

An act of revenge

Well, you may say, let's execute the murderer for the crime he has committed. Let's take a life for a life. Let's remove a savage animal from the human race.

I do not deny that society has the right to punish a criminal, and the right to make the punishment fit the crime, but to kill a man for punishment alone is an act of revenge. Nothing else. Some would prefer to call it retribution, because that word has a nicer sound. But the meaning is the same.

Are we, as a society, so lacking in respect for ourselves, so lacking in hope for human betterment, so socially bankrupt that we are ready to accept state vengeance as our penal philosophy?

Individuals who strike back at the murderer of a loved one, and kill him in a frenzy of passionate grief have sometimes been excused by the courts because they were thought to have temporarily lost control of their reason. I have received letters from the parents and relatives of murder victims, demanding the death penalty for the murderer, and have been deeply sympathetic to the suffering of those who have suffered such a tragic and cruel loss of a loved one.

But the state cannot claim the excuse of blind grief or unreasoning passion when, long after the provocative act, and after calm and deliberate consideration, it kills a man.

My primary concern here is not compassion for the murderer. My concern is for the society which adopts vengeance as an acceptable motive for its collective behaviour. If we make that choice, we will snuff out some of that boundless hope and confidence in ourselves and other people, which has marked our maturing as a free people.

We will have chosen violence as a weapon against the violence we profess to abhor. Who is so confident that he knows for sure that such an official endorsement of violence will not harden the society we were elected to improve, will not pervade gradually many different relationships in our society? Who is so confident that he knows for sure that acceptance of state violence will not lead to the greater social acceptance of lesser forms of violence among our people?

Vengeance and violence damage and destroy those who adopt them, and lessen respect for the dignity and rights of others among those who condone them.

Protection sole justification

There is only one other possible justification for capital punishment – the one we started with – the belief that execution of murderers will protect society by acting as a deterrent to the commission of murder by other people.

There are some who adopt an experimental approach to the question of deterrence, like a scientist experimenting with different combinations of chemicals in the search for a new healing drug.

Let's try it, they say, and see if it works. If it does, we'll keep it. If it doesn't, we can always stop using it. Let's not slam the door, they say, on a possibly effective weapon against murder, on some specious philosophical grounds. There are innocent lives at stake. If capital punishment prevents just one murder, they say, it will be adequately justified.

That's compelling rhetoric, but it contains a fatal flaw, namely that we would be experimenting with human lives. Respect for human life is absolutely vital to the rights and freedom we all enjoy. Even the life of the most hardened criminal must be accorded some degree of respect in a free society. If we take that life without proven purpose, without proven necessity, then we weaken dangerously one of the fundamental principles which allow us to live together in peace, harmony and mutual respect.

That is why free peoples have always insisted that the onus is on the person who would interfere with another's life or liberty to prove that such interference is necessary for the common good. Strictly speaking, therefore, it is not up to me, as an abolitionist, to prove that the execution of murderers will not prevent other murders. It is up to the advocates of capital punishment to prove that it will. If they cannot, their case must fail.

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Deterrent theory not proved

Show me the evidence that capital punishment anywhere, at any time, has deterred other people from committing murder. My own reading of the speeches

made here on this issue since the first week of May, together with the Solicitor-General's daily monitoring of the debate, have indicated that no such evidence has been placed before the House.

The evidence does not exist, neither in the Canadian experience nor in the experience of any other jurisdiction. At best, the statistics are inconclusive. They prove nothing. There is no evidence proving that the use of non-use of capital punishment has had any effect whatsoever on murder rates anywhere in the world.

I must confess I cannot understand why anyone would agree to kill a man without the least shred of assurance that his death would accomplish any worthwhile social purpose.

If penalties applied by the state against law-breakers cannot be justified for their rehabilitative, punitive or deterrent value, they cannot be justified at all – not in a civilized society. Capital punishment fails on all three counts.

To retain it in the Criminal Code of Canada would be to abandon reason in favour of vengeance – to abandon hope and confidence in favour of a despairing acceptance of our inability to cope with violent crime except with violence.

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Fisheries agreement with Spain

Canada and Spain have concluded an agreement regulating their bilateral fisheries relations, which comes into effect immediately.

Negotiated in Ottawa in January and February, the pact was signed on June 10 in Madrid by the Canadian Ambassador to Spain, G.H. Blouin, and the Spanish Foreign Minister, Jose Maria de Areilza, Count of Motrico. It sets out the terms and conditions that will govern continued fishing by Spanish fishing vessels in areas off the Canadian Atlantic coast to be brought under Canadian jurisdiction beyond the present limits of the Canadian territorial sea and fishing zones off the Canadian coast. The agreement will permit Spanish fishing vessels to fish in the area concerned, under Canadian authority and control, for resources surplus to Canadian requirements.