

both, for that matter—of these grounds, that the argument for retention could possibly be justified.

Let us look for a moment at the first ground. A murder has been committed, so the murderer must also die; he should be hanged by the neck until he is dead, as his punishment. Make the punishment fit the crime; he killed, so kill him. Even scripture is quoted to justify this argument. In this connection, it is interesting to see what the Canadian Catholic Conference stated in respect of that argument, and I quote from their letter:

We consider it an illegitimate use of the Bible, especially the Old Testament, to quote texts in order to argue, in our time, for the retention of the death penalty. Each biblical text supporting the death penalty must be studied in the light of its historical context, and not simply applied to present-day Canada.

Yes, honourable senators, we must decide this question in the light of values of present day Canada. I know it is said—aye, and often said—think of the victim of the crime, think of a wife made a widow, think of children left fatherless, by the action of a murderer. He deserves no sympathy, let him die, let him hang by the neck until he is dead, as a punishment for his dreadful crime. One can appreciate this point of view. It is the quick, emotional reaction of normal people, to meet violence with violence. But should it be our policy?

Over a great many years, the human family—society, or whatever one wants to call it—has seen at least some progress toward the realization that killing the murderer is no solution to the crime of murder. With no sympathy for the murderer, with great sympathy for the victim, I fail to see what is accomplished by the death of the murderer. So far as I can see, nothing is gained by killing the murderer and nothing is lost by allowing him to live. We must look upon this argument, which calls for the death penalty, not as an isolated incident, but as part of a pattern, as it were, which unfortunately is becoming more widespread. The pattern which is developing is an ever-increasing tendency to downgrade, and often to hold in contempt and despise, the sanctity of human life.

I suppose there are many reasons for this. We have become accustomed to violence. We see it and hear of it in many parts of the world. Acts of violence, the killing of innocent people, and acts of terrorism no longer shock us. They have become too commonplace. We see organizations and groups deploring these happenings in other countries. We are accustomed to protests being made against actions of other countries or peoples all over the world—in Ireland, in Asia, in Africa. Yes, it is easy to pass resolutions or to stage protests against peoples in other lands; it is easy to have great sympathy for the victims of war, for the victims of terror, for the victims of starvation in far-off lands. We have seen pictures which show total disregard for the sanctity of the God-given right to live, but, honourable senators, I am convinced that before we condemn other countries for actions which we deplore there, we should first look at our own land. We should first see if we cannot take some positive action which will show that we in Canada are concerned for the sanctity of human life. What can that action be? Well, one positive action we can take is to abolish capital punishment.

[Hon. Mr. Macdonald.]

● (1440)

Some Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: By so doing we would be showing that we regard this punishment as a relic of barbarism. We would show that we place such a high value on human life, that we have such a reverence for it, that we are prepared to let even the most violent and wicked murderers live rather than downgrade in any way our respect for human life.

Honourable senators, there is another aspect of this subject which should be considered, because there is always in these cases the possibility of a mistake being made. Innocent people have been convicted of murder, and innocent people have been executed. In the case of capital punishment we must always remember there is the terrible finality of death. Perhaps you will say our legal system safeguards the rights of the accused, and so it does to the best of human ability. But remember human beings—judges, even juries—are not infallible and, indeed, many people feel that until human judgment is infallible we have no right to inflict on anyone a judgment which cannot be revoked or appealed.

It has been the proud boast of our legal system that it is better for 99 guilty people to go free rather than for one innocent person to be convicted. That proud boast contains a great principle of our laws. It is, I say, better that 99 murderers—yes, 199 murderers—go free rather than one innocent person be hanged by the neck until he dies for a crime he did not commit. For if a mistake is made there is no going back—that innocent man is dead for all eternity.

I think, too, it must be admitted that capital punishment is a degrading thing. It leaves its mark on all who are connected with it. What must be the mental strain, yes, the mental anguish, of the judge who must impose the sentence? What must be the mental strain on the jury, and on the sheriff who must see it is carried out, and on those who do the actual killing? Honourable senators, for the reasons I have given I do not believe the argument used that a murderer deserves to die has any validity.

Then there is the other and perhaps more convincing argument, that the death penalty must be retained as a deterrent. There are those who, being firm believers in the necessity of protecting the sanctity of human life, claim for this very reason that capital punishment must remain. Of course, no one can prove this to be true, and no one can prove it is not true. Actual proof is lacking, and I do not think it could ever be obtained. So let us look at this from an historical point of view.

It is well known that in ages past the death penalty was imposed for a great number of crimes; indeed, for some very minor ones. Yet it did not prevent crimes from being committed. I read somewhere that in England in the reign of Henry VIII 72,000 thieves were hanged, but the records from that period of history do not show any reduction in such crimes. I suppose one could ask why, if the death penalty is a deterrent, it did not deter? Why does it not deter now? So far as I can learn, there was no great increase in the number of murders in Canada while the partial ban was in effect. On the average, about the same number of policemen were murdered, regardless of the fact that the murder of a policeman was a capital crime.