

*Amendments Respecting Death Sentence*

it. Women are divided; there are those favouring abolition on moral grounds and those favouring retention as a protection against sex crimes. But in all I discovered that people who were once for the retention of the death sentence were gradually becoming converts to the idea that the death penalty is no longer considered an effective deterrent to murder.

Undoubtedly the general feeling swinging toward abolition had the effect of influencing the previous Conservative government to introduce Bill No. C-92 in May, 1961, the passing of which divided murder into capital and non-capital categories. It was a step in the right direction but it did not go far enough. The *Globe and Mail* devoted an editorial to the passing of Bill No. C-92 in 1961, concluding with these words:

The new amendment will reduce the number of cases in which the government is required to exact the extreme penalty or to interfere with the law, but they do not answer the moral question: Should society kill any man whatever his or her crime?

The last debate on the subject, which as I have indicated took place in April, 1966, in this house, in the press and at public meetings indicated quite clearly that public opinion in Canada is moving faster toward abolition than at any time in the past. A growing number of Canadians regard hanging as a barbarous relic of the past, no longer necessary in the administration of justice.

Basically then, the revulsion against the death penalty is growing because of a growing concern for the dignity of man which favours a more hopeful attitude toward murderers. It seems to me that the issue is between two schools of thought, one thirsting after justice and the other urging, not forgiveness but rather the rehabilitation of the criminal.

Religious leaders of various denominations have gone on record as being opposed to the death penalty. As an example, the Canadian section of the Lutheran Church at one of their recent convocations passed a resolution urging the Canadian government to abolish capital punishment. Rev. J. Harwood-Jones of St. Thomas the Apostle Church, Ottawa, said in a sermon:

First, it would be good if we could avoid distortion of the issue by sentiment. Our emotions are rightly affected by learning something of the background of murderers, and also by a consideration of their victims and relatives on both sides. But such sentiments should not govern our conclusions.

[Mr. Badanai.]

The whole matter of vengeance runs completely contrary to any religious concept, namely, God's forgiveness of man and his charge to us to forgive one another. And let us not think of this concept purely in terms of forgiveness between individuals but the forgiveness by society of its offending members, to say nothing of the forgiveness between nations.

I should like to quote from a letter to the editor which appeared in the *Ottawa Citizen* of November 10, 1967. This letter contains these illuminating statements:

In this day of ecumenism it is the task of Christian and Jew alike to bring our great spiritual and ethical heritage to bear upon the moral problems of society. One such problem, which challenges all who seek to apply God's will in the affairs of men, is the practice of capital punishment. In the light of modern scientific knowledge and concepts of humanity, the resort to our continuation of capital punishment by the federal government is no longer morally justifiable.

There is no crime for which the taking of human life by society is justified, and it is the obligation of society to evolve other methods in dealing with crime. Those who take religion seriously should join with like-minded individuals in trying to prevent crimes by removal of their causes and to foster modern methods of rehabilitation of the wrongdoer in the spirit of the religious tradition of mercy and repentance.

This is an opportunity for social action in the finest religious sense. If those of us who are concerned do not speak up, then we do nothing more than perpetuate a punishment with no useful purpose, a punishment that is nothing more than a barbaric anachronism.

Let us strive to eliminate capital punishment which lies as a stain upon civilization and our religious conscience. Let us put the death penalty alongside the thumb-screw and rack—in that encyclopedia of man's inhumanity to man.

What about the deterrent effect? Capital punishment cannot be proven to be an effective deterrent to would-be murderers. No dramatic increase or decrease in the murder rate has been reported from those states or countries where capital punishment has been abolished, as pointed out by the Solicitor General in his masterful presentation of facts and figures. If capital punishment is not a deterrent—it is certainly not a means of reform—it appears simply as a form of corporate vengeance, which some feel to be justified.

● (8:30 p.m.)

Norway has had no death penalty since 1905, Sweden since 1921, Denmark since 1930, and Switzerland since 1942. Thirteen of the states in the United States have abolished capital punishment, and the other states are currently taking positive action to abolish it.