

support it, I hope that the unrewarding approach with respect to sentencing is reviewed, both in the context of when this bill goes to committee and subsequently. If the Solicitor General and the government maintain this position with respect to the totality of this bill, I believe that subsequent Ministers of Justice or Solicitors General will have to revise that aspect of it accordingly.

I want to come to the two points that concern me on the basic issue of whether members of parliament should finally make the decision to abolish the death penalty. The hon. member for Ontario (Mr. Cafik) stated quite clearly that there is a basic assumption about the utility of the death penalty which I have never been able to accept even for an instant. It is that the level of certain offences must have a penalty so serious that there can be no doubt in the minds of a possible offender, or those who have already committed a crime, about just how seriously the government and the general public treat these kinds of activities on the part of an individual or a group of individuals.

If one takes that position, and I know that quite a few people do, I find it difficult to accept that the adoption by the state of a means of violence, the most total we can think of, that of taking a human life, will somehow set an example that society should subsequently emulate. I find this a totally illogical position, certainly illogical for the vast majority of the general public who to try to believe that governments have great responsibility to set an example in terms of normative and responsible public behaviour.

If we as members of parliament, individually and collectively, believe that one of the greatest if not the greatest offence that any individual can commit is the taking of another human life, what is the rationale that would allow us, for reasons of some kind of justice or working of the law, to commit that very same offence? It is true we would do it under certain accepted guidelines, principles, procedures and tests of validity. However, if we believe that when an individual or group of individuals commit a murder the state must emulate that, I find that the most faulty and self-defeating kind of reasoning imaginable. In fact I would have to say that the use of capital punishment by the state is a final and total admission of failure.

I am not anxious for our government or any government to be committed continually to what I can only see as a total admission or irresponsibility and failure. That is why it is so important that members of parliament representing the general public not fall into that trap. More than that, beyond the argument some people make for the legitimate use of state violence there is the motivation that has to be put on the table before us this afternoon.

The day before yesterday, the day we began this debate, I had a journalist in my office interviewing me about something totally removed from capital punishment. We got on to capital punishment because it is a subject that people seem to talk about very easily. She told me of an experience she had. She said she had recently been visiting in a jail. She ran up against a situation where a criminal who had been locked up got hold of a gun and shot a guard. She said she previously had no feelings one way or another about the question of capital punishment, but when she really got angry and thought about this criminal shooting the guard, she felt there was only one thing good enough for that individual and that was capital punishment. When

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I asked her whether she came to that conclusion because she saw this as a question of justice or a question of deterrent or revenge, quick as a whip she replied "revenge, what else?"

It is not a pleasant quality in the human make-up, but we mislead ourselves if we believe there is not in all of us a quality or at least a possibility of wanting to retaliate. I am no different from anyone else. When I read of a brutal slaying of an innocent child, the taking of a life that appears senseless, stupid and tragic, my immediate reaction is one of simple blind retaliation, the desire for revenge against the individual who has been so sick as to steal the life of a fellow human being. However, simply because I have that motivation of revenge does not in any way justify it being an acceptable principle, or position for the state on which to operate.

I have to say that to the degree that we, any of us, allow ourselves to operate on that basis, we are not asking for the good order of society, to the degree that we want to see some element of retaliation or revenge. There is far too much of that in our whole prison system today. To the degree we respond to that and allow it to motivate us in establishing guidelines to social responsibility we are not seeking really to provide some framework of order and security; we are really asking for some kind of return to the law of the jungle and anarchy. That is always a possibility. No society, no community can ever say it has arrived. We have been exposed to enough tragic experiences in this century to realize this is always a danger we face.

#### ● (1620)

This brings me to the final point I want to make this afternoon. It is really the basic point I want to make. I went back and looked at the speeches I made previously. I tried to say it before, but now I see it more clearly perhaps—this is one of the advantages to debating this thing once every two or three years—you finally come down to what is the essential position that you must adopt.

I think there is an essential issue here that all of us have to face. It isn't the question which has been raised—as a matter of fact, I raised it myself ten years ago—about whether the state had the right to take a life. That was mentioned, I think, just a few minutes ago by the hon. member for Ontario. I suppose that in a theoretical sense the state always has that right, but that is not really the issue we face here. It is not even the question of deterrence, because as has been pointed out we are dealing here with the human animal and we have not reached the level of sophistication where we can quantify the basis on which individuals make decisions and commit actions. God help us if we ever think we have arrived at that point. We are not going to solve it on the basis of the theoretical right of the state to take a life, or the more subjective analysis of statistics and psycho-analysis which might come into play in this modern age with respect to deterrence.

To my mind the basic issue is the whole question of our respect for human life. If I am asked to say on what basis I make a decision to abolish the death penalty today, I have to answer that it is because capital punishment is no solution at all. In fact the very desire to retain the death penalty is in itself a great affront to any individual who believes there is no higher value, in an absolute sense in