

*Capital Punishment*

deviant behaviour which, I believe we would all agree, has a sociological rather than congenital origin.

Attitudes toward retention of capital punishment softened in the late 1950's and 1960's. Yet over the past few years these attitudes have once again changed. Why? To explain this, Mr. Speaker, one need only read the debates in this House over the past few years.

Our mixed economy, which has been so successful for the past 30 years, has suffered severe reverses. I do not have to dwell upon the evils of stagflation and the pressures of urbanization that have rocked this country of late because the problems are familiar to us all, and all sides of the House have been grappling with their resolution.

It is my contention, Mr. Speaker, that communities or individuals when threatened tend to harden positions, to resent authority, and to disrespect abnormal points of view. This is what has happened in Canada and it is a terrible shame. Despite economic problems, Canada has weathered the storms of the past few years. Unlike some of our major trading partners we have not seen living standards decline, we have not seen massive unemployment, and we have not seen an absolute erosion in investor confidence within our country.

Yet Canadians have become an angry mob and we all know, Mr. Speaker, the dangers of the mob and mob rule—quick response to irrational impulses, lack of mercy and instability prey upon the weaker elements within the society. So we hear clichés like, "There are too many immigrants coming to Canada, too many non-whites"; "Our education system has fallen apart and is producing illiterate and undisciplined students"; "The morals of young Canadians are depraved"; "Let's bring back the strap"; "Criminals are running loose on the street"; "It's not safe to go out on the streets at night"; "Criminals in prison are treated like hotel guests"; "M.P.'s are feathering their own nests with a salary increase"; "All politicians are crooks". Mr. Speaker, scapegoats are easy to find in hard times.

Of course protection to the individual in society must be given, as the hon. member for Ontario (Mr. Cafik) has so eloquently stated. Bill C-83, now before the committee, is a step toward improving that protection for all Canadians.

The popular view in my constituency and the Toronto area in general is to put the question of capital punishment to a national referendum. This would certainly mean rule by the people in the literal sense; but the passions of the people run high. For me, the spectre of the disorder on the streets of Paris in 1792-94 develops in the scenario of a nation governed by referenda.

Countries that revert to putting questions to referenda often find that more problems are created than are solved. The Canadian referendum of 1944 on the conscription issue intensified racial and regional opinion and created tremendous difficulties, difficulties which were only spared the government by the conclusion of the war. The same analogy may be drawn with the 1975 United Kingdom referendum on the European Common Market, and the recent Italian referenda on divorce and abortion. Indeed, Mr. Speaker, it could be argued that the results of the recent Italian referenda have helped to destroy the unity of the

[Mr. Collette.]

Christian Democratic party and precipitated the present political instability in Italy.

Like the hon. member for Greenwood (Mr. Brewin) I will take my chances with the theory of representation as clearly enunciated by Mr. Edmund Burke, and followed by many politicians in this House and the British House over the past 200 years.

To summarize my first point, I believe the present hawkish attitude toward capital punishment is a product of the social and economic environment in which we now find ourselves. Of course there are those who are for retention as a result of conviction, but there are those in the Chamber who are being stampeded by opinion polls and constituency surveys. These members are doing the community an injustice. More than that, positions of convenience betray the very ethics and essence of the high office to which we in this Chamber are elected. No, Mr. Speaker, the Solicitor General is right—our efforts must be directed to better protection of the individual and property, better methods of crime detection, and further empirical research on the psychological and sociological courses of crime.

The second aspect of capital punishment with which I propose to deal is to put the matter in the context of the state's right to have absolute power over the life and death of the individual in society.

The state embodies the collective will, but it must be remembered that in the final analysis each individual will is paramount. The ultimate responsibility of the state is to protect the rights, the person, and the property of each of its constituent members. The fundamental right of each individual in society is the right to life, and any abrogation of that right must be rare and impeccably justified, not only in criminal law but in natural law.

History is littered with examples of tyranny by the state. The power of the state is omnipotent and must be checked at every turn. Even in this great country, the state's record has not been unblemished when it comes to protecting the rights of the individual. Look at the treatment of our native population, the treatment of aliens in the second world war, and more recently the War Measures Act.

The state on short notice can become the most ruthless element of repression; the state that can legally terminate the life of a criminal can, under duress, terminate the lives of other socially "unacceptable" people. Look around the world, look at Greece under the generals, Brazil, Chile, Cambodia, Rhodesia—the globe is rife with régimes that commit repression and assassination in the name of the state. Look back 40 years and see the extermination in the Nazi death camps, legitimized by a frenzied whipping up of the collective will.

I know the immediate response to these arguments is, "Oh, that can't happen in Canada". Those who believe this wear blinkers and have no appreciation of history. Think of Argentina, the most sophisticated of Latin American countries 30 or 40 years ago and look at her now—rampant political kidnapping and assassination—the politics of witchcraft. Think of Lebanon—only three or four years ago—the progressive, economically vibrant outpost in the Middle East, shattered by internecine struggle—jungle warfare in concrete urban canyons, moods can change overnight. No, Mr. Speaker, democracy and respect of