

Criminal Code

However, Mr. Speaker, we are still unwilling today to face up to the problem posed by the sick minds and twisted brains in our society. Instead of trying to help such unfortunates prevent the ravages they will inflict upon others, we say that when we catch them we will kill them. It is really no different from hanging somebody for stealing a loaf of bread.

I think, Mr. Speaker, we have progressed to the stage where we must accept the responsibility of protecting life in our society. I certainly feel that the only protection we can give our society is to deter the kind of conditions in our civilization which encourage potential criminals. I suggest that hanging a man after the fact does not change anything at all.

Mr. Steven Otto (York East): Mr. Speaker, I did not think I would have to define the two terms "retentionist" and "abolitionist", but I now find we have another differentiation in the form of the "classical abolitionist", and I dare say there is also the "classical retentionist".

It has been said that on this issue it will be impossible for members to speak unemotionally or as logically or rationally as they are able. I deny that. I think most of the speeches made in this house have been very logical, showing little emotion. I also deny the statement that has been made that most members have already made up their minds. I do not believe they have, I believe, like myself, that they have listened to the arguments and read the debates. I have tried to dissect some of the very able arguments presented and to carry others a little further; and I believe, as in my own case, that many hon. members have considerably changed their minds.

With great respect, Mr. Speaker, I do not believe that the Truscott case has much to do with the issue of capital punishment, so I feel the abolitionists, who depend on this case, stand on weak ground. If this was a debate concerning reform in our administration of justice, I would say that the Truscott case was a very pertinent one. If this were a debate on doing away with this antiquated jury system of trusting 12 amateurs to decide the truth or falsehood of a statement, I would say that the Truscott case had a great deal to do with it. If this were a question of why in this day and age we do not accept scientific and very sophisticated methods of deciding between truth and falsehood, then this case would apply. If it were being argued that it is

nonsensical in this day and age that promotions in police departments or in the administration of justice should depend on prosecutions and convictions, I would say that that case had something to do with the matter. It is not fair today that justice should depend on the size of the purse.

We are dealing with the question of capital punishment, something to which, I believe, the Truscott case is not applicable.

I also do not believe that the retentionists who plead deterrence are on much stronger ground. I am not going to repeat what has been said so many times in the arguments which have been presented so well, namely that retention and deterrence are one and the same thing. I believe the retentionists have not made a strong case for retaining capital punishment as a deterrent to future murderers. Indeed, I am inclined to think that a lot of people in this house and elsewhere who argue deterrence are really arguing vengeance.

Looking at the matter coldly, it seems vengeance is not alien to human nature or to man. We are the only creatures on earth with the capacity to do good or to do evil—which includes vengeance. If we were to go back thousands of years we would find that society accepted unlimited vengeance. That is to say, if somebody took your possessions or your family's possessions you were perfectly free and justified in not only taking the thief's possessions, but of killing, and exercising unlimited vengeance. It was not until our inheritance of Samaritan culture that the idea of an eye for an eye and a tooth for a tooth was introduced.

This debate then comes down to the issue whether we are yet ready to do away with vengeance entirely. So it is a question of philosophy. We are debating a philosophical issue. I have heard members talk of the sanctity of life, the right to live, and so on. Probing deeper in an effort to try to simplify it there seems to be a conviction on the part of all of us, a haunting conviction, sometimes uncertain and vague but a conviction nevertheless, that we are more than animals, that man has a destiny.

● (8:30 p.m.)

With that it becomes a question of philosophy. Unfortunately, in this century we have had difficulty in adjusting our philosophy to our technology. In some phases of our society, such as in science for example, we have advanced technologically far beyond our philosophy. We have been able to split the