ways this could be presented, and I welcome suggestions from hon. members as to how this might be put into action. I commend the hon. member for York-Simcoe for making this suggestion.

The hon. member suggested that possibly the prisoner could make his election before his trial. An alternative would be that he might make the election after the trial, and I think there should be provision to allow him to review the matter years later. I will leave that to hon. members to consider because each alternative has some merit, and none of them should be turned down out of hand.

The third question raised by the hon. member for York-Simcoe related to—if I recall his question correctly, and perhaps he will correct me if I am wrong—the intent of motion No. 18, having to do with second offences. It was my intention in the wording of this, with the help I had from legal authorities, to have this apply to second offenders, whether they be second offenders for first degree murder or second degree murder. I hope that answers the questions of the hon. member for York-Simcoe.

Mr. Douglas Roche (Edmonton-Strathcona): Mr. Speaker, those hon. members who we like to think grace and distinguish the fifth row on this side have a great spirit of camaraderie. Indeed there is some solidarity among us, but unlike some other sections of the House we

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do not allow our camaraderie or our closeness to overcome legitimate differences of opinion. I have great respect for the hon. member for Oxford (Mr. Halliday) and his colleague on this occasion, the hon. member for Hamilton-Wentworth (Mr. O'Sullivan) and their views. I have considered the speeches both hon. members made in support of the thrust of this set of amendments, which I describe as death by choice. That would be the simple way I would refer to the basic intent of motion No. 4, which governs the thinking behind all the motions we are now considering.

Because I feel that a very important principle has entered into the debate, I feel that I would be remiss in doing my own duty not to make some comments with regard to death by choice. I thought the presentations both hon. members made reflected the deep sense of humanity and concern they bring to this issue. With respect to them, I feel at this point need to distinguish between the right of the state to take life and the right of the individual to take his own life, or to give instructions for his own life to be taken.

• (1610)

Let me put it this way. There is an important distinction to be made. I want my comments on these motions to be focused as sharply as possible so that the distinction between the right of the state to take life and the right of the individual to take his life should not be lost sight of or obscured by consideration of related issues.

Although the hon. member for Oxford did not spell it out in precise terms, I felt that his message, or rationale, was that the state did not have the right to take life, or that it should be of such restricted limitation as not to apply to the bill before the House. I suggest that the thrust of debate on Bill C-84, whether one is a retentionist or abolitionist, has been with respect to the usefulness of capital punishment as a deterrent. I understand that not many of us question the actual right of the state to take the life of a convicted criminal. Surely there cannot be any theological or moral argument to support the claim that the state has not the right to take that life. In this tortuous debate we are considering whether the state ought to exercise its right, and whether by so doing it would prevent crime or cure the escalation of crime about which members on all sides are concerned. I am dwelling on this point because I want to make it clear that I judge that the state possesses the right to take the life of a criminal convicted of capital murder.

I turn now to the right of the individual to take a life, including his own. The moral base underlying our thinking, thinking directed toward the common good of society, is that each individual has the right to life. That argument has been widely used in the abortion issue, but I will not go down that alley. I only say that the individual has the right to life, but an individual does not have the right to terminate his own life.

This leads us to the question of euthanasia, a question on which the hon. member for Oxford touched last night. Although the hon. member did not declare himself as a proponent of euthanasia, and I am sure he is not considering positive euthanasia, that is to say, steps taken to end a patient's life, he left the impression that because of his humanitarian concern for suffering it is his view that a